

SOCIAL PROTECTION AND ECONOMIC SECURITY OF NORTH AFRICAN MIGRANT WORKERS IN FRANCE

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ABSTRACT

This essay describes and analyses the situation of Maghrebis in France, as far as social security is concerned. The paradoxical situation experienced by these immigrants is related to their eligibility for social security and their discrimination on the labour market. As such, Maghrebis form the most precarious layer of French society.

Keywords: the French social security system, Maghrebi workers, precarious social class, immigration.

INTRODUCTION

Estimated at 214 million, migrants represent 3,1% of the world population. Migrants choose to go to other countries in order to provide their family with social and economic security who will benefit from remittances. However, the protection of migrant workers' status and rights represents a major policy challenge (IOM 2010: 33). The system of social security should provide them with a basic income in case of unemployment, illness and injury, retirement, invalidity and family responsibilities. "By providing health care, income security and social services, social security enhances productivity and contribute to the dignity and full realisation of the individual" (ILO 2009: 58).

North-African workers in France are eligible for state-based social security. However, since it is linked to employment history, they can find themselves in a precarious status because of the discrimination they face in the labour market. The main question is whether the system of social protection is effective enough to provide them with security.

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In order to answer this question, this paper will analyse the level of social protection North-African immigrants in France benefit from. It looks at the immigration history of Maghrebians in France in order to assess the degree of vulnerability they face considering the system of social protection. The second part of this paper considers the ineffectiveness of the French anti-discrimination legislation in order to make sense of the discrimination of North-Africans in the labour market. The lack of security from the country of origin can be followed by insecurity in the host country. In that respect it provides the example of *Sans-Papiers* by pointing to their desire to eliminate the insecurity they face. The third part of the essay is based on the relation between employment and security. If an individual lacks the seven forms of security identified by Standing he is part of the precariat.

IMMIGRATION IN FRANCE

1. IMMIGRATION

Until the 1970s, French labour immigration was under the control of the private sector, which recruited workforce in order to fill labour market gaps (Hollifield 1994). The process of decolonisation of Morocco and Tunisia and the independence of Algeria in the 1950s and 1960s marked the starting point of debates on immigration and nationality. The number of Algerians in France rose from 22,000 in 1946 to 1982 there were 805,000 (INSEE: 2010).

As Geddes (2008) argues, the French economy was being remodelled as a result of increasing unemployment of immigrants. However, given the fact that the majority of immigrants were young and fit they did not benefit from social security. They contributed to it without expecting anything in return. This is in contrast to the current situation which tends to regard the immigrants as taking advantage of the system of social protection.

2. IMMIGRATION AND VULNERABILITY

According to a report issued by the French Office of National Statistics (INSEE 2005), the share of North-African immigrants has risen, averaging 30% of the total number of immigrants. Their wages are lower than the wages of French workers and they have approximately three times more children than the average French family. This means that they do not have the security of a home, as they have to rent most of the time. As the same study shows, only 35% own a house, compared to 57% of French people.

According to the same study by INSEE, North-Africans are three times more likely than French people to face unemployment. Algerians are the most

discriminated against, followed by Moroccans and Tunisians. One out of five North-African immigrants aged 25–59 is unemployed. This could be explained by the fact that they tend to be in low-skilled employment which is more likely to experience economic concerns. The actual levels of unemployment have had a negative impact on the system of social protection, which is currently in deficit. The social protection system which was set up in 1954 was not intended to handle mass unemployment.

3. FRENCH SYSTEM OF SOCIAL PROTECTION

Building up on Esping-Andersen's approach of welfare states according to the level of commodification of labour, the French state fits in the Conservative approach to social policy and welfare. The aim of the French social protection system is income maintenance (Palier 2000: 116). It is more than simple poverty alleviation which is found in the Anglo-Saxon system or universalistic distribution which is representative for the Northern Social-Democratic system. Since the entitlement depends on the contribution history paid by workers, most benefits are earnings-related.

The French welfare state is based on a set of non-state agencies. The *Sécurité Sociale* (Social Protection) is divided into four main sectors: healthcare and work accidents, old age and retirement, unemployment insurance and family (CNAV 2010). There is a compulsory scheme anyone must be affiliated to and a complementary one (*mutuelle*). The Bismarkian nature of the French welfare state has however been transformed into a state-run one by some structural changes. This reform relies mainly on a re-insertion policy (*Revenu Minimum d'Insertion*), which is a non-contributory means-tested scheme. It guarantees a minimum level of resources. In order to be eligible for this scheme, a non-French has to be in the possession of a *carte de séjour* and has to have lived in France for five years. An unemployed North-African who is not eligible for a unemployment benefit is therefore eligible for the RMI, which is of € 460 a month (Rmi Fr. 2010). He is also eligible for housing benefits and health protection. He/she is exonerated from paying council tax and he/she can also be eligible for a reduction of the phone bill. However, economic insecurity appears if the North-African immigrant has not been in France for enough time.

North African immigrants therefore benefit from almost the same rights as French citizens. The exception is the five year rule concerning the legal residence. Moreover, there are also bilateral agreements between Northern Africa and the French government in order to coordinate the variety of social protection and provide the immigrants with social security (Sécurité Sociale: 2010). Many rights of the immigrants are coordinated by bilateral agreements which are, however, rarely applied (Dias 1995: 19). Although North-African immigrants fulfil the basic social security principle which entitles them to access to basic needs like health,

education, social protection etc., they seem to fail the work-related security principle. They face high rates of unemployment mainly because of the discrimination on the labour market.

SOCIAL PROTECTION AND DISCRIMINATION

1. ANTI-DISCRIMINATION LEGISLATION

At the international level, the protection of interests of migrant workers is guaranteed by ILO Conventions and Recommendations. The key objective is to ensure non-discrimination and equality of treatment and opportunity between national and non-national workers (ILO 1995: 26). However these main standards are non-binding for the states.

At national level, the French constitution stipulates that France “is an indivisible, secular, democratic and social republic. It assures equality before the law to all citizens without distinction as to race or religion”. The Constitutional Court confirmed that constitutional rights and liberties apply to anyone who resides on the territory of the Republic (ILO 1995: 27). Moreover, since 1972 penal code articles have been introduced that forbid discrimination in housing, employment and the furnishing of goods and services.

Nevertheless, the principle of equal treatment during employment is not fully covered by the Labour Code. Article L122-45 only refers to protection against discriminatory considerations made by the employer, but it does not stipulate the right to equal treatment and opportunity before or during the employment. Although North-African workers are covered by this legislation, they face discrimination when they seek employment.

2. NORTH-AFRICANS AND DISCRIMINATION

The French labour market has not yet accepted the diversity that characterises France. In a report commissioned by the High Authority of Fight against Discrimination and Equality, Faouroux (2005: 7) gives some examples of types of discrimination a North-African faces. In Paris, a Maghrebian is five times less likely to be called for a job interview. A job seeker of Maghrebian origin who has finished a Hons. University degree goes to three times less job interviews than French people. Another study made by Silberman *et al.* (2007) shows that within various groups of immigrants (from North Africa, sub-Saharan Africa, Asia, Europe), the strongest contrast is between native French people and those from Maghreb and sub-Saharan Africa. While only 8% of the native French claim to have encountered discrimination problems on the labour market, an average of 40% of Maghrebians confess to have experienced it (*ibid*: 18).

Despite the discrimination on the labour market that Maghrebians face, the organisations that should promote their rights and guarantee social inclusion mainly draft reports about the current situation, but they do not come with relevant solutions to this problem. The 2004 Report on Equality of Chances amongst all Origins proposed 20 social cohesion programmes, from which only the third part of the 20th programme directly tackled discrimination on the labour market. Although the programme “Fight against Discrimination” agrees that the enterprise is one of the most important vectors for the integration of a migrant, the only proposition it came up with was the creation of a Convention of Diversity, which encourages companies to hire immigrants, but its signature is not compulsory (Charte Diversité). That anti-discrimination and social cohesion is not the main concern of the public policy is also shown by the Report on the National Strategies for the social protection and social inclusion 2008–2010, which does not tackle it.

Discrimination can be explained by the fact that negative scrutiny is more likely to be attached to immigrant groups, especially when prior colonial experiences provide a set of stereotypes. These prejudices have led to social unrest in shanty towns (*banlieues*) in November 2005, which called into question the French republican model of integration (Bazin 2006: 16). The riots for equality and anti-discrimination were mainly led by second generation of Maghrebian immigrants who felt socially and economically insecure because they were discriminated against. Even if the system of social security is quite generous, one has to be employed in order to benefit from it. The only way for North-African workers to feel as close to ‘economically secure’ as possible is to work illegally, even if this is a way of providing them only with short-term economic security.

3. THE CASE OF SANS-PAPIERS

Many foreigners choose to enter France illegally, hoping for a better life in order to provide their families with economic security. Although in 2008 the State naturalised 107,000 people, from which half were from Maghreb (Le Monde 2010), it is difficult to become a ‘documented’ migrant because of the politicisation of the migratory process. Many immigrants from Maghreb and sub-Saharan Africa found themselves in the status of *Sans-Papiers* in March 1996 after many years of working in France, because of legislative changes. This made the status of many long-term immigrants either uncertain or illegal. That led them to ask for a right to membership. By calling themselves *Sans-Papiers*, as opposed to ‘illegal immigrants’ which means illegitimacy, they adopt a new strategy which builds up on entitlement. *Sans-Papiers* suggests, as McNevin (2006) argues, an equal right of presence which is weakened by bureaucratic formalities.

In an era where the rates of unionisation were going down, the *Sans-Papiers* organised themselves locally in order to say ‘no’ to the French government which

wanted to expel them. They combined individual voice with collective voice in order to become involved in citizenship strategies. As McNevin (2006: 143) argues, the *Sans-Papiers* mobilised themselves in order to contest their status of outsider.

The choice of location of the French Federation of Construction for a ‘riot’ in October 2010 points to their role in filling labour shortages. They asked for regularisation of the workers who had signed contracts with agencies and wanted the companies to give them full-time permanent jobs (Le Figaro 2008). They rejected the insecurity of temporary labour and demanded recognition of their full status as insiders on the French labour market. Security is therefore linked to possession of two forms of identity: sense of occupation and dignified work (Standing 2010: Lecture 1).

Even if many have been regularised (78,000 in 1997), many were sent back to their countries of origin. In 2009 about 29,000 foreigners with no documents were expelled, of which 1,552 were Algerians and 1,550 Moroccans (Le Monde: 2010). Even if not always successful, their struggle points to their desire to become regularised in order to experience economic security and full social protection, to enjoy positive liberty. In April 2010, the French minister of Immigration stated, however, that the *Sans-Papiers* who ask for regularisation of their situation will continue to be expelled. If not, this would encourage these networks into illegality (Le Monde 2010).

WORK INSECURITY AND PRECARIAT

1. EMPLOYMENT, VECTOR OF SECURITY

Since employment is a source of stability, its effectiveness in guaranteeing social participation depends on the degree of protection of people against poverty (Gallie 2002: 99–101). Job and employment insecurity is therefore likely to reduce opportunities for social participation. As Gallie (2002: 10) argues, employment insecurity in France is especially amongst low skilled, who are the North-African immigrants. Moreover, those who have, what Favell (2008: 3) calls, “3D Jobs” (dull, dangerous and dirty), are more likely to experience deprivation in their work and personal lives, and they are less satisfied with their social life. Since most of the Maghrebians work in either temporary or low skilled jobs, their insecurity has a negative impact on their health. Stress, blood pressure levels, cardiovascular diseases are related to working under pressure. However, according to (Gallie 2002: 104) this can be mediated by the degree of control that employees exercise over their task.

Most of the immigrants have only the basic cover of social security. In 1991, 78% of French people had both social security and *mutuelle*, compared to only

56% of non-French. As DIAS (1995) argued, it is because health care is not a priority for those who have various uncertainties like temporary jobs and poor housing, and who live with the fear that they will be sent back to the country of origin. The social and economic insecurity of North-African workers in France experience make them be part of the precariat.

2. PRECARIAT

Standing (2009: 102–115) differentiates between seven classes of people: the global elite, the salariat, the proficians, the core: a withering working class, the precariat, the unemployed and the detached. The precariat represent the 'flexiworkers'. They are mainly workers in non-regular status and agency workers. They are the people who fill jobs gaps and are unsure of their occupation. They lack control and security over their jobs. Because of the fact they are not classified as employees, the precariat are denied legal protection.

The number of unemployed North-Africans is higher than the number of French citizens. Moreover, those who manage to get a job enter "3D jobs", which means that their precarious wages do not allow them to cover the expenses of the *mutuelle*. In addition, if they have a job and they get social protection through various syndicalist conventions, when they are fired, they lose their entitlement to state-based social protection and they find themselves in a precarious position.

Their precarious status is emphasised by the fact that it is difficult to move from a temporary into a full-time permanent jobs. In addition, the lack of access to skills development and training puts them in a precarious trap (Standing 2009: 112). Often, their jobs are considered as part-time even if they are full-time for the employer to avoid paying health benefits. When the employee retires, the salary from the pay sheet it taken into account, which leads to a smaller pension. Their precarious status does not come from employment insecurity but from the lack of an occupational identity. They experience, however, various types of labour insecurity.

3. LABOUR INSECURITY OF THE PRECARIAT

Standing (2002: 37–69) refers to seven types of insecurity in the world of work which are due to the process of globalisation. They all affect the North-African workers who represent the precariat on the French labour-market. The first type of insecurity mentioned is labour market insecurity and it basically refers to work opportunities ensured by macro-economic policies. Market insecurity is therefore the unfulfilled commitment to full employment. The first ones to be affected are the North-Africans. They also lack employment security, which is the protection against unjustified dismissal or sudden loss of employment. However, since the French social protection is quite generous, if they have worked legally they can be eligible for unemployment benefits. They also lack job security, which

is eroded because of the flexibility required. Indeed, since they are the “flexiworkers” of our times, they face a loss of the sense of occupation. They cannot get specialised skills, because they are expected to constantly change jobs.

Another type of security they lack is work security which relies on occupational health and safety, which has decreased because of the weakening of unionisation. This goes hand in hand with representation insecurity. Since there are no organisations able to protect the vulnerable, they cannot improve their status because they lack voice. The last type of insecurity, income security is perhaps the most important one, since it covers minimum wage, social protection to protect incomes, pensions etc. If the North-Africans are legally employed in a regular full-time job, they benefit from it. If not, which is often the case, they do not. It follows that labour insecurity in all its seven forms leads to low levels of social protection.

CONCLUSION

This paper has looked at the social protection which North-African immigrants benefit from in the French labour market. Even if a legal status guarantees them access to social protection, the fact that it is earnings-related makes it more difficult, as they cannot find work because of discrimination-related issues. This transforms them into vulnerable persons who lack both basic and economic security. They also lack the voice they would need to make things change. Moreover, even when they have it, as in the case of the *Sans-Papiers*, this does not always guarantee more security. The lack of basic security and economic security puts them into a precarious status.

To conclude, the French system of social protection guarantees North-African almost the same rights as a French citizen. However, because of discrimination on the labour market and in the social security system because of the RMI rule concerning five years of legal residence, they are not always beneficiaries. This problem could be resolved by introducing anonymous CVs or by imposing quotas for companies to hire North-African immigrants.

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