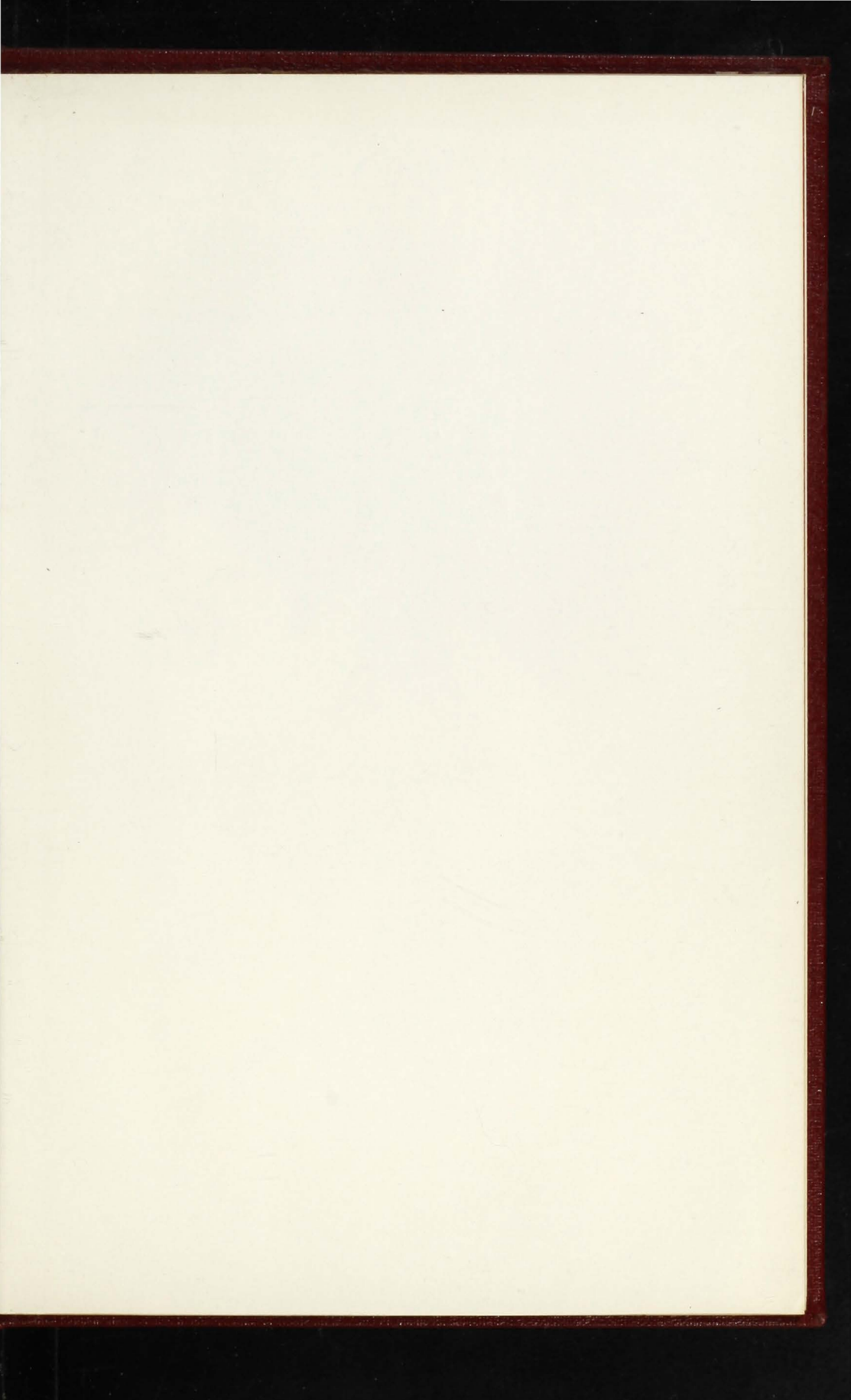




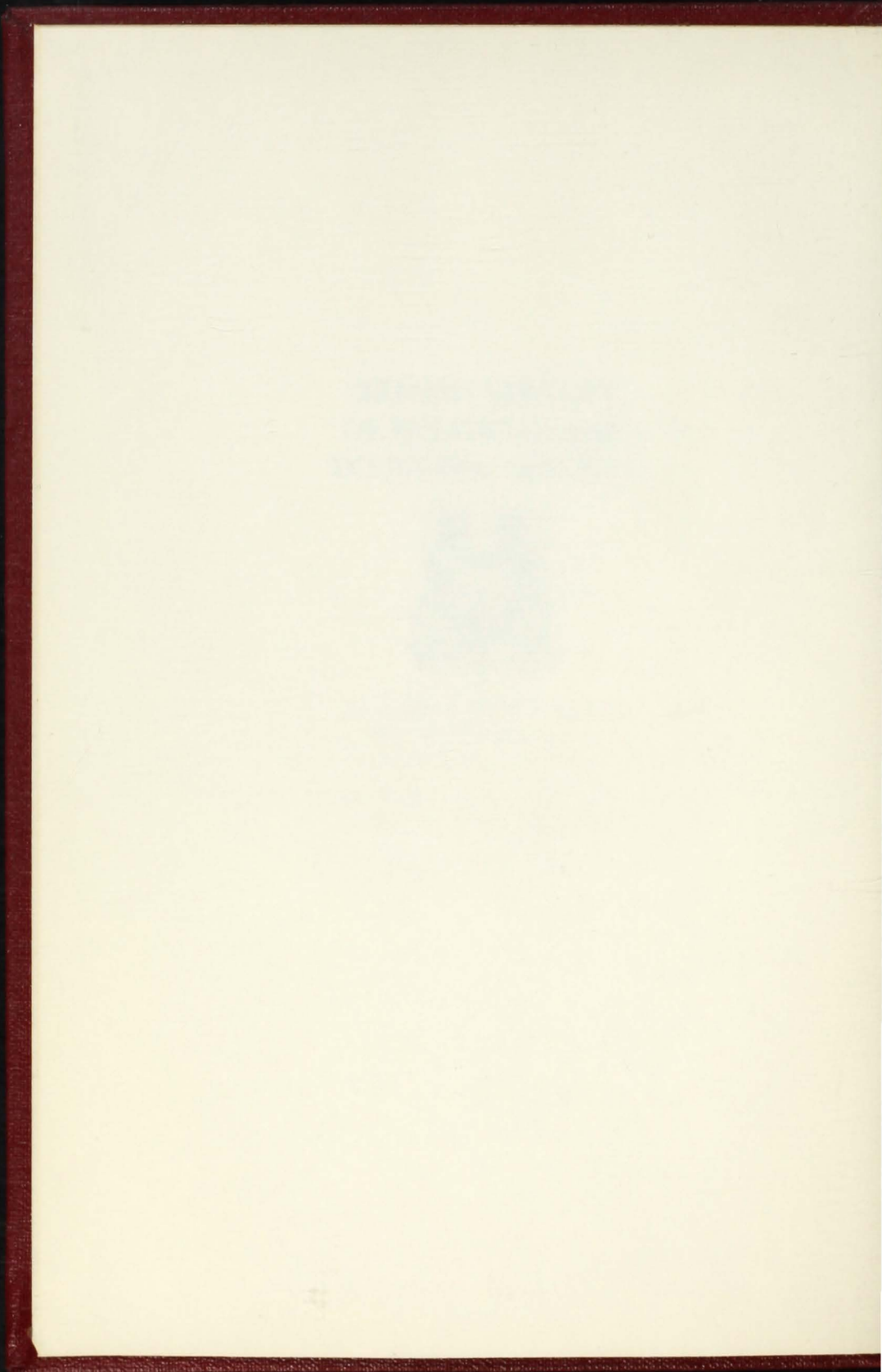
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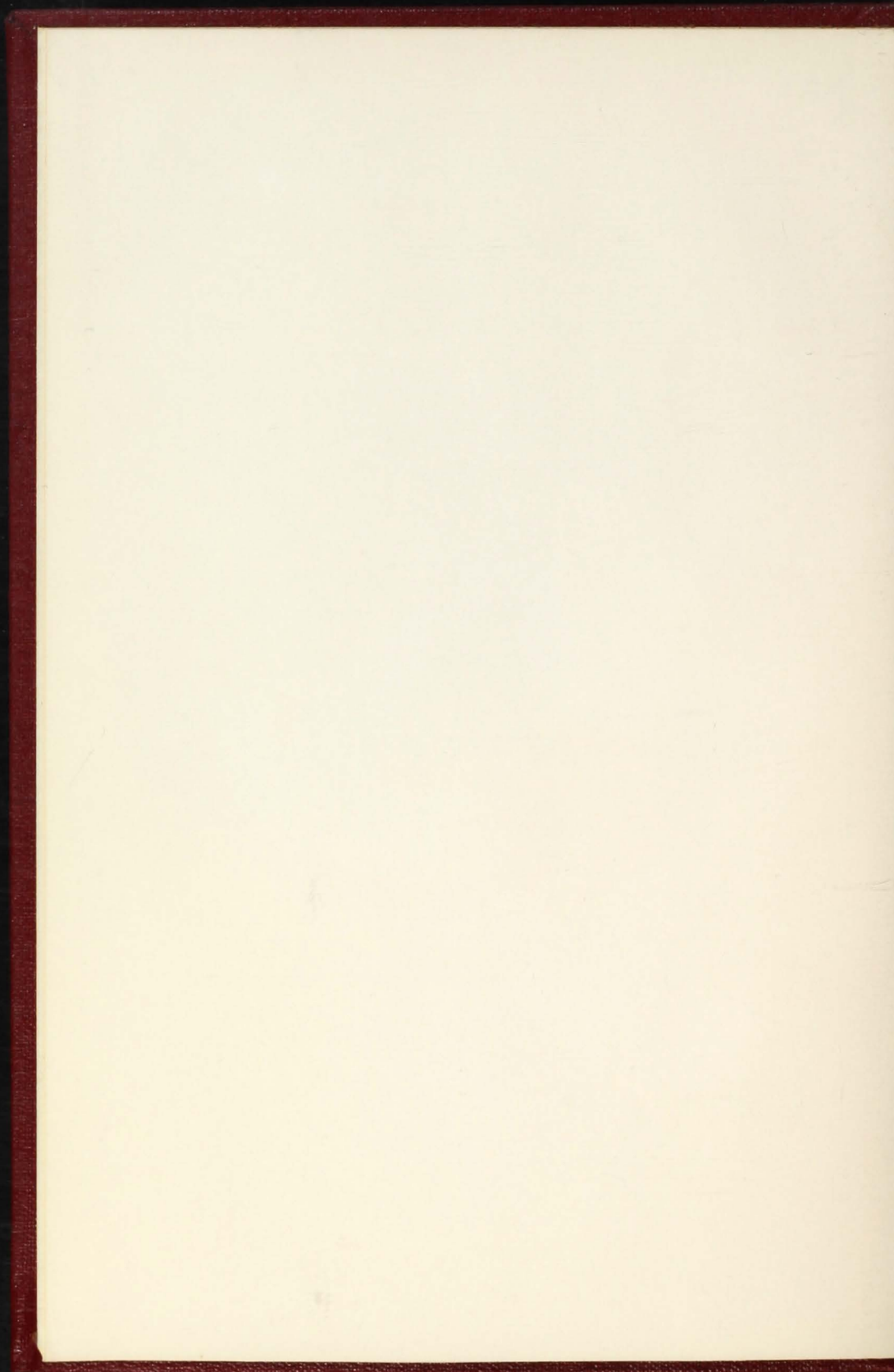




# Britain's migrant workers

Sue Ashman  
Abraham Lincoln Centre, London 1980 £5.95





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## Britain's migrant workers

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# 1. introduction

"Turkish workers in strike at catering chain"; "The case of the Philippino girls"; "Spanish workers seek rights." Headlines like these have in the recent past slowly begun to appear in the British papers. They have shifted the emphasis away from the coloured Commonwealth settler, the "immigrant", to other groups of foreign workers in this country. Though a great deal had been heard about the problems of migrant labour or "guest workers" in other countries, until recently this has been a phenomenon with which Britain has not been directly concerned. Now, a number of factors have brought the position of the migrant worker to the forefront of immigration policy in this country, and so made it an immediate issue of concern.

Every year, some forty to fifty thousand people are given permits to work in Britain. Of these about a quarter will be coming to work here for the first time. They come from a variety of countries all over the world. The unskilled and semi-skilled among them are concentrated in the hotel and catering industry, or work as domestics. Until recently there were no Commonwealth citizens among the ranks of those who came here to work as migrants with permits. The distinction in the popular mind between the "immigrant" and the European worker was reflected in the immigration laws and the, albeit eroded, preference given to Commonwealth citizens. Since 1973, however, these differences have been completely abolished. Commonwealth citizens have become subject to the same regulations as the rest, and are now admitted, if at all, on a temporary basis for employment. The tenor of UK immigration policy has shifted. The British Government is committed to admitting only those British citizens who are still abroad awaiting vouchers and the dependents of people already settled here. Any new migration to this country will be countenanced, solely it seems, for the purposes of employment. Manpower planning and the needs of particular industries will become increasingly important. In the middle of all this the danger is only too great that the individual and family needs of the

migrant worker will be subordinated to the requirement of employment in the UK. In part the current discussion on the elimination of racial discrimination is relevant here, but migrant workers suffer legal disabilities, and share experiences which also encompass problems other than those subsumed under race relations.

Traditionally the definition of "migrant worker" generally adopted has been that proposed by the International Labour Organisation, namely: "People who migrate from one country to another with a view to being employed otherwise than on their own account, the term including any person regularly admitted as a migrant worker" This excludes: (a) Frontier worker (those who daily cross a national border to go to work, but return home at night to their own countries); (b) Short term entry of members of liberal professions and artists; (c) Seamen; (d) People coming specifically for the purposes of training or education. The phenomenon of large scale migration for employment has come to be seen, particularly in Europe, as one of the most pressing questions of the time. In the wake of dawning awareness of the importance of migrant workers in the economies of Western Europe, has come an increasing realisation of the shortcomings of the provisions made for them by these "receiving" countries. Many international bodies of which Britain is a member have instruments and conventions for the protection of migrant workers. As an importer of labour, the UK has already incurred various obligations by virtue of its membership of these bodies. Some of these obligations are not being met, some are possibly irrelevant to the particular situation obtaining in this country. In any case, the question of protective provisions for migrant workers is an issue of current concern internationally. Indeed the EEC is at present discussing draft legislation in this area which may well have far reaching effects on British policy.

In the prevailing situation it becomes of even greater urgency that we in this country should formulate our own proposals for migrant workers and their



# Britain's migrant workers

families. We shall examine the present position with regard to the law and its administration; the current policy concerning work permits; the migrant at work and the trade union movement; social policy including housing, family life, education and welfare and social services; and civil and political rights. We shall also be considering the position of people working illegally in this country. The aim will be to show firstly what the current policy and practice is in the UK, and then to discuss the shortcomings and necessity for certain changes. Finally, there is included a set of general recommendations for the improvement of the position of migrant workers in this country.

...the position of migrant workers in the United Kingdom is a complex one. It is a subject which has attracted much public attention in recent years. The present position is the result of a long and often painful process of negotiation between the Government and the various groups of migrant workers. The Government has sought to control the number of migrant workers entering the country and to ensure that they are employed in certain specified occupations. This has been done through the system of work permits. The system of work permits is a complex one and has been the subject of much criticism. It is argued that the system is too restrictive and that it does not take account of the needs of migrant workers and their families. It is also argued that the system is too costly and that it does not provide adequate protection for migrant workers. The present position is therefore one of a system which is both restrictive and costly and which does not provide adequate protection for migrant workers and their families. It is therefore necessary to consider the possibility of a more liberal and more cost-effective system of work permits. This is the subject of the following chapters.

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## 2. history of migration and immigration control

Immigration has a long history in Britain. In the nineteenth century, the Irish were the first large group of migrants who came looking for work and by the mid-century there were about 700,000 in Britain. They met with widespread hostility, having been seen in many instances as a threat to the already impoverished living standards of the new urban poor. They were often kept separate at work, and found difficulty in obtaining housing. Though in many cases this migration was seasonal, in search of a few months' work in a year, the Irish eventually settled in large numbers and moved fairly freely into all levels of employment.

The reaction to the next large scale migration into the UK was similar to that which met the Irish. From the end of the nineteenth century until the beginning of the first world war, about 100,000 Jewish refugees came to the UK. Their migration was primarily to escape persecution, rather than for the direct economic reasons which characterised the migration of the Irish in the nineteenth century, and that of the migrant worker today. Nevertheless the Jewish migrants met with widespread hostility. They settled mostly in the east end of London, and local resentment arose from fear of competition for jobs and houses. A national campaign was also co-ordinated against this migration (spearheaded by the Tory MP for Stepney, Major Evans-Gordan) which eventually resulted in the passage of the Aliens Act of 1905. Although at the time of the French revolution and for a few years afterwards there had been some sort of temporary immigration control, this Act was the first modern legislation restricting the inflow of people. It gave the Home Secretary the power to exclude undesirable aliens who were defined as those without visible means of support. It was followed by more comprehensive provision in the Status of Aliens Act and Aliens Restrictions Act of 1914.

The first of these defined the distinction between Commonwealth citizens and aliens, and the second gave the Home Secretary power to prohibit the landing of aliens, to impose conditions governing

their stay, and to order their deportation if necessary. It is also from this time on that aliens have been required to register with the police. In essence the Aliens Restriction Act embodied the basic provisions for control which have continued to be used to the present day. The Status of Aliens Act marks the real divergence of treatment of aliens and Commonwealth citizens which was to continue until the Immigration Act 1971. In 1919 the Aliens Restriction Act was amended, and its provisions tightened. It enabled differentials for seamen to be continued on the basis of nationality, and provided for discriminatory restrictive practices against aliens in industry. These latter provisions include a clause whereby aliens deemed to be promoting unrest in an industry in which they had not been *bona fide* engaged for over two years, could be liable to prosecution on that account.

The regulation of aliens coming into the UK has altered very little since that time. There have only been two major Aliens Orders regulating the administration of the Aliens Act as amended. One of these was in 1920 and the other in 1953. This latter was the basis for control of alien migrant workers until the passage of the Immigration Act 1971.

### sources of law and protection

Domestic legislation concerning migrant workers has usually consisted of some form of restrictive response to the inflow of particular groups of migrants. Nowhere is this more striking than in the case of the Commonwealth citizen. Until some fifteen years ago Commonwealth citizens could come and go freely in the UK. By 1973 they had become subject to exactly the same work permit requirements as aliens with the added disadvantages of coming late to the scene, and needing to travel from much further away than their European counterparts.

The current situation was created in spasms. Initially the restrictions were a political response to what was seen as an undesirable inflow of coloured Commonwealth citizens. The current provisions,



which came into force on the same day as the European Communities Act, are clearly a consummation of Britain's new political partnership. For Commonwealth citizens and others alike, future migration to the UK will be predicated on our employment needs. To some extent this even includes the nationals of the Community countries.

Until recently, the impetus for protection of migrant workers had come mainly from international bodies of which Britain is a member. The most important of these are the International Labour Organisation, the Council of Europe, and the European Economic Community.

### the ILO

First in the field was the ILO. In 1939 a convention was signed on migration for employment which spelled out certain basic rights: of fair treatment, of protection from abuse, from summary expulsion and so forth. This was extensively revised in 1949 to include standards on recruitment, conditions of work and general social conditions. The Migration for Employment Recommendation (no 86) of the same year contained a number of proposals for positive action to eliminate discrimination. Since that time the ILO has continued to be concerned with the protection of migrant workers and in 1974 it began further revision to extend the scope of international instruments.

In common with other international bodies, the ILO faces a number of disadvantages resulting from its very nature.

Its decisions have of necessity to meet common denominators of acceptance among the majority of its members. It has no real enforcement mechanism, and many of the provisions for protection of migrants are susceptible to the most minimal interpretations by the individual member states. Britain for one has adopted the policy of never ratifying a convention until it *already* agrees with the current state of domestic legislation. This means that the impetus for reform that

the ILO might provide will not be very pressing. Nevertheless, the ILO has provided an important forum for the formulation of protective measures. It has led countries and organisations to address themselves to such questions, and sometimes to effect reforms as a result of such discussions and formulations. For instance, although the UK had not until recently ratified the 1958 Convention on Discrimination in Employment because its scope included women, it has gone ahead with anti-discrimination legislation in a climate which the 1958 Convention had helped to create.

The ILO was probably unique among international organisations in its concern with illegal migrants. This has been a concern not only to stamp out illegal trafficking in labour but also to safeguard basic employment rights for all workers including those who may be working without permits. This is currently an area of some debate in the UK. There are probably quite a number of people who work irregularly in this country, many of them in the catering industry. Many cases of sheer exploitation have come to light among such workers without permits.

There have been cases of people who have forfeited some of their wages, cases where people were being paid well below minimum rates in their industries, and a handful of cases in which the migrant workers were not being paid at all but were receiving some board or were dependent on tips. The ILO has been attempting to formulate certain basic contractual employment rights which would apply regardless of the worker's status as a migrant. In the UK there have been a number of cases where an employer has failed to meet contractual obligations towards a migrant worker who has been working illegally. It has not always been clear under these circumstances whether the contract of employment has been legal itself, and how far it is enforceable. Sometimes it is difficult not to suspect that the illegal workers are liable to double penalties since they may not even be protected by basic contractual rights. So that although there are many problems with this issue, the ILO's



concern with these marginal areas, and its attempt to make provisions will be of great interest in the search for a solution in the UK.

### **council of europe**

The Council of Europe merits attention both by virtue of the provision of the European Convention on Human Rights and because its Social Charter includes articles specifically addressed to the protection of migrant workers. The UK is a party to both the Convention and the Social Charter. The special importance of the convention on Human Rights is not so much to be found in its substantive rights and freedoms—though the formulation of these is welcome—as in its provision for legal redress. Thus any individual or organisation or group of people who allege a violation by the UK of the rights set forth in the Convention may bring such allegations before the European Commission on Human Rights by way of written application. Once the Commission has found the case to be admissible, it will try to effect a friendly settlement. If that fails, the case will be referred to the Committee of Ministers of the Council of Europe and, in some instances, to the European Court of Human Rights. The Committee of Ministers has sanctions in its own right that it can apply against an offending state and it also administers the judgement of the Court. Not all the contracting parties have ratified the individual right to petition, but the UK has done so, and a number of complaints have been brought. Where migrant workers are concerned the use of this machinery has been of comparatively recent date, and has often formed part of a campaign for the reform of some domestic regulation.

A current example will serve to illustrate this: there are at present a group of complaints being made to the European Commission by female migrant workers with work permits in this country. These arise from the lack of provision in the UK for the husbands and children of such women to join them here. Consequently some of them are complaining to the

Commission that they are being denied the right to enjoy family life (guaranteed under article 8), and that they are being discriminated against in this respect by virtue of their sex (contrary to article 14).

The existence of the complaint mechanism allows for some sort of check on the actions of individual countries. However it does have shortcomings. Probably the greatest of these is that it is very slow.

If the Commission admits a case within a year of its submission this is considered to be relatively speedy. While the final decisions will often take years. Not only does the machinery work excruciatingly slowly, but it could also be simplified and given broader application. The Court was seen for many as a creative weapon in the search for guarantees of certain human rights and in the 1960s the number of cases referred to it increased significantly. This has revealed many shortcomings in the Court which underline the general problems of the enforcement of the rights and freedoms guaranteed by the Convention. Nor have the workings of the Convention yet provided the real impetus for the increase of the rights and freedoms guaranteed under it, as had been hoped by some. However, the Commission is now showing signs of greater alertness towards such problems, and the complaints procedure of the Convention continues to play a useful part in helping to maintain a standard of human rights in the contracting states.

### **europaean social charter**

The European Social Charter was drawn up in 1961. Its signatories currently include a number of European countries together with Cyprus. It differed from earlier international instruments in a number of respects. It stressed the need for positive action in favour of migrants, and indeed aims to provide for "the institution by the Contracting States of measures which are more favourable and more positive in regard to this category of persons than to the State's own nationals" (Introduction to the first report of Committee of Experts on the



Social Charter Stars 69/70). Its provisions were specifically intended to apply wherever appropriate to the self employed migrant as well as the normal migrant worker. Finally, and perhaps most importantly, it provides for a standing Committee of Experts to look into and report on the policies and actions of all the contracting states. This means that there is a regular review and reinterpretation of the policies of the contracting states in so far as they are relevant to the provisions of the Social Charter. So far there have been three reports, only two of which have as yet been made public. Both show that the Committee of Experts is bringing a rigorous approach to the reports submitted by each country, and that it is highly critical of countries which are not shown to be developing more favourable policies. In the later report, the Committee reiterates a strong dissatisfaction with states (including the UK) which are failing to move towards more positive measures in favour of migrants, or which are interpreting their undertakings too narrowly. There are also more general criticisms of the provisions for migrants in the UK: there was no evidence of adequate reception and information services; it was not clear that adequate care was taken with regard to assistance in housing; co-operation between social services seemed to be non-existent; there was no evidence of any liberalisation of the procedures for entry. The work permit provisions came in for particularly stringent attack for tying the employed migrant to a specific enterprise.

The UK, like the other contracting states, has voluntarily undertaken to fulfil the obligations imposed on it by the Social Charter, including those relating to migrant workers. It also quite voluntarily submits its actions in these fields to scrutiny by the Committee of Independent Experts. In some areas where the UK was found to be in breach of obligations in the first report changes had been made to rectify this by the time the second report was published. This is a process that was being repeated by other contracting countries, and there is no doubt that the protection provided by the Social Charter in all areas of employment, and

not least for migrant workers, is greatly enhanced by the scrutiny of the actions of the contracting states undertaken by the Committee of Experts.

## European economic community

The EEC is already an important source of law concerning migrant workers who are nationals of member states. Under the Treaty of Rome nationals are given free access to other member states for the purposes of employment. These provisions, known as the "free movement" provisions have been incorporated into British immigration law, so that a national of an EEC country is freely admitted into the UK and is given a long term residence permit if he obtains employment here. Other areas have also been affected by Britain's entry into the EEC. There has been an increasing harmonisation of social insurance provisions as between member states so as to ensure that migrant workers who are EEC nationals don't suffer in terms of health care, benefit, or pensions as a result of moving around within the EEC.

Though the free movement provisions are just about the only example of liberalisation in latter-day British immigration policy, by themselves they are probably not the most important consequence for British policy on migrant workers, of our entry into the EEC. Currently the Commissioners of the EEC are turning their attention to migrant workers from outside the Community countries. Recently, following on a Council resolution of 21 January 1974, a Draft Action Programme was drawn up in favour of migrant workers and, following favourable opinions from the Economic and Social Committee and the European Parliament, was the subject of a Council Resolution on 9 February 1976. The stated aim is to "achieve equality of treatment for Community and non-Community workers and their families in respect of living and working conditions, wages and economic rights." Its aim is also, as far as possible, to harmonise immigration policy in the Community countries. The programme is based on certain premisses which are

contrary to the more orthodox interpretation of the position of migrant workers. It does not assume that migrant workers will be returning to their home countries within a short while of their migration for employment; nor does it find that they acquire any skills while working as migrants in general; nor do the skills that *are* acquired turn out to be ones that are in any great demand in the "sending" or home country. So the Action Programme concludes that the "receiving" countries in Europe could be thought to have many obligations to their migrant workers which were not being fulfilled. Following on this Action Programme there has now been a further Council Resolution incorporating detailed proposals (a) to improve the conditions of freedom of movement for EEC nationals; (b) to achieve equality of treatment in living and working conditions between EEC and non EEC workers; and (c) to promote co-ordinated migration policies for Community countries. Although many of the proposals are not yet propounded in detail it is already quite clear that some far reaching changes are going to have to be made in current UK policy. At the moment there is a tendency for the British to assert either that the proposals are already being met by current UK practice, or that they are irrelevant to UK conditions. In areas like housing and education closer examination may well reveal shortcomings in our practice which will not be acceptable, while as for vocational training, assistance and information services, the unification of families, and the protection of illegal migrants, the implications of the EEC proposals have not yet been generally realised. Though some of the specific proposals may well need to be redrawn, the general aim of making comprehensive provision for migrant workers is to be welcomed. Since we are under an obligation to incorporate EEC regulations in UK domestic legislation, it seems that if we wish to make creative contributions to the current debate we should be formulating proposals while the EEC ones are in draft stages.



### 3. admission procedures

The Immigration Act 1971 which came into force in January 1973 provided for the control of all migrant workers from both the Commonwealth and other countries. Under it, would-be migrants to the UK are divided into a number of categories, some a great deal more advantageous than others. The only group of people at present entirely free from immigration control are "patrials". Patrials basically comprise people who are British citizens by virtue of their own, their parents', or their grandparents' birth in this country, and Commonwealth citizens with the foregoing type of parent. Commonwealth citizens whose grandparents were born here, and anyone else who has obtained residence status here, usually by having been in employment in the UK for a number of years, are technically subject to control, but are in fact freely admitted to work. Nationals of EEC countries are admitted for six months, and if they find a job in this country during that time they can then be issued with five year residency permits without needing any other kind of permit. The rest of the would-be migrant workers will be divided into those needing work permits, and those who are in permit-free categories of employment—who will be admitted for 12 months at a time once they've established eligibility. These latter, who, as their description suggests, don't need permits to work include doctors and dentists; ministers of religion; representatives of overseas firms and overseas media; employees of foreign governments, international organisations and the UK government, and airline staff and seamen. A mixture, it might be thought, of those we need and those we can't control.

#### work permits regulations

The vast majority of migrant workers coming to the UK require work permits. This includes aliens and Commonwealth citizens alike, including the hapless group of British citizens whose right to come and live here was withdrawn in 1968. A work permit is issued only for a specific job with a specific employer, and has to be obtained prior to coming to Britain.

Theoretically permits are only issued for jobs requiring a high level of skill. The Department of Employment lists the categories of work for which permits will be issued subject to general manpower needs. These are: (a) Persons holding professional qualifications; (b) Administrative and executive staff; (c) Skilled craftsmen and experienced technicians; (d) Specialised clerical and secretarial staff; (e) Workers in commerce or retail distribution with special experience or qualifications relevant to the post offered; (f) Resident domestic workers without children under 16; (g) Exceptionally highly qualified staff in hotel and catering such as department heads in appropriate establishments or qualified cooks who have acceptable evidence of training at approved schools abroad; (h) Certain workers in hospitals and similar institutions; (i) Commonwealth trainees coming for a fixed period of practical training which has been approved by the Department of Employment; (j) Foreign student employees coming for employment in industry and commerce in a supernumerary capacity (Department of Employment, ow 5 leaflet).

However a very large proportion of the permits actually issued each year are for unskilled workers coming here under fixed quotas. The largest group of these are in the hotel and catering industry.

The quota in that industry was established because of pressure from the employers for labour which they claimed could not be found among resident workers. In 1975 this quota was up to 8,500. Following on increased unemployment in Britain which lent weight to the renewed representations of the TUC, this quota was reduced to 6,000 in 1976 despite a request from the employers for it to be increased to 10,000. Since only *exceptionally* highly skilled people in the hotel and catering trade are considered for permits under the Department of Employment categories, any other skilled people would come under this quota together with the semi-skilled and unskilled. The last can only be taken on for seasonal work and therefore are not allowed to remain in Britain in employment after 31 October in any



year. The second largest group of semi-skilled or unskilled workers for whom there is a fixed quota of permits is domestic workers and hospital ancillary staff. The ceiling for them is 2,500. Next there are 500 permits allocated to workers from the Dependent Territories (with a limit of 200 for any one country). Another 500 are allocated to Malta, and finally 500 can be held by those UK citizens whose rights to come and live here "without let or hindrance" were taken away under the Commonwealth Immigrants Act 1968.

In order to ensure that permits are not issued to the detriment of the resident labour market, the prospective employer who is applying for a permit has to show that adequate efforts have been made to fill each vacancy locally. These requirements are standardised and include the need to register the job with the local employment office and to advertise it. The would-be migrant worker cannot apply for a work permit. Only the prospective employer can do that. A permit is issued for a maximum of one year on entry, and any renewal must again be sought by the employer. Since the worker is restricted to the specific job for which the permit is designated, any proposed change of employment even within the same field must first be submitted to the Department of Employment for approval.

After spending four years in the country in this type of "approved" employment, the migrant worker can apply to the Home Office to be given permanent resident status in this country. His obtaining this permission will depend in part on his still being acceptably employed. The obvious feature of this system is the relative importance of the employer in the process. The migrant worker cannot enter the country, nor subsequently remain here in employment without the active participation of his employer. This puts the worker in an unusually dependent position with respect to his employer, and has a number of undesirable consequences. Most of these are discussed below in chapter four but it is worth noting that it is in fact often an unfairly inefficient system. There have

been a number of cases in the past where the employer has, through ignorance or carelessness, failed either to apply for a permit at all, or else to seek a renewal of a permit when it expired, thus putting the migrant worker in breach of the law. In such cases, where the migrant worker has appealed against the threat of deportation by the Home Office, the culpability of the employer has never been accepted as mitigation by the authorities, and the worker has invariably had to leave the country.

It is very difficult to obtain a work permit *after* having come to the UK, and the vast majority of permits are issued to people overseas. Of 34,986 permits issued in 1973, 27,252 were issued to people outside the country and 6,734 to those in the country. The 1974 figures are respectively 24,426 and 8,619 and those for 1975 are 23,626 and 6,452. Specifically, anyone who comes to the UK as a student or tourist will find it well nigh impossible to obtain a work permit here.

### **administration of immigration control**

The administration of immigration controls for migrant workers is divided between the Home Office and the Department of Employment. The former is responsible for the administration of the Immigration Act 1971. This is provided for by a set of rules made under the Act which are in essence the Home Secretary's instructions to the immigration service of the Home Office. The Immigration Rules were approved by Parliament and any changes in them are subject to negative resolution. Despite their form they have the status of law. It is these rules by which the status of the migrant worker is determined, and they also provide the criteria under which migrant workers are refused leave to enter the country, or are deported from the country. The migrant worker can challenge a decision which he does not accept, by appealing against it before the Immigration Tribunal. The difficulty with this is that not only are the work permit regulations fairly restrictive, but the right of appeal itself lies only against the decisions of the Home Office



and does not include those of the Department of Employment. While the Home Office is responsible for the decisions concerning the status of the person *qua* migrant, it is the Department of Employment which decides whether or not to issue a work permit. The delineation of powers is fairly strict as the Home Office is bound by the decisions of the DofE.

This situation means in effect that the migrant workers who would require permits to work here cannot challenge a decision to refuse them one, so their right to challenge the resultant Home Office decision not to allow them to stay in the country is not at all useful. Although the Department of Employment publishes some general information concerning the categories of people who will be considered for work permits, there is remarkably little information available about the basis on which decisions are made in any particular case. The criteria of skills and qualifications quoted above are far too generalised to enable a migrant worker or his would-be adviser to decide whether particular cases do or should fall within them, nor are pure manpower considerations paramount. Indeed there are industries with chronic shortages of labour which are repeatedly denied permission to recruit overseas workers. (London Transport for instance which for years has been unable to recruit up to strength among resident workers, is almost invariably denied its requests for work permits.) Just as there is little detailed information concerning criteria for the issue of work permits, so there is even less about the status of the migrant worker who is dismissed or becomes redundant. Some are permitted to submit applications from new employers without prejudice, some find that the period of unemployment that they may have undergone will tell conclusively against them in any subsequent internal application.

The justification for this deliberately hazy situation has been that it enables the authorities to exercise their discretion in favour of some applicants without being bound by rules. This has some merit in it, but it is doubtful whether the benefits outweigh the dis-

advantages of ignorance and uncertainty about the basis for decisions.

The problems that arise from having largely discretionary powers are well illustrated by the administration of immigration controls in general. The most striking characteristic of the immigration rules is their reliance on an exercise of discretion by the officials who administer them. Thus, whether or not a would-be migrant worker is admitted depends ultimately on how he impresses someone, and his grounds for challenging the decisions of such officials are limited by the discretionary powers given to them in the first place. The scope for shifting the emphasis of immigration without actually changing the rules is large under such a system. That they have hitherto been almost universally changed unfavourably to migrant workers is perhaps only a reflection of the political realities.

### **illegal migrant workers**

It is not clear how many people are working in the UK who do not have permission to do so. These may be people who entered the country clandestinely or they may be people who came in the normal way and then lapsed into irregularities. Knowledgeable estimates of the numbers of migrant workers involved suggest that only some hundreds actually arrived in the country illegally. By contrast a far larger group of people have some irregularity of status. Often such people have come here first as students or tourists and then remained in employment. Since they would not be given consideration for work permits under the present system, they often do not even apply. Some remain in employment despite the refusal of a permit, many have drifted into breach of the law because renewals — arguably the responsibility of the employer — have not been sought. There seems little doubt that some employers actually encourage the taking on of migrant workers without proper permits since they are in an especially vulnerable situation. In a sense the current regulations and their administration also encourage breach of the law. Our present



system has a deserved reputation of being both restrictive and complicated. The migrant worker is legally held responsible for his status even where, as with the work permit, communications go on entirely between the authorities and the employer. Again though there may easily occur genuine misapprehensions with such a complicated system, and without anything like adequate provision for advice and assistance, the person's ignorance or lack of understanding is generally not accepted in mitigation of any breach of the rules. Also, the penalties of the system tend to be cumulative. A person who falls foul of the regulations in any way is not usually given the opportunity of remaining here in employment. The misdeed is itself often sufficient cause for sending him away regardless of the merits of the case for employment. Given this state of affairs, it is easy to see that many migrants who have stayed beyond the expiry of their permits, or who have taken employment while here as students, or who have in some other way transgressed the rules, are encouraged to continue working in their irregular status until they are caught and sent away, rather than to approach the authorities immediately and thus simply shorten the length of time for which they can work here before being sent away.

The Home Office has been making energetic attempts to counter both illegal migration and the more widespread overstaying of leave. Until the system of national insurance cards was discontinued, the DHSS had been drawn into the fray by being instructed not to issue cards without seeing passports or identity documents "where appropriate" so that the irregularities could be notified to the Home Office. At the same time, a new detection unit was set up in the Home Office to co-ordinate investigations into the question. Last year a number of metropolitan employers were circularised with requests for full details of all their foreign workers, and generally the Home Office has welcomed the increasing tendency among local authorities and employers to seek credentials from foreigners. There is some evidence that unauthorised employment is not entirely

haphazard. It seems that there are some agencies specialising in misleading advertisements and the placement of people in unauthorised employment. A large proportion of the "illegal" migrant workers seem to be concentrated in the catering industry. This has led the TUC and the unions with membership in this industry to join in the attempt to eradicate illegal working. The concern of the unions has been the susceptibility of such people to exploitation. This has consequences for their membership in the industry. As a result the unions have been among the most keen to prevent employers in the hotel and catering trade from employing migrant workers without permits. The tendency in such a situation is that the solutions which are usually proposed are not likely to work in favour of the people who are actually working illegally here at present, though they too deserve some protection. At the moment the situation is self-perpetuating, and some new approach based on less punitive assumptions is long overdue.



## 4. the migrant at work and the trade union movement

The characteristic determinant of the position of the migrant at work is usually his regulation by the work permit system. From the outset, this imposes disabilities on him. His freedom of movement in the job market is artificially curtailed, and he is always dependent on a manifest token of his employer's approval before his permit can be renewed. This is by no means an arrangement that is universal among the "receiving" countries of Europe. Many other countries only restrict their permits in terms of an area of skill or general type of occupation. Indeed the reaction of the Committee of Experts of the Social Charter of Europe to the UK system was most uncompromising. They commented that "any regulation which restricts an authorisation to engage in gainful employment to a specific job with a specific employer cannot be regarded as satisfactory. To tie an employed person to an enterprise by the threat of being obliged to leave the host country if he loses that job in fact constitutes an infringement of the freedom of the individual" (Conclusions II Stras 1971). Thus the migrant worker begins with statutory disadvantages not faced by his resident counterpart. If he is an "alien" he will also be statutorily restricted from employment in the civil service and the armed forces. He will be debarred from holding public office regardless of how long he may have lived here. He may not hold a pilotage certificate in British merchant shipping and the industrial incitement clauses of the Aliens 1919 are still enforceable against him. On the other hand we have some provisions which are designed specifically to protect migrant workers, and they are also entitled to benefit from the general protections that prevail in this country provided that they have fulfilled the usual requirements regarding period of employment.

Firstly the Department of Employment requires that certain conditions should be met before a permit is issued. These are designed in part to protect the migrant worker. The conditions are : (a) That the worker must be between the ages of 18-54 except for resident domestic workers in private households where the lower age

limit is 20; (b) That the wages and conditions of work offered should not be less favourable than those prevailing for similar work in the same district. In an effort to enforce the second of these, the Department of Employment has recently begun to note the wages on the work permit itself. This is protection at a rather primitive level, and indeed even here there are great problems with enforcement of minimum standards. More comprehensive protection is provided by the Race Relations Act. Since 1968 the Act has been extended to provide against discrimination in employment on the grounds of colour, race, and ethnic or national origins. It has not applied to existing discriminatory legislation or to discrimination on the basis of nationality which, it became clear, was not subsumed under "national origin". The administration of the Act, which is vested in the Race Relations Board, was heavily weighted in favour of conciliation, while the investigative powers of the Board have been rather limited. All this has given rise to dissatisfaction with the workings of the current legislation and in 1975 the Government published proposals for a new Race Relations Commission with greater powers and larger areas of concern. The proposals are embodied in a new Race Relations Bill which is currently going through Parliament. This Bill widens the definition of discrimination to include especially indirect discrimination and discrimination on the basis of nationality or citizenship. It provides for positive action in favour of equal opportunity for minorities and it gives greater investigative powers to the new Commission. The complaints procedure is also to be remodelled so that the accent will be on open litigation. With all these changes it is to be hoped that the protection afforded by legislation will be greatly enhanced and it may now help to encourage more positive action towards migrant workers and their families.

### language

It is not only protection from unfair treatment that the migrant worker needs. He suffers many other disabilities at work.



One of the obvious and most wide spread is the inability to speak English. Many new arrivals have a very limited grasp of English and the evidence shows that a large proportion of these do not overcome language difficulties even where their stay in the country is quite a long one, or even for the rest of their lives. This encourages the formation of ethnic work groups and makes it much more difficult for migrant workers to move into the mainstream of life at work. Not surprisingly it hampers both training and promotion, and encourages the inertia that is evidenced by many employers on these issues. Sometimes the problem is not as great for Commonwealth citizens, many of whom have been educated in English. But this is by no means generally the case, and language is a fundamental problem for migrant workers. The level of ability with English appears to have a correlation with wage levels and labour mobility in the UK.

Attempts are being made to introduce language tuition specifically intended for the migrant at work. This has been undertaken by the industrial unit of the Runnymede Trust and by the Community Relations Commission. Also the industrial Language Training Centre and one or two local authorities, notably Ealing with the Pathway Unit, have been providing language tuition at the work place. Sometimes it has been a union with a large proportion of migrant workers in one of its branches which has arranged for language tuition at work with the agreement of the employer. An interesting move of this sort has been the arrangement of language tuition at a nightclub in Central London for its members there by the TGWU. The provisions are fairly haphazard and vary greatly from area to area. Sometimes it is the employer, sometimes the union, and sometimes a local authority which makes provision for language classes. Although the Select Committee on Race Relations and Immigration recommended the establishment of a central fund for education and language tuition, the Government has preferred to rely on expenditure under s11 of the Local Government Act 1966 and the Urban Programme. Neither of

these involves very large expenditures nor do they seem to generate much growth in the field. For instance, by 1974 there were only some 20 further education establishments offering preparatory courses in English. There has been no growth in numbers since then, and in the present climate there is not likely to be in the near future.

### **training and promotion**

Unlike some European countries, we have no right of vocational training here for any workers. There is some provision for retraining through the industrial training scheme which is partly funded by government and partly by employers. Although this provision has been extended it does not meet more than a relatively small proportion of the demand. In any case a migrant worker who is still on a work permit cannot benefit from any kind of vocational training. This particularly affects those workers admitted under special quotas as unskilled or semi-skilled people to work in the hotel and catering industry. The needs that these quotas are meeting are rather specific and low level manpower requirements, and there is currently no possibility of the migrant workers having the opportunity of acquiring skills which would increase their mobility and labour potential. Also it has to be recognised that often neither the employer nor the local workforce welcome training proposals for migrant workers. The employer may be concerned to fill jobs which are spurned by the local workforce, and will therefore be uninterested in increasing the mobility of his migrant workforce by providing training opportunities. A variety of reasons may lead the other workers to evince hostility to the provision of such opportunities for migrants even where these would be of general benefit. Similar problems beset the question of promotion for migrant workers. Recent studies both in the UK and abroad have shown that migrant workers, even where they match their local counterparts in skill and experience are promoted much less quickly than other categories of workers, and that in general, migrant workers as a group are clus-



tered round the base of the employment pyramid to a degree that cannot be accounted for by factors such as newness or ignorance of particular procedures or systems. The EEC working party which produced the Action Programme in favour of migrants in 1974 commented that, as a group, migrant workers acquired neither added skills nor status by virtue of their stay in the Western European countries. Currently, the proposal from the EEC is to greatly extend facilities for language and vocational training for migrant workers in the Community countries. This may well involve us in extensive reform of our provision generally for vocational training. The government appears to be approaching this with some reluctance, and is certainly attempting to ensure that the *status quo* with respect to permit holders remains unchanged so that they continue to be ineligible for training.

### **the migrant worker and the trade union movement**

Basically migrant workers pose a threat to trade unions, and the response to this threat has traditionally been ambivalent—whether to exclude or recruit? A number of factors exacerbate the situation. Often a migrant worker has had little or no prior experience of trade unionism, especially if he comes from a rural or semi-rural background. There will usually be difficulties of communication where the migrant worker has come from a non-English speaking country. Newcomers may well have different and conflicting aims from those of the established worker. Specifically, they may be keen to work long and unsocial hours in order to earn as much as possible both to meet new expenses and to save for perceived obligations as quickly as possible. Again, the position will be adversely affected by the work permit regulations. The dependence of the migrant worker on the goodwill of his employer will often encourage him to reject union involvement as being likely to jeopardise his very stay in the country. This seems to be especially true for the bulk of the unskilled and semi-skilled workers concentrated in under-unionised industries notably hotel and

catering. The fact that these industries are under-unionised itself clearly adds to the problem.

There is something of a history of trade union hostility towards migrant workers. Often this is a reflection of the attitude of the constituency, namely of the workers themselves, and much of it is rooted in a fear against competition and undercutting. At the turn of the century the influx of Jewish refugees into the garment industry particularly in the east end of London met with a very hostile response from the local workers and their unions. To an extent the Jewish migrants were blamed for the excesses of the sweated labour system, though they were often the chief sufferers. This conflict was only finally resolved after the formation of ethnic unions by the Jewish workers which helped to fight the conditions prevailing in the garment industry, and which were later merged into the local union. Shortly after the first world war and following on an economic recession, union pressure in the shipping industry led to the passage of discriminatory regulations against alien seamen. As it happened, these caused a great deal of hardship to coloured seamen who were British subjects but who were unable to produce documentation to prove their nationality and therefore felt the full force of the differential provisions. After the second world war a number of Europeans were admitted to work in Britain partly to meet widespread labour shortages. Collectively they were called the European Voluntary Workers (EVWs) and included among them members of the Polish forces who had fought alongside the Allies, together with their families; displaced persons or refugees; and people recruited for temporary employment in industries with acute shortages (for instance the Italians who went into the brick making industry in Bedford). The EVWs met not only with Home Office restrictions but also those agreed collectively between employers and unions. Among the former were requirements that they be of good conduct and that they be restricted to the employment approved for them by the Ministry of Labour. (These requirements were considered so



harsh as applied to displaced persons, who were elsewhere taken in without any conditions, that Britain was condemned for them at the next session of the UN.)

The unions reacted to the threat of EVWs by securing restrictive agreements. Altogether collective agreements on European workers were concluded in some 39 industries. All of them provided for equal pay and conditions, and for the EVWs to join or be encouraged to join the appropriate union in their industry—welcome and positive reactions to the influx of EVWs and the attendant fear of competition and depression of “home” wages. However, most of them also included some provisions limiting the employment of EVWs to circumstances in which British labour was not available; provisions ensuring that EVWs would be “first out” in the case of lay-offs or redundancies, or that they would be replaced by British labour at the first opportunity; and quota provisions often restricting the recruitment of EVWs to 10 or 15 per cent of the workforce at any particular place of employment. Some agreements included restrictions against the promotion of EVWs. A few continued to be in force right up to the passage of the second Race Relations Act in 1968. A handful of unions still have agreements restricting people on the basis of nationality (which has hitherto been quite legal under the Act). The National Union of Hosiery and Knitwear Workers has an agreement which limits foreign nationals with less than five years’ experience in the trade to a 10 per cent quota, and makes them liable to be first out in the case of redundancy. The redundancy rule is also still part of an agreement between the Power Loom Carpet Workers and Textile Association and the Kidderminster manufacturers. Other textile workers, particularly in the wool trade have agreements limiting the employment of Spanish and Italian workers. At the moment a few unions have rules limiting membership on the basis of nationality. Admittedly these tend to be in somewhat unusual circumstances. Typical of them is the Musicians’ Union. Although the union is in a reasonably strong position with regard to employment of musicians in the

UK (and is for example consulted by the Department of Employment before permits are issued to foreign instrumentalists) it nevertheless has too wide a membership for the available work, and consequently applies restrictions on new membership from abroad.

It is usually the case that unions which continue to have explicit restrictions on foreign workers draw their membership from a threatened or dying industry. In general the trade union movement pays little attention to migrant workers. This is not unlike its attitude to race relations.

In the past both the TUC and most individual unions have affirmed their support for equality of treatment regardless of race, ethnic origins, religion or sex. Some unions have made special efforts to recruit coloured workers, notably those in industries with relatively high concentration of coloured workers. Currently the AUEW, the TGWU and the GMWU are the foremost recruiters of coloured workers, while the latter two have the greatest proportion of members of other nationalities. Unfortunately, much of the affirmation of equality at the national level is ignored at the local level, and so the number of concrete initiatives on behalf of migrant workers is disappointing. Their concentration at the unskilled and semi-skilled levels in under-unionised industries, their insecure status as residents in the country, their unfamiliarity with language and procedures have all put the migrant workers out of the mainstream of trade unionism. As for the unions, not many have made the special efforts that are required. Only a few have ever produced literature in languages other than English, encouraged the promotion of foreigners through the union, or made special efforts to train officials about the position of migrant workers in Britain. Generally, therefore, the labour movement’s interest in the lot of the migrant worker, and the latter’s participation in the labour movement have left much to be desired.

Recently there have been some developments suggesting much greater concern for migrant workers among some unions.



Particularly noteworthy is the international workers' branch of the TGWU. This was formed in 1973 following on an approach by Portuguese and Spanish workers in the hotel and catering industry to the Transport and General Workers Union. The branch of the union which was subsequently set up is actually just one of the London branches with the difference that its membership is overwhelmingly made up of migrant workers and its concern is to encourage and develop trade union activity among such workers. After this initial move, a number of TGWU branches began recruiting migrant workers and the union began to concern itself with greater efforts on behalf of the migrant workers in the hotel and catering industry. There is now an international workers' committee whose brief is to co-ordinate union efforts on behalf of migrants and produce information and assistance leaflets in a number of languages on a number of employment issues. The committee members are drawn from one or other of the nationalities which predominate in the hotel and catering industry. This committee has also been specially concerned about migrants working illegally. In industrial disputes in the past it had become clear that there were a large number of workers with irregularities of permit or stay, and these tended to be in a much more equivocal position when it came to pressing for improved wages or conditions. The TGWU's response which has been to counter energetically the employment of workers without permits, has created some mistrust among migrant workers. They fear that they will simply be expelled if they are discovered and are unconvinced that the trade union's campaign stresses adequately the need to provide some fair solution for those who may have already been working in this country for some time. This has recently meant that there has been some check on the development of better relations between the union and the migrant workers. Since the recent proposals of the union have included the need for an amnesty of some sort for those already here, and have stressed the need to protect workers rather than the need to straighten out the irregularities, this may well lead

to greater confidence among migrant workers.

Another development among migrants themselves which has great potential is the formation of individual nationality unions. The most venerable of these is the Indian Workers' Association which has been going for well over a decade and which has a membership in the thousands. Currently, there is also a Spanish Workers' Union, a union of Turkish Progressives, and an organisation of Italian Workers. Many of these are not industrial unions but more self-help groups or even political parties with their roots and primary interests often centred in the country of origin. However they all perform a valuable role in linking the workers of the particular nationality group involved to the society at large. They all make efforts to assist and advise people about conditions and regulations at work and at large. They are very often the only form of service available to migrant workers needing assistance and information over a wide variety of subjects. Some work closely with appropriate unions in particular areas and are thus a means of resolving the difficulties in the way of recruitment and participation of migrant workers in unions. They also form links between individuals and statutory or voluntary bodies which aim to serve migrants in some way. The efforts of some unions to create new links and of some groups of migrant workers to assist themselves are both useful and interesting developments and will increasingly affect union attitudes in general.

Meanwhile the TUC has recently reorganised itself and has set up an Equal Rights Committee with special responsibility to press for the implementation of equal rights provisions both with regard to sex, and race and nationality in industry. The recognition that we need to make positive efforts in these areas to unpick a pattern of discrimination from the fabric of society which may not immediately hit the eye is gaining wider acceptance within the labour movement. In so far as a labour ideology of solidarity and internationalism exists this too helps to encourage such develop-





## 5. the family and general conditions of life

One of the basic human rights is the right to family life and it is a tenet of most contemporary thinking on migrant workers that they should have the right to have their families admitted to the countries in which they are working in order to ensure that they are not forced to live apart. The actual practice of individual countries varies greatly and ranges from the South African policy of deliberate exclusion of families to the Swedish one whereby the family of a labour permit holder is also automatically eligible for entry. In Britain there are separate provision for EEC and non-EEC nationals, and in the latter case, men and women.

EEC nationals who are coming to the UK to work have the right to be accompanied or joined by their family. The family consists of either spouse, any dependent children of whatever age, any children up to 21 years of age regardless of dependency, and any dependent parents or grandparents. A man who is not an EEC national and who has a permit to work in this country can be accompanied or joined by his wife and children under 18 if he can support and accommodate them to the satisfaction of the authorities. No other members of his family, including dependent children over 18 are eligible for admission. As far as female migrant workers on work permits are concerned who are not EEC nationals, we have the rather startling situation currently prevailing that there are no provisions for any member of their family to be admitted with them. So the first problem that faces us in Britain is this virtual denial of family life to a migrant worker who happens to be female. Moreover even with the rather limited rights of entry for the families of male non-EEC migrant workers there have been many problems of administration. These have arisen from the need to satisfy immigration officials that adequate arrangements have been made for support and accommodation and from the purely administrative requirement that families of migrant workers should obtain entry clearance in their own countries, a requirement often giving rise to unconscionable delays. Even if these kinds of conditions are thought reasonable, their current mode of appli-

cation which is both formalistic and exacting, is not. The effect is to hinder the unification of families and to that extent to deny family life to such people. For one category of migrant workers in the UK the question of family life theoretically does not arise. These are the resident domestic workers who, as a precondition of receiving work permits, must satisfy the authorities that they do not have any children under 16 years of age, and who even where married, are treated as single people. This was one of the provisions specifically criticised by the Committee of Experts of the European Social Charter in its first report.

### education

While the provisions in Britain for the admission of families of migrant workers leave much to be desired, there are a number of other areas of life generally where the migrant worker and his family may be at a particular disadvantage or which may crucially affect the quality of their lives in the new country. One of the more important of these is the provision of the right kind of facilities for the education of the children. In general in Britain there is a good record of care and attention to the need for remedial tuition for children coming from non-English speaking homes. The pattern and relatively long history of Commonwealth migration to this country has meant that educational authorities had early on realised the need to make provisions for newcomers who were not a temporary part of the educational scene.

Since the 1966 Local Government Act, local authorities have been receiving grants for extra educational staff employed in areas of concentration of Commonwealth migrants at least. Government expenditure over the last years for which figures are available amounted to something over £7 million on education on the basis of 75 per cent central and 25 per cent local government funding of each member of staff. The Urban Programme has also been a source of funds for educational schemes, including play schemes specifically for the children of migrants,



or situated in areas of concentration of ethnic minorities in the UK. There are two shortcomings with these provisions— firstly the extent of them and secondly their intrinsic orientation. While the report on education of the Select Committee on Race Relations and Immigration, the DES Educational Disadvantage and Assessment of Performance Units, and the recent large conference all bear witness to the existence of a pool of interest and concern in this matter, difficulties arise with the almost official ideology of how “immigrants” should be received into our society. The aim has always been that of assimilation and integration, and while this has encouraged interest in the teaching of English and concern for the achievements of the children of migrants in the schools and their induction into the ways of this country, it has also meant a neglect of the background of these children. Minority groups in this country have expressed much dissatisfaction with the current state of affairs whereby teaching of the child's original language and customs is almost always by private arrangements without the participation or resources of the local authorities. The EEC is now proposing that much greater resources should be devoted to the promotion of multi-racial teaching in the Community countries.

This suggestion has met with some suspicion here as being inappropriate to the situation of migrant workers in the UK, but in so far as the proposals reflect a concern to foster links with the original language and culture of the children of migrant workers their adoption in this country would only strengthen the existing provision in the education of migrant workers' children.

While the problems for migrant children at school are rather diffuse, there is a specific difficulty with the award of study grants for further or higher education.

At present these grants are restricted to people whose parents have been resident in the country for three years regardless of nationality. This has often been argued to be quite fair treatment for migrants as it is not a restriction based on nationality

and applies to British and other nationalities alike. In practice, not surprisingly, it is the migrant workers' children who most often fail to qualify on this basis of residence. Since study grants are available for all levels of education beyond free schooling, this condition constitutes yet another barrier to the training of young migrants. The statistics show that the vast majority of people who come here to live and work stay for much longer periods than three years. They will therefore be contributing to the national exchequer for much longer than that and it seems therefore slightly misguided to penalise their children because they have not already been here for a certain number of years, at the particular point in time when the children happen to be ready to enter a certain level of education.

## housing

In both these areas the view generally expressed is that the migrant workers and their families are no more unfavourably treated than anyone else. They are not disbarred from local authority housing, are eligible for national health treatment, and may receive non-contributory benefits in the same way as the rest of the population. Indeed, in the field of housing there have been a number of recent government initiatives, many of them stemming from the provisions of the 1974 Housing Act. The philosophy has rightly been that aid in general to distressed housing areas would probably be the best way of helping migrant workers and their families. Thus there has recently been a stimulation of housing associations, an increase in Housing Action Areas and Housing Aid Centres. However, the field of housing is one which is going to be heavily hit by the cut backs in public expenditure and in any case the picture is rather more complicated than it might seem. A recent Runnymede Trust study indicated that the concentration of ethnic minorities in poor inner urban areas had not decreased since 1966. At the same time reports of committees of the Race Relations Board and of individual Community Relations Councils show that there continues to be discrimination,



usually on the basis of race, in the provision of housing. As for local authority housing, a recent PEP report on housing and minorities in Britain (*Racial Minorities and Council Housing*) came to the conclusion that "the effect of our housing policy is that minority groups stand in greater need of council housing than the rest of the population, but are less likely to get it." Where there is a whole family to house the situation is much worse. This is not an encouragement for families to be reunited. In some areas people who are not British subjects are specifically excluded from local housing lists. In all there are long waiting lists which inevitably work against the newcomers. Many migrants are caught in a vicious circle whereby they cannot obtain adequate housing unless they have their families with them, and they cannot be joined by their families unless they have adequate housing for them! This is a prime area where other sections of the community are also at a disadvantage and clearly any solution or alleviation of the lot of the migrant workers and families must include greater provisions for other homeless people.

### **social benefits**

In other areas of the social services migrant workers and their families are normally eligible for benefits on the same terms as other workers. They are eligible for treatment under the health service, their children may enter local authority schools, and they will receive the normal contributory and non-contributory benefits. Since Britain joined the EEC, social security arrangements have been undergoing some changes so as to harmonize the provisions in the Community countries and establish reciprocal rights for nationals of member states.

The extension of such reciprocal arrangements to third countries (non Community members) has been achieved in certain fields but has been rather slow and is not widespread. Currently, there are proposals being discussed within the EEC to extend specifically to migrant workers from third countries those rights enjoyed

by migrant workers from member states. One immediate effect of this would be that family allowances would be payable for a migrant worker whose family was still in the country of origin. The British Government, which is opposing this, is probably wrong to do so. A person working here alone without his family is making a full contribution to the community and receiving little in exchange.

That his wife and children may not yet have joined him should probably not deprive them of allowances to which he has made his full indirect contribution and to which they will be entitled on entry.

### **civil and political rights**

Commonwealth and Irish citizens are the only migrants to the UK who have political rights to vote or take office. While others have the protection of law on the same basis as other people, except in so far as they are liable to a whole class of immigration offences not affecting the local community, they have no right of participation in either local or national government. This means that a person who may have lived in the country for a number of years does not have the most basic means of protecting his interests. While some criteria of residence or nationality may be apposite in some areas of political life, it is increasingly being realised that there is room for participation of migrants at least at local levels in political and community life. The EEC is hoping to implement provisions for participation of member nationals in local politics wherever they are residing within the Community by 1980. Some other countries, notably Sweden, are also moving towards extension of voting and representation rights in municipal politics to migrant workers. In Britain it is only the aliens who are denied any rights at all, and it seems reasonable that changes to include EEC nationals should also cover other aliens living and working in Britain. At the same time, this might be an overdue opportunity to re-examine the remaining restrictions against aliens in employment and in particular in the civil service. It is likely that on in-



vestigation many of the restrictions could be removed altogether while others would remain only in the more sensitive areas.

### information and assistance services

Migrant workers need a great deal of information about the society and life to which they are coming and assistance in meeting the new problems of their situation. In Britain at present the tendency is to leave them to find their own adjustments. If the would-be migrant falls foul of the authorities with regard to his status as a migrant there is both a publicly financed and a private organisation to which he might turn. These concern themselves with his legal status and would advise and assist him in that sphere. They would also represent him before an Immigration Tribunal if the need arose. There are also community relations councils throughout the country, part of whose concern is the assistance of newcomers into a local community. Centrally the Community Relations Council has a general brief to ensure better relations between members of minority groups and the society at large, and the Race Relations Board is there to investigate, advise and assist in cases of alleged racial discrimination. These last two are statutory bodies and will shortly be merged and their aims widened. Lastly, and perhaps most importantly for the newly arrived migrant worker, there are a number of more or less formal organisations of the different nationalities in this country. Often it is these organisations with which a migrant worker will first come into contact through a fellow countryman. The real difficulty is that none of these bodies are concerned to provide general information and assistance for the migrant worker from the moment of entry or even before. There is a commonsense argument that migrant workers ought to be informed about conditions of work, housing, social security, education and so forth even perhaps in information leaflets prior to arrival. Certainly the need for this has been borne out in studies of the situation of migrants at work and in housing which have shown that migrant workers

are greatly handicapped by their ignorance about existing facilities and their rights.

The desirability of informing would-be migrants has now been generally accepted and the government has produced a handbook, *Introduction to Britain*, which is to be handed at present only to *immigrants* before they leave for Britain. Thus far it has not made any sort of impact at all on migrant workers and their families. The leaflets appear to be provided at present only in English and they do not in any case have a wide circulation. Aside from these, the UK provides no reception or arrival services for migrants. There is no doubt that this *laissez faire* attitude greatly impedes the prospects for an easy or early adjustment of the migrant workers to this society.

Recently, both the ILO and the EEC have been proposing the development and extension of information and assistance services for migrants. The ILO carried out a survey of reception and assistance services in a number of countries, including Britain, where it found a need for these non-existent provisions. The ILO proposes three stages of services: (a) prior to entry for those who have visas or permits issued abroad. This would have the added advantage that some liaison would be possible with the local authorities which would be receiving the workers and their families; (b) reception at entry, especially for those who need basic information concerning their immediate stay in the UK; and (c) after entry when the administrative services would be linked with the social services. In Britain some basic provisions could be made with little expenditure. There already exists a structure on to which could be grafted the extended facilities that are envisaged for the benefit not only of the individual who comes here to work but also of the society in which he has to try and find a place, especially since we now know that migrant workers and their families tend to stay in the UK for quite a number of years even where they do eventually return to their country of origin.



## 6. conclusions

Migrant workers in Britain are a large minority within the country and are often concentrated in low paid jobs with few prospects. The legal framework within which they are admitted to this country is too restrictive and handicaps their chances here from the start. Although their presence here has to an extent been solicited by us and although they make a very valuable contribution to the economy, little has been done for them in exchange. Changes are not only imminent but overdue. The position of migrant workers in the "receiving" countries has been a matter of great international interest of recent years. Not only is the ILO formulating new ideas which could impose obligations on the UK in international law, but as we have seen the EEC has been debating draft legislative proposals on this issue which will have more immediate domestic repercussions in Britain. In the context of this flurry of international activity, it is urgently necessary for us here to take the initiative in proposals suited to the specific situation in Britain instead of the current rather reluctant shuffle along behind the EEC. To this end a number of changes of policy and practice with regard to migrant workers and their families are proposed. These will effect not only those people who are here on work permits but all the people who have come to live and work here from other countries and who, to a greater or lesser extent, face difficulties and disadvantages by virtue of that fact. Most of the recommendations are to national and local government for action, others to the trade union movement and employers:

1. There should be revised work permit regulations. Work permits should be issued direct to the prospective worker and should encompass particular skills or particular industries in a given area. The present restriction of a permit to a specific job with a specific employer is not necessary and imposes undue restrictions on the movement of the migrant worker. With the revised system the permit could be reflective of manpower needs without putting overly stringent conditions on the individual worker or distorting aspects of employer-employee relations.

that the criteria for the issuance of permits should be those of employment and manpower needs rather than those put forward in the endless immigration debates. For this to work properly it is essential that to this end consultation of the appropriate trade union or TUC committee should become standard in the procedure not least to ensure fairness and equality of treatment for the migrant worker.

2. The present regulations whereby the migrant worker can only be considered for permanent residence if he has worked here in "approved employment" for four years provide for too long a period. There are many countries where if the worker isn't permanently admitted from the start, the qualifying period is much shorter. It is proposed that migrant workers in regular and gainful employment in the UK should have their conditions of stay removed after two years' stay not four. There is no need to keep them "on probation" for such long periods of time. The temporary stay permits adversely affect the worker's chance of promotion. They virtually render him ineligible for training. They encourage uncertainties and stresses for the worker and his family which are not justifiable by the need to keep controls on migrants.

3. The arrangements for the admission of families of workers of all nationalities should reflect those now in existence for EEC nationals. Specifically this would mean that the children under 21, other dependent children, and dependent parents and grandparents of all migrant workers together with the spouse of either sex, would be eligible for entry. These changes would especially affect female migrant workers for whom despite the new anti-discrimination legislation, no provisions currently exist.

4. The problem of "illegal" workers must be tackled and this will require a number of different approaches. There must be an investigation of and crack-down on agencies specialising in the recruitment of overseas workers by the use of inducements which are substantially untrue. At the same time, the decision



must be made to regularise the position of those people already working here without certification thus putting them on the same basis as the rest of the migrant workers. Much of the current abuse of the immigration regulations is a direct outcome of the stringency and complexity of the existing regulations. If the protection offered to migrant workers in the UK is to be strengthened then it is important that there should not be a large group of people vulnerable to every sort of exploitation because they are in breach of regulations which are themselves to be reformed. Once a commitment is made to accept those people who are already working here, then it is important to tighten up the procedure so that certain employers do not continue to rely on the recruitment of people without permits as a docile and exploitable workforce. This kind of situation will be greatly eased by the removal of the current restriction of a permit to specific jobs with specific employers. To implement these proposals a working party should be convened which would include among its members representatives from the TUC and individual unions, the "ethnic" unions of the migrant workers, and some of the national groups, as well as the employers most frequently concerned. Observers from the existing advisory groups, the Department of Employment and the Home Office could also be appointed.

5. The burden of the current regulations should be changed so that those foreigners already here as students should not be *automatically* debarred in the normal way from applying to remain here in employment. At present, although students are eligible for permission to take on holiday jobs during their studies, they will not be considered for work permits once their studies are finished. This is a control mechanism arising out of the official wish to forestall a would-be migrant worker entering the country as a pseudo-student. In fact the rule applies to all students regardless of their history or qualification, and it could be argued that in so far as it applies to people who have already spent some years in the country, who are

familiar with the language and customs of the country, who have qualifications obtained here, and who have made the choice to stay *after* having lived here, it is quite irrational. Furthermore, the indiscriminate application of this rule has probably contributed to some extent to the numbers of people working without permits.

6. There must be legislative provision for the protection of workers who have been illegally recruited. At present it is not clear to what extent they are under legal contracts of employment, nor whether they benefit from employment protection provisions applying to the rest of the population. Given the situation of workers who have been recruited illegally, and their weak bargaining powers, it would seem that such protections must be positively and deliberately extended to them in order to be effective.

7. An investigative committee should be set up with the task of reviewing (a) current restrictions on the employment of aliens in the UK, and (b) the extension of voting and representational rights to aliens at least at local authority level. These two remaining areas of positive restrictions both perpetuate the notion that in certain fields the alien *ought* not to be able to play a role. Even if there are indeed such areas in public life, it is nevertheless time to scrutinise existing provisions to see how far they can be retained in present day Britain.

8. The TUC should make the protection of migrant workers a priority issue. This would involve it in meetings and discussions with migrant workers and their organisations in this country. Moreover, since the views of the TUC are canvassed by international bodies such as the ILO and the Committee of Experts on the European Social Charter, who expressed a regret that the British reports had not included more from this quarter, it can make itself a channel for communication and reform proposals from the migrant workers themselves. Individual unions, especially those with relatively large membership drawn from the minority groups, should make this coming year the



time in which they emphasise the recruitment of migrant workers and their participation in union affairs. The visible signs of this would be the production of union literature in different languages, the appointment of members of racial or national minorities as full time officials, and the devotion of trade union education provisions to some extent to the problems of migrant workers.

9. The education service must decide to modify its commitment to integration and assimilation of migrants. Instead, while recognising the importance of an integrated education, provision should also be made for teaching different languages and for including the background, history and culture of children of migrant workers into school curricula. This has been something that many minority groups have urged and until now it has been left almost entirely to private arrangement outside school hours. It is important that education authorities make a more positive contribution to such multi-cultural education than the occasional loan of school premises.

10. Any existing bars on public housing which are based in any way on nationality or origins should be removed. Following on the recent reports of the PEP and the Runnymede Trust, allocation of housing particularly in areas of high concentration of minority groups must be re-examined as it serves at the moment only to heighten the disadvantages of such groups.

11. In Britain there are far too few facilities for training for people at work. Where they do exist, they are largely orientated to young people. Any extension of such facilities would benefit all workers, migrant or otherwise. The government, employers, and trade unions have a joint role to play in the extension of training for adults to the levels enjoyed in some European countries. Language tuition would specifically benefit the migrant worker. Although some provisions are already made for this in the UK, there are many people who receive no formal tuition whatsoever because there are no central provisions which

too is an area in which concentrated efforts could effect great changes. We could perhaps look to the practice in countries like Sweden, where not only are adults eligible for study grants to take could apply to all migrant workers. This up education or training, but where migrants are also eligible for up to 240 hours of paid tuition in Swedish.

12. Finally, it is important that we improve information and assistance services for migrant workers and their families. At present neither the statutory bodies nor voluntary agencies aiding immigrants can offer any comprehensive services on a general basis. Specifically there is no body with special responsibility to provide any kind of reception service for newcomers nor to help with social services, education, health, housing and so forth. Most migrants suffer greatly from ignorance and fear. They know neither what facilities exist nor how to find out about them, often for a long time after they have been here. In order to enable them to adjust quickly to a new life, and to receive the specific assistance where needed, a service must be provided with the general aim of receiving and helping migrants in all areas of life. The EEC makes provision for the financing of such services for migrants, and the Social Affairs Committee which administers such funds would provide for at least some of the expenditure that such a service would incur.



# fabian society the author

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