

INTERNATIONAL MIGRATION AND LABOUR LAW

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The articles on international migration in this issue highlight the (most often bad) employment conditions of newly-arrived workers. They endure these conditions, rather than accepting them, on account of their precarious situations and the fragility of their entitlement to residence, even when they are not undocumented immigrants. Everywhere, those with power, if they are unscrupulous, can easily exploit the vulnerability of others. We are given some examples here, among others by Risa L. Lieberwitz who reminds us of the situation in the United States. As Lacordaire famously put it: «Between the weak and the strong, between the rich and the poor, it is freedom which oppresses and the law which sets free». «The weak, more than the strong, need to be able to count on the certainty of the law», added Jean-Jacques Dupeyrou¹. This takes us back to the origins of labour law.

The arguments in favour of rigorous social protection for the world's most wretched, through the application of national and international labour law and social security legislation, therefore appear strong, regardless of the legality of their status. They are thus guaranteed, on paper at least, the safeguards necessary to a decent life. Unfortunately, we are all well aware of the difficulties of all kinds, including electoral, that delay or prevent the genuine integration of new arrivals into society in any given nation. The issue is a universal concern, as illustrated by Nanga Silué's contribution on foreign workers in Côte d'Ivoire. So many States fail to practise the virtue they preach! Some even espouse abhorrent policies, which luckily they do not implement to the full.

In spite - and no doubt because - of the growing internationalisation of human exchanges, migrants remain particularly vulnerable to prejudice, to differences in treatment based on race, colour or national descent, in their daily working lives and elsewhere; these negative preconceptions are often combined with others such as gender or religion. Cases of double or even triple discrimination (African, female, elderly) are not rare², not to mention those based on xenophobia, which paradoxically include discrimination by some foreigners against others of different origins, such as the Roma.

Laws impose restrictions on trade union freedom based on nationality, residence or citizenship, whereas workers' associations are one of the most effective instruments of

1 J-J. Dupeyrou, «Et maintenant?», *Droit social*, special issue, July-August 1981, p. 487.

2 I. Daugareilh, «Les discriminations multiples. Une opportunité pour repenser le droit à la non-discrimination», *Revue Hommes et Migrations*, no. 1292, July-August 2011, p. 34; L. Mogueurou, T. Eremenko, X. Thierry and R. Prigent, «Les familles monoparentales immigrées: des familles doublement pénalisées?», *Revue de droit comparé du travail et de la sécurité sociale*, 2015-2, p. 68.