

# Workers Without Status in France Emerge as a Social Force

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At the end of the afternoon of May 27, a mass demonstration marched into the Place de la Bastille in Paris. The march itself represented what can now be viewed as a low point in the national union mobilizations to challenge the proposed weakening of France's public pension regime and other reactionary responses of Nicholas Sarkozy's government to the world economic crisis. But despite the rain, despite the niggling worry that fatigue was overtaking the movement and apathy the French public, a group of marchers went to work making sure it was a day the French labour movement won't soon forget.

Hundreds of striking workers without status, known as "travailleurs sans papiers," set about occupying the steps of the Bastille Opera House in what was to be a crucial stand in their astounding strike.

The strike had started on October 12, 2009, a year ago last week, the morning after a spirited rally and preparation session at the headquarters of France's biggest union, the Confédération Générale du Travail (CGT), on the eastern edge of Paris's central city. Thousands of workers, men and women born around the world and living in France under the most fragile conditions, mounted dozens of picket lines at temporary agencies, construction companies, cleaning firms and restaurants. In all, some 6,700 workers stepped out of the shadows and into a central role in re-energizing France's left social movements, their physical presence confirming what everybody knew but few people seemed to face: just how much certain employers were relying on, and profiting from, directly or indirectly through sub-contractors, workers with no social rights. These included the well-connected international construction firm Bouygues and other builders, well-known restaurant chains and even the Paris public transportation authority, the RATP.

## The Making of a Captive Labour Force

The strike represented a shift away from the struggle via individual and group hunger strikes and church occupations characteristic of the 1980s and 1990s, when people without status in France were still often known as "clandestine." Those campaigns most often aimed to fight deportations and refusal of refugee status. They involved associations and community groups, not labour unions. And the reality of the migrants as workers was not often evoked.

France is the second immigrant nation in the world, after the United States. For more than a century, migrant workers – often from countries colonized by France and from Eastern and Southern

Europe - came to build the country. Many got status through their employment and stayed in France. In 1970, the Bouygues boss admitted in an interview for the documentary *Etranges étrangers* that he could pay migrant workers 30% less than their French counterparts. The film, made by former public television producers who had been fired in the wake of a bitter strike, with the support of the CGT, is credited with raising awareness among French citizens of the appalling living and working conditions of migrant workers in France in that era. The film was widely seen, despite the fact that Bouygues blocked it from ever being shown on television because of the incriminating interview.

In 1972, the French state suddenly made it more difficult for workers to gain the right to stay in France by holding a job. Anthropologist Alain Morice points out that the first move to limit legal worker immigration took place before the oil shocks and the resulting economic crisis, arguing the move reflected both the xenophobia of the government of the day and, more concretely, a desire to clamp down on North African immigrant workers who - in the wake of the 1968 rebellion of workers and students, both French-born and immigrants, across France - had become active in struggles for better housing, against racism and for justice in Palestine. As had always been the case, they were also joining unions. Some of the activists were denied renewal of their visas and the term "sans papiers" was born. (Morice, Alain, "Le mouvement des sans-papiers ou la difficile mobilization collective des individualismes," in *Histoire politique des immigrations (post)coloniales, France 1920-2008*, Boubeker and Hajjat eds, Editions Amsterdam, 2008).

In 1973, 20,000 North African workers without status launched a general strike to oppose racist murders. The strike was put down but the continuing movement ended up securing status for all of the striking workers in 1975. (*Désobéir avec les sans-papiers, Le passager clandestine*, 2009).

Meanwhile, in 1974, the government issued a circular outright denying the right of permanent immigration based on employment. As Morice points out, the new rule created a permanent class of people without status in France that exists to this day, people who come to France through formal or informal channels to take the always low-pay and sometimes dangerous jobs that, even in an economic crisis, never disappear.

Numerous campaigns and movements for public recognition and status led to the regularization of thousands of people in France up to 2008 and the turning of public opinion increasingly in their favour. But the victories themselves were limited to those whose files were approved in the particular campaign, never extending the principle of rights for all racialized immigrants to a full life in France. And the system never stopped creating people without status.

In 2006, a group of 150 laundry workers in Essonne, a southern suburb of Paris, launched a strike to secure status for 22 among them. "Up to then, the collectives (of sans-papiers) occupied public squares and churches," Raymond Chauveau, secretary general of the local CGT, who was to become a key leader in subsequent strikes, recently told the daily *L'Humanité*. "It's the first time that workers without status and their colleagues went on strike to demand regularizations."

The strike was successful but, as in the previous campaigns, it benefitted only the people directly involved without providing any structural gains for all workers without status.

A change in labour law in 2007 again opened the door to status via a job, even as it threatened employers with fines for employing workers without status. The new law, however, followed the further closing of the French - and European - border as part of what is known among activists and migrants as Fortress Europe. It has become almost impossible for workers from the global South to gain legal access to France; and those already in the country without status don't risk leaving for fear of never getting back. The new law should have made it easier for the trapped to get their

papers, but the prefectures – the local representatives of the state charged, among other things, with adjudicating visa applications from residents in their jurisdiction – are uneven and arbitrary in how they apply the law. On top of that, employers are loath to fill out the paperwork and pay the tax necessary to secure the visas, let alone accede to the prevailing wage and working conditions a worker with status and the backing of a union could then claim.

## **Workers Without Status Turn to the Labour Movement**

In 2007, more workers without status decided to strike and went to the CGT's Raymond Chauveau for help. On 15 April 2008, in what has become known as the first wave, a few thousand went on strike to force the employers and the prefectures to follow the law and give them status. After a couple of months, 3,000 strikers got status. Meanwhile, the Collectif de sans papiers in Paris, angry that the CGT had usurped the movement and excluded certain workers from the strike – those working under the table, personal care workers and isolated workers – decided to occupy the union's office in Paris. This group was to be evicted at the hands of CGT security 13 months later. Also in that period, some prefects around Paris began visiting employers and threatening them with fines, resulting in the firing of many workers without status. The movement seemed to be in tatters.

Except that workers without status were not giving up. Increasing numbers were stepping into the open to demand rights and, despite the controversy with the CGT, seemed willing to ally themselves with whichever organizations would help them. Eleven organizations, including the CGT and four other unions, decided to push for a structural fix for the arbitrary approach of the prefectures and the foot-dragging of the employers. Enough with the “case-by-case” approach.

On 1 October 2009, the organizations sent a joint letter to the Prime Minister demanding a new circular for interpreting the labour law that would set out a clear path to status for all workers, regardless of where they come from and what work they do, according to clear and common criteria to be used across the country. With no positive response in the offing, the spirited “second wave” strike was launched October 12, and this time it included personal-care and undeclared workers and thereby welcomed a significant contingent of women into the action. They struck under the slogan borrowed from the first wave: “We live here, we work here, we’re staying here.”

In November, after several meetings with representatives of the 11 organizations, the government responded with a new circular that was likely designed to divide the movement by explicitly excluding personal-care and undeclared workers, as well as those from Tunisia and Algeria (under the pretext of bilateral labour agreements). The strikers roundly condemned the new circular and elected to continue the strike into the harshest winter months. Even for those with so little to lose, the sacrifices were many and also transnational: the folks back home had to go without remittances while many strikers themselves lost their housing and any financial independence they may have had. By the end of an unseasonably cold and wet month of May, something had to give and it didn't look like it was going to be the government, despite the hope generated by its bruising loss during the regional elections in the end of March.

There had been dozens of picket lines throughout the strike, the vast majority located at the edge of central Paris and in the surrounding suburbs. Some of the lines, often occupations of a worksite or a temporary agency, had been violently dismantled by police, including those at the all-important and symbolic building sites in the ever-growing La Défense, the contemporary financial centre complete with bank towers, international chain retailers and condos at the western edge of the central city. By May, it was easy for the vast majority of people living in the Paris region, let alone across France, to forget about the strike.

Enter the occupation of the Bastille Opera House steps and the strike was once again making national headlines. What's more, after so many cold months on the scattered picket lines, the strikers could feel and assert their numbers and their collective presence, this time at a highly symbolic location in the centre of the capital. The huge banner reading "we live here, we work here, we're staying here" had never seemed more appropriate. The Bastille was the site of a castle and jail until the French Revolution, when a group of "rioters" – Parisian revolutionaries – came to claim the ammunition stored there. It was July 14, 1789. Three weeks later, on August 4, the tithe was to be abolished, as were seigniorial rights. A number of counterrevolutionaries were to lose their heads on that square before the guillotine was moved to what is now the Place de la Nation. And the gilded monument standing guard over the strikers occupying the Bastille honours the revolution of July 1830, when the second last French monarch, Charles X, fled to England.

## **Strikers Insert Themselves into France's Republican and Revolutionary History**

The strikers, the majority born in former French colonies in North and sub-Saharan Africa, literally claimed a place for themselves in the revolutionary and republican history in France and, in so doing, captured the imaginations and sympathies of many who had, up to then, paid little attention to their struggle. The occupation itself served to motivate the labour minister to agree to a meeting with the 11 supporting organizations.

Early in the morning of the eighth day of the occupation, before the meeting with the labour minister could take place and while the organizations were still pushing to involve the more reluctant immigration minister, the steps of the opera house were forcibly evacuated by police wielding batons and pepper spray. Some thirty-three strikers and supporters were arrested and taken into custody and more were beaten and sprayed. By the end of the morning, hundreds of strikers and supporters gathered at the bottom of the opera steps, facing a row of fully outfitted riot police, and decided not to leave the Bastille. The anger of the strikers, who had led a non-violent movement for their rights, not being able to risk the slightest hair out of place for fear of being picked up, detained and ultimately deported, was evident. There was certainly fear, especially for the arrested comrades, but also a sense that people were so tired of being constantly afraid that they were not going to let the actions of the morning kill their movement. "We are humans, not dogs," a few yelled toward the police line before being calmed by others not wanting to provoke another attack.

As it turned out, the strikers' union card served in this case as a get-out-jail-free card. All the detainees, including those who had been charged with the equivalent of resisting arrest, were released the same day and, some after a visit to the hospital, rejoined the picket lines and the Bastille occupation. The police attack in the Bastille had not garnered any sympathetic headlines for the government, either. Soon, even the foot-dragging immigration minister was agreeing to meetings with the 11 organizations.

The occupation continued another two weeks in the public square in front of the opera house. After two meetings with the ministers, neither of which included delegates of the strikers, the 11 organizations emerged with an agreement that was deemed acceptable enough to vacate the Bastille. It was the evening of Friday June 18 and the jubilant strikers went about cleaning up the public square and then headed back to their original picket lines to wait for the Is to be dotted and the Ts to be crossed.

The deal itself was no panacea. It involved a new "addendum" to the November circular (which doesn't carry the weight of the circular that the organizations were seeking, but does spell out how

the prefectures should interpret the law). It includes much of what the strikers were looking for in terms of a clear and consistent process that can be appealed. It also sets a precedent by enabling personal-care workers, most of whom are women who work for individual employers under the table, to acquire status even without having an official employment contract. The agreement also allows for all of the strikers who had been working under the table in other sectors to get their status.

However, at the last minute, the government put a residency requirement on the table: no worker could get status until he or she could prove she's been in France for five years. It's as if the employers, some of whom had joined the unions' call for a simpler and clearer system, had quietly extracted their own pound of flesh: the residency requirement effectively guarantees them a continuing stream of workers without status waiting to reach that magical five-year mark. The organizations and the strikers decided to accept the odious 5-year condition instead of prolonging the eight-month strike.

Despite the deal, the dispersed picket lines stayed in place as the strikers set about preparing their status applications for the notoriously arcane French bureaucrats. And while the deal was signed by the Immigration and Labour ministers, the local prefectures who have to implement it have chosen, by and large, to drag their feet on the files. It's what *Humanité* is calling "a deliberate, ideological administrative blockage." A year after the strike was launched, only 58 of the strikers have received papers. Many are still on picket lines and last week a group began to occupy the immigration museum in east-end Paris. While there is concern that the movement will fizzle before all of the strikers get their papers and without any way to enforce the new structural changes implied in the original deal with the ministers, there is still a high degree of mobilization among workers without status and a continued connection between them and the social movements that are, at this moment, trying to bring the country to a halt to stop Sarkozy and the pension reforms in their tracks.

The involvement of the CGT has been the source of some criticism on the left in France. The union has been charged with taking over the movement, instrumentalizing the striking workers without status for its own ends (presumably public profile and recruitment), narrowing the case for status to employment and failing to achieve a better deal with the government after such a long strike. The deal preserves the role of employers in securing status and will not bring an end to the manufacturing of people without status in France. The suspicion of paternalism runs deep and is not dispelled by the fact that the 11 supporting organizations went into negotiations without bringing any delegates of the strikers with them to the table.

### Strike-Hardened Activists Indispensable to Struggle Against Sarko's Counter-Revolution

At the same time, the participation of the CGT and other unions in the fight for status presents possibilities for the immediate future. After all, injustice doesn't end once a person without status gets their papers. The strike has been fought in the middle of an economic crisis and attacks on social security. It has also been fought amid government mobilizations, aided by conservative media and public intellectuals, to call out various racialized groups as part of its tendentious "national identity" project (women who wear the niqab, deportations of Roma and mass evictions of "travelers" (*gens de voyage*), young people living in the *banlieue*, certain members of the French national soccer team, to name a few). Migrant workers who get status in France will continue to face discrimination on the job, at school and on the streets, have difficulty securing decent and affordable housing, attract unwanted attention from police due to racial profiling and run the risk of being laid off. The women will continue to face the additional realities of gendered violence and pay inequity. As workers in France, the *sans-papiers* strikers will not be able to avoid the miserable legacy of colonialism, racism, capitalist exploitation and patriarchy. The ongoing membership, and very presence, in the unions of the thousands of strike-hardened activists of colour presents an

opportunity for these men and women, and for the unions, to build on the solidarity generated through the struggle to fight for justice in all aspects of their everyday lives, perhaps in solidarity with neighbours for whom work is no longer a defining aspect of their lives.

At the assembly following the evacuation of the Bastille, the CGT's Raymond Chauveau made an entreaty to the strikers to stay involved in the union and bring their much-needed skills, experience and energies to the movement. This contrasts with the approach of associations such as Réseau éducation sans frontières (RESF), which is made up primarily of French-born citizens who mobilize to save families with children in the school system from deportation. Lilian Mathieu's study of the movement, which has been very successful in raising public awareness about the plight of people without status and the cruelty of the deportations and has stopped a number of estimated 25,000 deportations that take place every year, identifies the divide between the "French" citizens who mobilize and the people they help that doesn't close after a family is saved ("Soutenir les familles sans papiers..." in *Les nouvelles frontières de la société française*, Editions La Découverte, 2010). It is over this divide that the striking sans-papiers have begun to build a bridge, both in the labour movement and in the communities around their picket lines, where neighbours – poor, working and middle class, white and people of colour – provided material and moral support to them. •

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**P.S.**

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\* Karen Wirsig is a writer and activist who recently spent seven months in Paris, including a few days in June at the Bastille.