
Case Studies of Good Practice for the Prevention of Racial Discrimination and Xenophobia and the Promotion of Equal Treatment in the Workplace

Spain

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**CASE STUDIES OF GOOD PRACTICE
FOR THE PREVENTION OF RACIAL DISCRIMINATION
AND XENOPHOBIA AND THE PROMOTION OF EQUAL
TREATMENT IN THE WORKPLACE**

SPAIN

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SUMMARY

0. The *Joint Declaration on the prevention of racial discrimination and xenophobia and promotion of equal treatment at the workplace* issued by the European Trade Union Confederation [ETUC] and the European employers' organizations UNICE [Union of Industries of the European Community] and CEEP [European Centre of Public Enterprises] at the Social Dialogue Summit in Florence is a sign of the EU social partners' desire to combat discrimination against immigrants on the labour market and in enterprises. This report forms part of the follow-up action expressly recommended in the declaration.

Immigration in Spain

1. Immigration is a recent and growing phenomenon in Spain. It has been estimated that there were some 300 000 non-EU immigrant workers (both legal and undocumented) in Spain at the end of 1996, accounting for less than 2% of the Spanish working population.
2. Immigration in Spain is characterized by considerable concentrations in terms of immigrants' countries of origin (with Latin-American immigrants predominating until the mid-1980s and immigrants from Morocco and Africa becoming predominant since), destinations (Madrid, the Mediterranean regions and the Canary Islands), sectors of activity and occupations and, particularly, gender.
3. The 1990s (at least up to 1996) have seen immigration policies undergoing very positive changes, though the trade unions and NGOs concerned with immigrants are still critical. The flurry of legal provisions introduced between 1994 and 1996 were very positive in terms of the social integration of immigrants and the fight against racial discrimination, the most noteworthy of them being the reform of the Reglamento de Extranjería [Regulations governing Aliens] (which introduced the notion of permanent work permits), the procedures for regularizing the situation of undocumented immigrants and the setting-up of the Foro para la Integración Social de los Inmigrantes [Forum for the Social Integration of Immigrants].
4. Discriminatory practices against immigrants are fairly widespread in Spanish enterprises, as shown by a recent ILO study. There are also case studies which show that this discrimination affects selection processes, formalization of the employment relationship (or failure to formalize it), immigrants' pay (which is often lower) and working conditions (which are often worse). The working conditions of undocumented immigrants (who are estimated as accounting for half of all immigrants in Spain) are considerably worse than those laid down in the Estatuto de los Trabajadores [Workers' Statute] and by collective bargaining.

5. The joint declaration made by the social partners in Florence is little known in Spain and few Spanish enterprises have anti-discrimination policies. There are, however, many enterprises whose practices as regards equality of treatment and non-discrimination with respect to immigrants can be deemed to be good.
6. The 1990s have seen the emergence of many research projects and case studies on immigration and immigration policies in Spain, as well as case studies on various immigrant groups.

Good practices for the prevention of discrimination against immigrants in the workplace in Spain

7. We selected our three cases of "good practices" as follows:
 - first case study: the recent and growing nature of immigration in Spain, the desirability of establishing adequate policies to guarantee equal treatment on the labour market and in enterprises and the practical actions that have been taken over the years by two Spanish trade unions, the *Unión General de Trabajadores* [UGT - General Workers' Confederation] and the *Comisiones Obreras* [CCOO - Trade Union Confederation of Workers' Commissions], led us to select these two unions as our first case study;
 - second case study: we selected a large mining enterprise, which is of major importance on the local labour market (Valle de Laciana, León) and is strongly unionised; 20% of its workers are from Portugal or Cape Verde (many of them with Spanish nationality): *Minero Siderúrgica de Ponferrada* [MSP - Ponferrada Mining Complex];
 - third case study: the significance of the Spanish agricultural sector in terms of immigrant labour, with immigrants often being employed semi-illegally in small agricultural enterprises, led us to choose an enterprise in Saragossa (Aragón), which employs Moroccans and Spaniards in almost equal numbers and under the same terms and conditions of employment: *Francisco Sánchez Delmas, CB*.
8. The CCOO and UGT have taken timely, constant and positive action to promote equality of treatment at work and in society, and their actions have been extensive in some areas. One of these concerns *special attention for immigrants*. Both the CCOO and UGT have set up networks to guarantee this special attention: Centros de Información para Trabajadores Extranjeros [CITEs - Information Centres for Foreign Workers] and Centros-Guía de Inmigrantes y Refugiados [Advisory Centres for Immigrants and Refugees], respectively. These networks are proving to be vital in the process of regulating immigration in Spain.

9. As regards collective bargaining with the Public Administration and *trade-union positions on policies affecting the integration of immigrants on the labour market*, the trade unions have taken a clear and constant line, though they have not always managed to ensure that the measures they are fighting for are adopted.
10. With respect to *trade-union actions concerning labour markets in which there is an immigrant presence*, we have to draw a distinction between the clarity of trade-union declarations and recommendations for collective bargaining, and actual application of these principles at the various levels of trade-union organizations and their appearance in more solid form in collective agreements.
11. *Trade unions as employers of immigrants and immigrant participation in the trade unions*: although both the UGT and the CCOO have adopted positions to encourage immigrant workers to join their ranks, the practical results seem to vary. And the same applies to the employment of immigrants within these two organizations.
12. The trade unions have made a vital contribution to tackling the issue of immigration by quickly including among their priorities a concern for a group of workers with specific problems - that is, immigrants. The activities and positions adopted by the CCOO and UGT fulfil an important "anticipatory" function, since it is likely that immigration will continue to increase and this exercise in educating public opinion and the world of work against discriminatory attitudes to immigrants is extremely relevant.
13. *Minero Siderúrgica de Ponferrada [MSP]* is located in Valle de Laciana (Léon) and is a major mining enterprise with 2264 employees. Some 20% of its workers come from Portugal or Cape Verde; 96 of them still have Cape Verde nationality and 34 still have Portuguese nationality. The level of unionization in the enterprise is high, as it is throughout Valle de Laciana. Although the enterprise has done nothing to formulate an anti-discrimination policy, its employment practices are based on equality of treatment and immigrants and Spanish nationals have the same rights and obligations. The differences between the occupational categories of immigrants and Spanish nationals are attributable more to causes within immigrant groups than to company policies. This notwithstanding, it should be pointed out that the significant role played by local social networks in the selection of new workers by the enterprise may be detrimental to immigrants, these being the latest arrivals.
14. The family enterprise, *Francisco Sánchez Delmas*, located 25 km from Saragossa, is an agricultural enterprise that concentrates mainly on vegetable crops. It employs an average of 23 workers a month, almost all of whom are casual workers. Half of its workers are Moroccan. Provided they satisfy all the legal requirements, immigrant workers enjoy the same selection criteria and working conditions as Spanish nationals. In the case of its Moroccan workers, the enterprise has had a steady flow of workers from four families.

15. Our analysis of the two enterprises (MSP and "Sánchez") revealed that they had begun recruiting immigrants because they needed workers and could not find Spanish nationals who were willing to take on the jobs concerned. However, this shortage of indigenous labour hit the two enterprises at different times: in the 1960s and 1970s in the case of MSP, and in the early 1990s in the case of "Sánchez". In both cases, it seems important to describe the process of the occupational and social integration of immigrants and to analyse the context in which the two enterprises operate.

CHAPTER 1

INTRODUCTION: FROM THE 1995 FLORENCE DECLARATION TO THE STUDY OF "GOOD PRACTICES" IN SPAIN

From the 1995 Florence Declaration...

On 21 October 1995, at the Social Dialogue Summit in Florence, the European Trade Union Confederation [ETUC] and the European employers' organizations, UNICE and CEEP, agreed a *Joint declaration on the prevention of racial discrimination and xenophobia and promotion of equal treatment in the workplace*.

The social partners argue that "the elimination of all forms of racial discrimination and the promotion of equal opportunities are fundamental values of the common cultural heritage and legal traditions of all EU Member States". For them, "racism and xenophobia imply a serious threat not only to the stability of European society but also to the smooth running of the economy". "The fight against racism and xenophobia is, among other things, closely bound up with improving the general employment situation, immigration and integration policies (...) and the fight against undeclared employment". With this declaration, the European social partners "want openly, clearly and publicly to confirm their undertaking to participate actively in joint preventive measures and to implement joint actions to combat racial discrimination within their sphere of influence: the workplace", and note that "the equality of individual and collective rights and the application of legislation and collective agreements to all workers are the basic principles of any policy to combat racism and xenophobia in enterprises". The joint declaration is based "on the experiences of enterprises and organizations throughout the European Union" and, on the basis of these experiences, suggests solutions and measures that could be adopted to prevent discrimination on the labour market and in the workplace, on grounds of race, colour, religion or ethnic or national origin.

The Florence Declaration is divided into three sections: I. Why?; II. The Measures; and III. Conclusion. Proposals for following up the joint declaration are also included.

European enterprises and organizations operate in a multi-cultural environment, with consumers, suppliers and workers of various national, ethnic and cultural origins. Their success largely depends on them taking full advantage of the potential offered by this diversity. The *reasons* for taking action listed by the social partners are, therefore:

- to use people's talents to the full;
- to ensure that selection decisions and policies are based on objective criteria, and not discrimination, prejudice or unfair assumption;
- to make enterprises attractive to workers. Even during periods of recession, there are shortages of skilled workers;
- to get closer to customers and understand their needs;
- to operate internationally with success;

- to avoid the costs of discrimination;
- to maintain a stable society.

The *measures* proposed by the social partners are grouped under seven headings:

1. Policy and planning:

- no person should be treated less favourably because he or she belongs to a particular ethnic group;
- no person should be disadvantaged by unjustified practices, including covert discrimination;
- people should be aware of the procedures for combating racial discrimination and not permitting reprisals against people who report cases of such discrimination;
- people from ethnic minorities who have suffered from discrimination should be given training and encouragement so they can compete for jobs on equal terms;
- someone should be appointed within the enterprise to supervise this policy and provide workers with information and guidance;
- representatives of workers, ethnic minorities and works councils should be involved in drawing up and implementing this policy;
- a detailed action plan should be drawn up, where this is possible having regard to the size of the enterprise, identifying the objectives to be reached and the means for the evaluation of the results.

2. Recruitment and selection:

2.1 widening the sources of recruitment:

- by making explicit reference to the principle of equal opportunities;
- by advertising job vacancies in publications read by ethnic minorities;
- by using employment offices that cover a multi-cultural area;

2.2 focusing on the skills and abilities of candidates:

- by ensuring that job descriptions do not include criteria not corresponding to the skills required;
- by making the people responsible for interviewing candidates aware of these problems;
- by not under-estimating in advance skills or experience obtained in another country;
- by not requiring a good command of the language if it is irrelevant to the job;

2.3 selection tests:

- avoiding questions that might confuse ethnic-minority candidates;
- consistently applying aptitude tests that are based solely on the worker's actual performance;

2.4 interviews:

- making interviewers aware of the problems;
- ensuring that interviewers are not prejudiced against certain candidates.

3. Job allocation and promotion: ensuring that candidates are selected on the basis of uniform criteria that relate to their occupational abilities.

4. Training and development:

4.1 measures aimed at workers: organizing vocational-training courses for members of ethnic minorities, to prepare them for selection tests and interviews, and running language courses to enable them to overcome language problems, etc.;

4.2 measures aimed at officers: raising the awareness of officers and people with decision-making powers, lower- and middle-management staff, workers' representatives and officers responsible for inter-cultural relations.

5. Dealing with discrimination: it may be appropriate to establish formal procedures to protect complainants and defendants. Certain forms of behaviour could even be prohibited in company disciplinary regulations. Cases of racial discrimination should be regarded as a serious infringement of disciplinary rules.

6. Dismissals and redundancies: it must be guaranteed that membership of an ethnic group is not a criterion for dismissal or redundancy.

7. Respect for cultural and religious differences: the specific cultural and religious requirements of certain groups should be studied and taken into account so that they can be reconciled with work organization.

The joint declaration reaches various conclusions, some referring to assessment within enterprises and organizations, and others referring to actions to be taken by the social partners:

- monitoring the progress made towards achieving the objectives set out by the equal-opportunities and equal-treatment plan and identifying any gaps in the application of principles;
- drawing-up an initial analysis of the aptitudes required of employees and seeking new employees on that basis, irrespective of their ethnic origin;
- conducting an initial study of employees to ascertain how many ethnic groups are represented in the various departments of the enterprise;
- taking note of the proportion of foreign and national workers who apply for jobs and are hired or promoted, and comparing the success rates of each group;
- collecting information to identify any obstacles to equal opportunities;
- discussing assessment results with the social partners and establishing dialogue with workers' representatives, ethnic-minority workers and the local authorities;
- the social partners should make their members aware of the issues raised in this declaration and encourage the implementation of anti-discrimination measures;
- investigating the possible wider inclusion in collective agreements of clauses designed to combat discrimination and promote equal opportunities in the workplace.

The social partners make six *follow-up proposals* in the Florence Declaration:

- publication and widespread distribution of the declaration;
- translation of the declaration into other languages, such as Arabic, Turkish, Polish, etc.;
- "*compilation, in the future and if possible in collaboration with the European Foundation in Dublin, of a compendium of examples of good practices, with a view to assessing the impact of the joint declaration*";
- promotion of training actions, including the preparation of basic teaching material;
- promotion of seminars and conferences for the social partners;
- use of EU programmes to apply the declaration.

...to the study of "good practices" in Spain

On the basis of the third follow-up proposal, the European Foundation for the Improvement of Living and Working Conditions in Dublin commissioned a research body in each Member State of the European Union to draw up a national report on examples of "good practices" for the prevention of racial discrimination and xenophobia and the promotion of equal treatment in the workplace.

In Spain, the Departamento de Sociología I (Cambio Social) [Department of Sociology I - Social Change] of the Universidad Complutense de Madrid (Facultad de Ciencias Políticas y Sociología [Faculty of Political Sciences and Sociology]) was asked to produce the national report. The present report expands upon the one drawn up in 1995 by the same research team for the European Foundation (Cachón, 1995), which analysed the situation of immigrants on the labour market in Spain. A synthesis of the national reports based on the initial research is contained in Wrench (1996a).

This second phase of research has used a common methodology for all 15 Member States (see Wrench, 1996b), which was discussed by the national research teams at a meeting in Brussels in January 1997.

Although the European social partners (ETUC, UNICE and CEEP) sent their affiliated organizations in the Member States a questionnaire asking for details of cases for possible inclusion in the national studies, very few replies were received. It should also be pointed out that the national research teams were free to choose the cases eventually included in the study of good practices in each of the national reports.

This report is divided into four sections: the first is this introductory section, setting our research work in context, as part of the follow-up to the Florence Declaration; the second section describes the major features of the Spanish national context, both in terms of the characteristics of immigration in this southern European country and in terms of the policies that are being pursued to prevent discrimination and promote equal treatment; the third section contains the actual case studies; and the fourth presents our conclusions.

We should like to take this opportunity to thank the trade unions and enterprises we studied for their cooperation. We should also like to thank all the immigrant and Spanish workers in the mining valley of Laciana (Léon), the fields of Saragossa and the city of Madrid who were willing to share their opinions with us.

CHAPTER 2

DISCRIMINATION AND THE PREVENTION OF RACISM IN THE WORKPLACE IN SPAIN

Immigrants on the labour market in Spain

Spain has only recently become a host country to immigrants, after being a sending country for most of the twentieth century. It has been estimated that there were some 540 000 legal immigrants in Spain at the end of 1996, as compared with the 1.6 million Spaniards living outside Spain. Immigrants therefore account for less than 1.5% of the total Spanish population¹.

There has been a marked and constant increase in the number of immigrants entering Spain since the mid-1980s, coinciding with Spain's accession to the European Union and the economic growth that has been experienced over this period. At the same time, we began to see a radical change in immigrants' countries of origin, with about a third of all new immigrants coming from Morocco (with Moroccans accounting for only 2.5% of all foreigners in Spain in 1981, but accounting for 15% by 1996). Half of the foreigners who live in Spain come from other EU Member States. Some 80% of immigrants are concentrated in Madrid, the Mediterranean regions and the Canary Islands.

Non-EU immigrants need a work permit if they wish to work in Spain. Until 1992, between 50 000 and 60 000 work permits, most of them short-term, were granted each year; by 1995, Spain was granting more than 100 000 work permits a year, with an increase in the proportion of long-term permits.

At the end of 1995, almost three quarters of the 139 000 foreign workers with work permits (that is, excluding EU workers) were concentrated in six sectors of activity: "domestic service", "hotels and catering", "construction", "the retail trade" (mostly itinerant traders), "agriculture" and "services for enterprises". Together, these six sectors account for only 38% of all employment in Spain. This sectoral concentration is accompanied by a "specialization" according to country of origin and region of residence in Spain. Generally speaking, these workers are in very low-skilled jobs.

It is possible to distinguish three main categories of immigrant workers in Spain: under the headings "established", "insecure" and "undocumented". Established immigrants are immigrants who have achieved "secure" integration in the labour market peopled by Spanish nationals, plus a degree of integration in Spanish society; insecure immigrants are those who are living in Spain legally but have not achieved secure integration; and undocumented immigrants are immigrants who are living in Spain but do not have residence or work permits. As argued elsewhere (Cachón, 1995b), it can be estimated that there were approximately 290 000 non-EU

¹ This section is based on a summary of the report, *Preventing Racism in the Workplace: Spanish national report* (Cachón, 1995, pp 3-6). We have updated the legislative and statistical data but follow the same line of argument as in the previous report.

immigrants in Spain at the end of 1996. Of these, some 21% were "established", 27% were "insecure" and 52% were "undocumented".

National immigration policies

Until 1985, Spain had no policy on aliens and it was not until 1990 that the basic lines of an active immigration policy were approved. The 1985 Ley de Derechos y Libertades de los Extranjeros [Law on the Rights and Freedoms of Aliens] is the basic pillar of current legislation and was followed by a flood of legislative activity, particularly following Parliament's approval of a "Proposición de Ley relativa a la situación de los extranjeros en España" [Bill on the situation of aliens in Spain] in 1990 and approval of the "Plan para la integración social de los inmigrantes" [Plan for the social integration of immigrants] on 2 December 1995. The most significant measures that have been taken are:

- amendment of the Ley de Asilo [Asylum Act] in 1994 and of its implementing regulations in 1995;
- various reforms of the administrative structures responsible for immigrants: setting-up of the Comisión Interministerial de Extranjería [Interministerial Committee on Aliens] as a central coordinating body, of the Oficinas de Extranjeros [Aliens Offices] as "one-stop shops" for immigrants, of the Direcciones Generales de Ordenación de las Migraciones [Directorates-General responsible for Migration] and the Instituto de Migraciones y Servicios Sociales [IMSERSO - Migration and Social-Services Institute], which are answerable to the Secretaría de Asuntos Sociales [Social-Affairs Office] of the Ministerio de Trabajo y Asuntos Sociales [Ministry of Employment and Social Affairs], and the Dirección General de Extranjería [Directorate-General responsible for Aliens], which is part of the Ministerio de Interior [Ministry of the Interior];
- implementation of social-integration programmes for immigrants (since 1995);
- establishment of annual quotas for work permits (in addition to the normal procedures) since 1993 (with an annual quota of 20 000 each year, apart from 1997, with a quota of 15 000);
- reform of the implementing regulations for the Ley de Extranjería [Law on Aliens] in 1995;
- implementation of a (third) process for the special regularization of immigrants (April-August 1995);
- inclusion in the Código Penal [Penal Code] of an article providing that all acts motivated by racism should be regarded as acts of serious misconduct (1995);
- setting-up of a Foro para la Integración Social de los Inmigrantes [Forum for the Social Integration of Immigrants] in 1995.

This forum has been set up as an advisory body and a meeting place for immigrant-welfare organizations, trade-union organizations and Public Administrations (Ministerio de Educación y Cultura [Ministry of Education and Culture] and Ministerio de Trabajo y Asuntos Sociales [Ministry of Employment and Social Affairs]) concerned with immigration and asylum issues. Its purpose is to enable these bodies to understand and help in devising the Government's

migration and asylum policy, and to serve as a channel for the better use of resources intended to aid the integration of immigrants. Although the Ministerio de Asuntos Exteriores [Ministry of Foreign Affairs] and the Ministerio de Interior [Ministry of the Interior] have powers and responsibilities concerning aliens and asylum, they are not members of the forum and are not required to attend its meetings. The forum comprises three committees: the Comisión Educativa, Social, Cultural y de Comunicación Social [Educational, Social, Cultural and Social-Communications Committee], the Comisión de Derechos Civiles y de Participación [Civil-Rights and Participation Committee] and the Comisión Sociolaboral y de Bienestar Social [Socio-Occupational and Social-Welfare Committee].

The main types of work permit in Spain are as follows: permits for employed work are classified as Type A (temporary and for fixed-term employment; maximum duration of nine months), Type B (for a particular occupation, activity and geographical area; maximum duration of one year, renewable with a "renewed Permit B" for a further year or, in some cases, two years), and Type C (valid for any occupation anywhere in Spain; with a maximum duration of three years; issued following a renewed Permit B). There are two types of permit for self-employed work: Type D (valid for a particular geographical area and for a maximum of one year; renewable with a "renewed Permit D", in some cases for a further two years) and Type E (no geographical restrictions; valid for three years; issued following a renewed Permit D). As well as introducing changes to the existing work permits, the 1996 reform of the implementing regulations for the Ley de Extranjería also introduced a "permiso de trabajo permanente" [permanent work permit], which entitles the holder to undertake any form of employed or self-employed work and is issued on expiry of a Type C or E permit.

There have been three major processes for the regularization of immigrants in Spain, which took place in 1985-1986, 1991-1992 and April-August 1996. The first process differed substantially from the other two, not only in terms of the number of applications received (38 000 for the first, 130 000 for the second and 25 000 for the third) and the number of people whose situation was finally regularized, but also because the first regularization process was aimed at "aliens with insufficient documentation", whereas the second and third processes were aimed at "aliens who are working in Spain without being duly regularized", because of the way in which each of these processes was implemented and because of the line of immigration policy underlying each of these processes.

Employers' practices concerning foreign labour

There were no general data on the management of immigrant labour by enterprises in Spain until Colectivo IOE undertook a study for the ILO in 1995. According to this study (conducted in accordance with the methodology developed by Bovenkerk et al, 1995), there is clear discrimination against Moroccans in 35% of cases: for every job offered to an immigrant, 3.2 are offered to young Spaniards; discriminatory practices are most common in Barcelona, followed by Madrid and Málaga (the three areas studied); and discrimination is at its worst in the services sector, followed by the industrial sector and the construction industry (Colectivo IOE, 1995).

There are also case studies and abundant data that provide a relatively broad overview of certain aspects of the discrimination suffered by immigrants in Spanish enterprises, particularly in the sectors where most immigrant workers are concentrated; such discriminatory practices

are not as intense or common in relation to Spanish workers. The most common discriminatory practices are failure to formalize the employment relationship (with the immigrant worker having no contract of employment or social-security cover), reductions in pay (paying less than the minimum wage) and providing poorer working conditions (that are in breach of the regulations and collective agreements). In some areas (sectors in particular regions), priority may be given to immigrants because they are cheaper, more malleable and in a weaker position.

Discriminatory practices are rife among employers in the case of "undocumented" immigrants, who account for some 50% of all non-EU workers in Spain: they have no contract of employment or social-security cover, their pay is considerably lower than that of other workers, they suffer poorer working conditions and, in addition to all of this, they cannot complain. The circumstances of some legal immigrants may be similar to those of their undocumented counterparts, but others enjoy the same terms and conditions of employment and working conditions as Spanish workers.

Anti-discrimination policies and practices on the labour market

The joint declaration issued by the social partners in Florence is little known in Spain, either by workers and trade-unionists or by employers and their organizations.

At a general level, it should be pointed out that, since approval of the "Plan para la integración social de los inmigrantes" [Plan for the social integration of immigrants] in 1995, various anti-discrimination policies and practices have emerged on the labour market and the trade unions have stepped up their activities in this respect over the past few years. It is nonetheless difficult to find any anti-discrimination policies or plans for the promotion of equal treatment in enterprises. If we were to ask employers, many of them would claim to be applying the anti-discrimination precepts laid down in the Estatuto de los Trabajadores [Workers' Statute].

Despite this absence of plans which might produce anti-discrimination policies, there are examples of "good practices", both in enterprises with a high level of unionization and in enterprises where there is no (or very little) union presence.

Study of immigration in Spain

Research on immigration in Spain is only of recent origin (as might be expected, given that immigration is a new phenomenon in southern Europe), but is becoming increasingly extensive. There have been numerous studies on immigration in Spain since the pioneering work of Colectivo IOE and A Izquierdo in the late 1980s, some of the most recent ones being:

- general studies: AAVV (1991, 1992, 1993 and 1995), Aragón and Chozas (1993), Arango (1993), Cachón (1995a and 1995b), Colectivo IOE (1996), Contreras (1994), Izquierdo (1992 and 1996), Solé and Herrera (1992) and Solé (1995a);
- studies on immigration from Latin America: Herranz (1996) and Pérez Pérez (1997);
- studies on immigration from Morocco and other African countries: Colectivo IOE (1995a and 1995b), López García (1993 and 1996), Moldes (1997) and Pumares (1996);

- studies on women immigrants: Gregorio (1996), Marrodán et al (1993) and Solé (1994);
- studies of the legal and institutional situation: Pérez Molina (1995), Polo (1994), Segarra et al (1991) and Santos (1993);
- studies on public opinion and immigration: CIRES (1994), CIS (1990, 1991 and 1992), Colectivo IOE (1995a) and Solé (1995c).

This list includes just a few of the works published in the 1990s, and it may be noted that most of them have been published over the past three years. Many of the works cited could be included under several of the headings, but we have listed them only once.

CHAPTER 3

CASE STUDIES

3.0 Introduction: Selection of Cases

Our remit from the European Foundation in Dublin was to study a small number of examples (two or three) of "good practices for the prevention of racial discrimination and xenophobia and the promotion of equal treatment in the workplace" in Spain. Once the term "good practices" had been defined by the Foundation (see Wrench, 1996), this request raised two initial problems: how to identify good practices and how to select cases. The Foundation also wanted the cases studied to have different features.

The fact that immigration is a relatively recent phenomenon in Spain and that the number of immigrants is still relatively small make it unlikely that there will be any enterprises that have adopted a specific policy to combat discrimination. Indeed, the members of the research team that conducted this study are not aware of a single enterprise that has an explicit policy to prevent racial discrimination and promote equal treatment in the workplace (apart from the texts of a few collective agreements, which are referred to later). On the other hand, it is particularly important, during this initial phase of immigration in Spain, that steps be taken to establish a general positive framework for combating racism and discrimination and promoting equal treatment on the labour market. Such a framework can be established by legislation (an aspect already studied in *Preventing racism in the workplace: Spanish national report*) and by measures taken by the social partners in the sphere of social relations. We therefore decided, for our *first case study*, to analyse the policies, actions and attitudes of the two most representative Spanish trade unions at national level: *Comisiones Obreras [CCOO - Trade Union Confederation of Workers' Commissions]* and *Unión General de Trabajadores [UGT - General Workers' Confederation]*.

For our other two case studies, we chose two very different types of private enterprise: a major, strongly-unionised industrial enterprise (sector and circumstances typical of immigrant labour in central European countries, as in the case of Spanish immigrant workers in Germany, France and Belgium in the 1960s), though this is not, as we have already pointed out, a sector with a particularly high proportion of immigrants in Spain. For our other case study, we decided to look for a small enterprise in the agricultural sector or construction industry, employing Moroccan workers (which would be a typical example of immigrant employment in Spain at the moment), with little or no trade-union presence. We wanted our examples to be very different on four counts: size, sector, unionization and typical/atypical of immigrant employment in Spain.

On the basis of these criteria, we chose for our *second case study* the enterprise *Minero Siderúrgica de Ponferrada [MSP]* in León, which is an example of the first type of private enterprise we were seeking. The work of R Moldes (1997) enabled us to identify the enterprise as an example of good practices as regards immigrants and to establish the contacts we needed to carry out our research.

The search for the subject of our *third case study* began in Aragón. We sought the advice of a labour-market expert who has conducted research on immigration in the area (see Martínez,

Navarro et al, 1995) and attempted to identify various agricultural enterprises that employ Moroccans and might be cited as examples of "good practices". We identified two possible candidates in the province of Saragossa, whose practices in relation to immigrants are deemed to be good by the Inspección de Trabajo [Employment Inspectorate], the Spanish trade unions and associations of Moroccans alike. We contacted both these enterprises and were given unconditional permission to study only one of them: the family enterprise, *Francisco Sánchez Delmas*.

Thus we decided upon the three cases to study for this report.

The basic characteristics of the three are outlined below.

Name of organization or project	Type of organization	Sector	Size	Comments
Comisiones Obreras [CCOO] and Unión General de Trabajadores [UGT]	Trade unions	All	Large	Four levels of analysis: * special union networks for immigrants; * unions' position on immigration policies; * unions and working conditions of immigrants (collective agreements, etc.); * unions as employers of immigrants.
Minero Siderúrgica de Ponferrada [MSP]	Private sector	Mining	2000 workers	Private mine situated in the north of León which has employed 96 workers from Cape Verde and 34 Portuguese workers for more than 15 years and which a few years ago began to hire Polish workers through a sub-contractor.
Francisco Sánchez Delmas	Private sector	Agriculture	Small/medium-sized	Family agricultural enterprise in Fuentes de Ebro (population of 2000), Saragossa. Major seasonal harvesting of vegetable and cereal crops. Two-thirds of its workers are immigrants (Moroccans).

We studied each individual case during February and wrote up a brief case study for each of them. The content of the following sections is based on these case studies.

3.1 The Spanish Trade Unions (UGT and CCOO) and Immigration

The trade unions in Spain

The Spanish trade unions have changed radically over the past 20 years. The first few years of the political transition from Franco's dictatorship to democracy (with the approval of the Constitution in 1978) were marked by a distancing between trade-union organizations, stemming from their different histories during Franco's rule (whereas many of the UGT's activists were in exile, the CCOO was formed during the dictatorship and participated in the elections of delegates of the vertical union from official lists), the varying strength of the UGT, CCOO and other trade unions, and differences in trade-union policy (reflected in basic issues such as participation in institutions or methods of tackling the economic, social and political changes that affected Spain during the transition to democracy). All these factors led to the adoption of very different positions on crucial issues and to some clashes between Spanish trade-union organizations (Miguélez, 1990).

Increasing democracy, social and economic change, the worsening of the economic crisis and the internal development of the trade unions have gradually led to a marked change in trade-union structures and policies over the past 20 years. The map of the Spanish trade-union movement has also become clearer, with the consolidation of two major organizations as the most representative: Comisiones Obreras [CCOO - Trade Union Confederation of Workers' Commissions] and Unión General de Trabajadores [UGT - General Workers' Confederation].

The representativeness of these two trade unions is reflected both in terms of their membership figures and in terms of the number of delegates elected in trade-union elections. Trade-union membership is not particularly high in Spain (with an estimated 15% of workers being union members), but some 75% of workers who are members of a trade union are members of the UGT or CCOO. Trade-union elections (which took place between 1978 and 1990) confirm this picture: although there may be fluctuations over time, the UGT and CCOO account for 80% of delegates elected by workers. They are the two most representative trade unions at national level. Only two other trade unions are as representative in their respective regions: Sindicato de Trabajadores Vascos [ELA-STV - Basque Workers' Union] and Confederación Intersindical Gallega [CIG - Galician Multi-Union Confederation]. The union elections currently taking place generally confirm this picture.

The fact that union elections enjoy a high level of worker participation endows the trade unions with considerable legitimacy in their dealings with both the State and employers, and they are consulted by the public authorities and are active in various institutions (such as INEM [national employment office], INSS [national social security office], IMSERSO [Migration and Social-Services Institute], Consejo General de la Emigración, Foro para la Integración Social de los Inmigrantes, etc.).

The first decade of political transition (1975-1985) saw the signing of a set of agreements by the main trade-union organizations (UGT and CCOO, with some being signed by the UGT only), the employers' association (CEOE - Confederación Española de Organizaciones Empresariales [Spanish Confederation of Employers' Organizations] and the Spanish government. This coordinated action by the social partners tackled both general issues and specific aspects of economic and social policy: reforms of the Estatuto de los Trabajadores, wage increases, working hours, unemployment benefits, etc. (Palacio, 1989).

In the mid-1980s, the UGT and CCOO began a period of joint union activity. In addition, the intermediate and lower trade-union levels have been strengthened and collective bargaining at sectoral and company level has been revitalized. The recovery of trade-union membership levels over this same period is a reflection of workers' acceptance of the new direction being taken by the trade unions (see Führer, 1995).

The ideologically-oriented, centralized and politicized trade union that was so typical of the first phase of political transition has undergone radical change with the consolidation of democracy and the establishment of a State of Autonomous Communities, and as a result of the changes that have occurred in union policies. During the early years of democracy, union activities focused more on political issues but, since the 1980s, the need to enhance trade-union presence at all levels of economic activity has led to the strengthening of sectoral organizations (which have been radically reorganized within both the UGT and the CCOO). Also, the consolidation of the political structure of the Autonomous Communities has forced both the UGT and the CCOO to modify their territorial structures to match the new distribution of political powers and responsibilities. Trade-union action at enterprise level has also been stepped up.

This transformation of the trade unions is also reflected in the types of activity being promoted and the actions being taken with respect to specific issues concerning all workers or groups with special needs and problems (such as women and young people). Immigrant workers are one of these "groups with special needs and problems".

The CCOO has paid considerable attention to migration ever since its first congress in 1977, when the Secretaría de Emigración [Emigration Office] was set up within the highest executive body of the confederation. At its Fourth Federal Congress (1987), being aware of the changes in migration flows and the growing presence of immigrants in Spain, the CCOO decided to change the name of this office to the Secretaría de Emigración y Inmigración [Emigration and Immigration Office], which was then changed again at the Fifth Congress (1991) to its current form - Secretaría Confederal de Migraciones [Confederal Migrations Office]. For its part, the UGT, at its 35th Congress (1990), set up the Secretaría Confederal de Acción Social [Confederal Social-Action Office] to take responsibility for trade-union policy on immigration. These bodies coordinate the activities undertaken by the two trade unions in favour of immigrants and draw up policies to combat inequality, discrimination, racism and xenophobia (Cachón, 1995a).

We shall now briefly examine some of the UGT's and CCOO's actions concerning immigration and immigrants, under four main headings:

- special attention focused on immigrants by the trade unions;
- trade-union positions on policies that affect the integration of immigrants on the labour market;
- trade-union actions concerning labour markets where there is an immigrant presence;
- the trade unions as employers of immigrants and immigrant participation in the trade unions.

1. Special attention focused on immigrants by the trade unions

The UGT and CCOO have set up *special bodies* to deal with the *specific problems* of immigrants as foreign workers. Any problems immigrants may have that are shared by Spanish workers are dealt with by the general structures of the trade union (sectoral federations or territorial unions). The CCOO and UGT set up specific structures for immigrants very early on (when the first groups of workers from the Maghreb and sub-Saharan countries arrived in Spain) because they realized the importance of actively supporting the social integration of immigrants right from the outset. As one UGT official told us: "The conditions in which immigrants live determine every aspect of their life, including the occupational dimension. This is why the trade unions must try to attend to every possible aspect, since any improvement in living conditions will have an impact on employment and working conditions, too". Both the UGT and the CCOO have a network of special centres for immigrants: the Centros de Información para Trabajadores Extranjeros [CITEs - Information Centres for Foreign Workers] in the case of the CCOO and the Centros-Guía de Inmigrantes y Refugiados [Advisory Centres for Immigrants and Refugees] in the case of the UGT. These two trade unions also actively participate in various programmes specifically aimed at immigrants, in collaboration with various public administrations.

The CCOO's Centros de Información para Trabajadores Extranjeros [CITEs]

The CITEs first emerged in 1986 in Catalonia, where a large number of African workers had concentrated. Since the 1960s, the CCOO has constantly worked in Catalonia to support immigrant workers from other regions of Spain. In the late 1980s, the experience of the Catalan CITEs was extended to all the Autonomous Communities, on the basis of a decision of the Comisión Ejecutiva Confederal [Confederal Executive Committee] prompted by the Secretaría Confederal de Migraciones. By 1997, there were already more than 100 CITEs and information points throughout Spain. Some 150 people work in these centres: some are employed by the CITEs, some are voluntary workers (mostly immigrants), and some are trade unionists with time-off rights for union activities.

Although they are run by the CCOO, the CITEs have separate legal status.

The activities undertaken by the CITEs can be divided into three main groups, all associated with promoting the occupational integration of immigrants:

1. *activities associated with administrative and labour law*: both of a general nature (such as campaigns concerning regularization and the re-uniting of families, aid and information on annual quotas, the "Campaña de Empadronamiento" [Registration Campaign] conducted by the municipal authorities of Barcelona in 1996, etc.) and concerning issues that affect workers individually (negotiations with the administrative or judicial authorities on issues associated with residence or work permits, information and negotiations concerning visas, labour issues and social security, complaints about discrimination, etc.);

2. providing ongoing *information*, by means of publicity campaigns, announcements in the media or the distribution of leaflets on the rights of various groups: a specific example is the information campaign for male and female domestic workers conducted in 1996. The trade union's publications on immigration issues and publications aimed at immigrants are an important part of this information function. These publications include, at confederal level, *Cuadernos de Migraciones* [Migration Notebooks], which cover the main provisions concerning immigrants or documents relating to immigration issues (published on an irregular basis, with a print run of 1000 copies). Some CITEs or regional unions of the CCOO publish periodicals for immigrants and to make all union members aware of immigration issues. These include: *El Harrag* (a slangword used in Morocco to refer to illegal immigrants), which is published by the CITE in Almería; the *Boletín de migraciones y política social* (Newsletter on migration and social policy), which is published by the central CITE in Catalonia; and *La Patera*, which is published by the CITE in Málaga. These publications have a print run of between 200 and 500 copies, are issued at varying intervals, run to about 12 pages and are published in various languages (often including Arabic);
3. *training* for immigrants and *awareness-raising* for various groups of Spanish workers, particularly those who have contact with immigrants (such as public employees, including the police), are another basic focus of every CITE's activities.

The CITEs constantly monitor any new needs that may emerge among immigrants and any changes that may occur in the composition of the immigrant population, using a data-processing system that performs two basic tasks: on the one hand, linking all CITEs to the Secretaría Confederal de Migraciones and channelling information on the actions undertaken by CITEs and the possibility of adapting them to the specific needs of other centres; and, on the other hand, assessing the specific needs of each foreign worker who visits a CITE, setting up and allocating an open file containing the personal details of any immigrant who visits a CITE, which can then be used by any other CITE.

In 1996, the CITEs managed 29 000 files and held more than 70 000 interviews. It is estimated that close on a third of regularized immigrant workers resident in Spain regularly visit the CITEs (CCOO, 1996c and 1997). Data collected by the CITE in Valencia (for 1996, covering 3350 interviews/negotiations) indicate the type of advisory interviews and negotiations conducted by the CITEs: 18% are associated with work permits; 15% with residence permits; 13% with visas (or visa exemptions); 10% with quotas; 4% with the deportation of immigrants, and the remainder with other issues. Some 48% of cases involve information provision alone, but 52% involve opening a file and/or negotiating with the administrative or judicial authorities.

The UGT's Centros-Guía de Inmigrantes y Refugiados

The network of *Centros-Guía de Inmigrantes y Refugiados* [Advisory Centres for Immigrants and Refugees] was first set up in 1991 and there are now centres in the 11 Autonomous Communities with the largest immigrant populations. Where there is no centre, the trade union's social-welfare services offer special advice and help for immigrants.

The centres provide two main types of service: legal and social. Their legal services may cover:

- renewals of work and residence permits;
- quota procedures;
- visas and visa exemptions;
- asylum;
- information and guidance on occupational issues.

In all these areas, immigrants are provided with information (with leaflets sometimes being available in several languages) and help in negotiations with the administrative or judicial authorities.

The centres' social activities include:

- courses in Spanish language and culture, which are free and taught by volunteers;
- workshops on health promotion and prevention;
- activities to promote multi-cultural tolerance and prevent racism and xenophobia by promoting events illustrating the music, culture and folklore of the countries of the largest immigrant groups in each region of Spain;
- social and legal guidance and training courses, run by UGT union delegates and officers and aimed, in particular, at young, unemployed and women immigrants with residence permits;
- facilitating social integration by combating racist and xenophobic attitudes. This has taken the form of "awareness campaigns", for example, to counter possible opposition by local people to a centre being sited in their neighbourhood, or within the trade union itself (with meetings of union officials, delegates and members), or aimed at public employees (particularly in all the services involving direct contact with immigrants);
- promoting contact and coordination among professionals in various fields to identify possible areas of action concerning both socio-occupational and legal issues.

In 1995, the centres dealt with 7600 immigrants. It may be estimated that 70% of interviews concerned legal issues and 30% concerned social issues, and that two-thirds of the immigrants consulting the centres were men and one-third women.

The activities of the UGT's centres and the CCOO's CITEs are financed partly from the trade unions' own funds and partly under various programmes and agreements with the three levels of the public administration. For example, in 1995, the CCOO, UGT and Colegio de Abogados

[Law Society] received financial support from the Ministerio de Asuntos Sociales to set up a Red Jurídica [Legal Network] designed as a network of information and legal-advice points for immigrants, to provide legal support under the same conditions everywhere. The network covered Madrid, Barcelona, Málaga, Murcia and Valencia. In addition to providing immigrants with necessary legal support, its aims included helping to train specialists in migration law and compiling and distributing a bibliography of legal literature to serve as a reference for professionals dealing with migration cases.

2. General policies on the integration of immigrants

Both the UGT and the CCOO constantly urge the need for action to promote and facilitate the integration of immigrants on the labour market and in Spanish society. These general policies are reflected in:

- major declarations by the trade unions' higher bodies;
- stating a case in negotiations with public administrations on the policies that need to be adopted with regard to foreigners;
- proposals put forward within advisory bodies such as the Foro para la Integración Social de los Inmigrantes;
- actions to raise Spanish workers' awareness of immigration.

Major declarations by the trade unions' higher bodies

The UGT worked out its policy on immigration and immigrants between 1992 and 1994, calling for the formulation of an integral, integrated and integrating policy on immigration and approving a UGT action programme to develop a union policy on immigration. In August 1992, the Comisión Ejecutiva Confederal declared that "the UGT feels that an integral, integrated and integrating policy on immigration needs to be implemented without further delay" - integral, because it should cover all aspects of immigration, including the re-uniting of families, housing and health; integrated, because it should form part of standard social policy, so that the specific needs of immigrants were recognized without separate welfare systems being set up for them; and integrating, because "this is the only way of reaping the full benefit of this combination of forces and cultures; of being able generously to appraise the conditions for co-existence, so that we can benefit from the diversity and creativity of others; and of increasing tolerance, which is the sign of a mature outlook". To develop such a policy, the UGT felt a Pacto de Estado [State Agreement] was needed, with the full participation and commitment of all the sectors involved.

In June 1993, the Comité Confederal passed a resolution containing an action plan for the development of a union immigration policy (UGT, 1993), which served as the basis for the resolution on immigration passed at the 1994 Congress. The UGT feels that the social and occupational integration of immigrants is a strategic issue that concerns the entire working class. In the socio-occupational field, the plan calls for an integral and integrating immigration policy to be included in three other necessary overall policies: to combat social exclusion and poverty, to combat the hidden economy and to combat racism and xenophobia. All levels of the Public Administration, the social partners, NGOs and immigrants' associations should play an active part in formulating and implementing such a policy. The policy must include integration measures such as the re-uniting of families, access to public housing and health benefits, multi-cultural strategies, the right to vote in

municipal elections and equal rights with EU nationals (freedom of movement, social benefits, professional and vocational training and continuing education, prevention of industrial accidents, etc.). And there is also a need to ratify ILO Agreements 143 and 118. Under union rules, the UGT undertakes to organize foreign workers, actively promoting their unionization and participation, facilitating their access to union training and union responsibilities, thus aiding their full integration (union elections, collective bargaining, etc.). It also undertakes to raise the multi-cultural and anti-racist awareness of its members, by maintaining existing collaboration with immigrants' associations and NGOs.

For its part, the CCOO has, at its most recent congresses, consistently focused attention on immigration and the problems faced by immigrants. In 1993, for example, the Confederation's Fifth Congress approved a special report on migration policy, entitled "Migraciones: manifestación tangible de las diferencias Norte-Sur" [Migration: the tangible manifestation of north-south differences] (CCOO, 1993). This report states that, "for the CCOO and for the workers of a country that for decades watched large numbers of its people leaving home to emigrate and becoming scattered throughout Europe and Latin America, in particular, the fight to regularize, at all levels, the situation of the immigrants who are now flooding into Spain and of the Spanish emigrants who are still abroad is a priority for our trade-union work. The distribution of wealth in a country and the social progress attached to it must have an equal impact on everyone who contributes to generating that wealth and social progress, without any form of discrimination". The report urges the creation of CITEs and contains a list of claims covering the following occupational, social and political issues:

- immigrants' right to participation and consultation, with the setting-up of Consejos de Inmigrantes [Immigrants' Councils];
- right to family re-unification;
- right to residence and citizenship and the possibility of access to nationality after a period of no more than five years;
- equal rights as regards access to employment, terms and conditions of employment, occupational training and promotion;
- young people's and adults' right to education, with cultural and ethnic differences being respected;
- respect of immigrants' national and cultural identity;
- right to vote in municipal and Autonomous-Community elections;
- right of access to housing;
- opening of public information and advice centres;
- right to voluntary repatriation, with the transfer of any acquired social benefits and entitlements.

And, at its Sixth Congress (in January 1996), the CCOO approved the main lines of union policy on immigration and immigrants (CCOO, 1996b):

- consolidating the CITEs as an appropriate structure for providing immigrants with information and advice and promoting their occupational, social and trade-union integration;
- maintaining special trade-union responsibilities and appropriate resources for this group of workers within the Confederation and its territorial unions, and working to ensure that sectoral federations also assume an appropriately active role;
- pursuing bargaining and promotional action, particularly against the Ley de Extranjería, to achieve the equivalence of social and political rights, not only in Spain but throughout the European Union;
- actively contributing to education and awareness-raising to combat intolerance and promote respect for diversity, combating racism and xenophobia wherever they occur.

Submission of arguments in negotiations with public administrations on the policies needing to be adopted with regard to foreigners

The CCOO and UGT have been very active in negotiations and discussions with public administrations on the regulations concerning immigrants and have submitted numerous written proposals that they have then defended in the negotiations. Both organizations have strongly criticized the 1985 law on the rights and freedoms of foreigners in Spain, arguing that it is not an appropriate framework for promoting the integration of immigrants into Spanish and European society. This criticism has been reiterated, by the CCOO at its most recent congress and by the UGT before the Lower House. Despite these criticisms, both trade unions participated actively in the meetings called by Central Government to discuss amendments to the Reglamento de Extranjería [regulations implementing this law] (which were passed in early 1996) and contributed to the introduction of amendments that tempered certain aspects of the law that had been criticized by the trade unions.

Both trade unions have also taken essentially the same line on the annual quota of permits for the employment of non-EU citizens and other provisions concerning immigrants, both during the planning of the Foro para la Integración Social de los Inmigrantes and since it has actually been set up. They both actively participate in the Forum and the Comisión de Seguimiento del Contingente [Committee responsible for Monitoring Quotas]. Both unions are critical of the quota concept which, as an instrument which in practice requires immigrants to return to their country to collect a visa in order to place their situations on a regular footing, is in their view unacceptable. They have also made it clear that they do not agree with the placing of quota limits on sectors of activity, the excessive reduction in the number of immigrants provided for in the quota and the exclusively consultative nature of the Comisión de Seguimiento.

Proposals put forward in the Foro para la Integración Social de los Inmigrantes

The trade unions participate very actively in the Foro para la Integración Social de los Inmigrantes and have played an important role in establishing the priorities of the Forum's three committees. UGT holds the chair of the Committee on Socio-occupational questions and Social welfare questions. The proposals for priority action put forward by these committees are as follows:

A. Committee for educational, social and cultural questions and social communication:

- maintaining language of origin and providing education in the language and culture of the host country; official recognition of educational programmes covering languages such as Arabic;
- developing the multi-cultural dimension of the educational sphere;
- promoting social participation in the educational sphere;
- promoting social awareness, particularly through the media.

B. Committee on civil rights and participation:

- as regards application of the new Reglamento de Extranjería: need for a ministerial order that lays down rules governing application, "one-stop" shops and training for public employees, information campaign aimed at immigrants, and the adoption of appropriate measures to coordinate the various areas of the Public Administration that concern immigrants;
- as regards regularization: relaunching of the process, with an information campaign;
- on the re-uniting of families: advertising and providing information on every phase of the procedure.

C. Committee on socio-occupational questions and social welfare:

- promoting the training of immigrant workers, using the standard channels;
- coordinating the training activities of various organizations with those of the social partners, particularly the trade unions;
- urging the Inspección de Trabajo [Employment Inspectorate] to step up its monitoring activities in economic sectors and geographical areas with a high concentration of immigrants;
- promoting the issue of medical cards by the health services of the competent Autonomous Communities, to ensure that irregular immigrants receive health care.

In addition to the national forum, round tables to discuss immigration policies have also been set up in various areas (such as Andalusia, Catalonia, Málaga and Murcia). There are plans to set up similar round tables in other regions (such as Almería, at the request of the CCOO, and La Rioja, at the suggestion of the socialists).

Actions to raise Spanish workers' awareness of immigration

The UGT and CCOO act in many ways to make Spanish workers aware of immigration and the need to combat racial discrimination and xenophobia. At present (1996-1997), they are actively

participating in the European trade-union campaign against racism and xenophobia, promoted by the European Trade Union Confederation. The general objectives of this campaign are to:

- promote tolerance between cultures and individuals;
- promote solidarity between peoples and ethnic groups;
- promote respect of difference as a positive value;
- support integration and mixed marriages;
- advertise the importance of stepping-up active integration policies;
- convince the media of their need to help in combating racist attitudes;
- convince public opinion of the need to amend current legislation on immigration;
- raise the awareness of the public authorities.

In the light of these objectives, the CCOO, for example, is planning during 1996 and 1997 to disseminate the Florence Declaration and the manifesto against racism and intolerance; produce an anti-racism disc; publish a book containing articles by well-known writers; grant CCOO-CITE anti-racism awards to the media and professionals; organize a spring festival of music from various countries; and organize a travelling exhibition on emigration and immigration in Spain.

In addition to all these anti-discrimination campaigns, the trade unions are also providing *training* for Spanish workers in this field. The Spanish trade unions feel it is vital to provide anti-discrimination training (see Colectivo IOE, 1996) and to acquaint Spanish workers with the customs and cultures of foreign workers. There is also a need to ensure that workers who deal with immigrants at special centres are properly trained for their job.

Under its general internal training plan, the UGT has a programme of training activities concerning immigration. In 1996-1997, for example, it is running three courses focusing specifically on the practical problems of immigrant workers: the socio-occupational rights of foreign workers in Spain (October 1996); trade-union action involving foreign workers (February 1997); and training on socio-occupational rights for EU workers in Spain (September 1997). In addition, on 4-5 July 1996, the UGT held a conference, in collaboration with Directorate-General V of the European Commission, on "Social security for migrant workers and the role of trade-union organizations in the Member States", which was attended by more than a hundred people from various fields (university lecturers, lawyers, trade-unionists and national and international policy-makers).

The CCOO's training and awareness-raising activities for various groups of Spanish workers are centred around two types of course: courses aimed at a particular group and courses in which the CITEs arrange for teaching to be provided on a particular topic or general subjects associated with the problems of immigrants and immigration. The courses aimed at particular groups are of two different types: (1) awareness-raising within the trade union; and (2) awareness-raising for public employees, particularly local police and court employees. For example, a training course on immigration for union officials and CITE counsellors is offered each year. For its part, the Federación Sindical de la Administración Pública [FSAP - Trade-Union Federation of Public-Administration Workers], acting on instructions from its Fifth

Congress, launched a special travelling awareness campaign concerning immigrants, aimed at public employees. There are two published works on this campaign (CCOO, 1995a and 1996a). And, in 1995, the Secretaría Confederal de Migraciones held a series of seminars in Madrid on "Immigration, the labour market and social integration".

In addition to all this, the CITEs offer numerous courses throughout Spain. Some noteworthy examples include:

- a course for "professionals concerned with promoting the health of immigrants", which was organized by the CITE in Barcelona (subsidized by the Autonomous Government of Catalonia) and comprised 350 hours of training (October 1996-January 1997);
- in the Autonomous Community of Valencia (in 1996): an awareness-raising workshop on "The experience of emigrating to the north"; training days for professionals; a training course on "Immigration and its impact in Spain"; multi-cultural education workshops (for young people aged 15-18); a travelling course on the basic features of current migration (organized in collaboration with Patronat Sud-Nord Solidaritat y Cultura [Association for North-South Solidarity and Culture] and the University of Valencia), which is to visit Alcira, Sagunt, Gandía and Valencia; and a conference on "Reform of the implementing regulations for the Law on Aliens and the new regularization process";
- other CITEs also offer courses, day seminars and conference series on immigration (Murcia, Guipúzcoa, Balearic Islands, etc.).

3. Trade-union actions concerning the labour market

From general declarations...

The UGT and CCOO have committed themselves to pursuing anti-discrimination policies in collective bargaining and practices within enterprises. The UGT text (1993) summarizes this trade-union commitment to combating discrimination in the workplace as follows: "our commitment to combating racism in everyday life will be most evident and intense in our own specific field of competence, which means that all trade-union action will be based on practices that promote equal treatment and non-discrimination on the ground of race, nationality or ethnic origin". The lines of action that are to be pursued within the labour field, at all levels of the confederation, include the following:

- demanding that non-EU immigrants enjoy the same rights as EU-nationals, since "the distinction between EU and non-EU immigrants deepens the divide between the first and third worlds";
- freedom of movement under the same conditions as EU workers;
- the renewal of work permits to improve workers' security;
- intensifying the activities of the Inspección de Trabajo as regards monitoring and penalizing employers;
- preventing the secondary effects of the Single Market on non-EU nationals; recognition of social-security rights, under the same conditions as EU nationals;
- facilitating access to vocational training courses;

- combating illegal immigration by ensuring that immigrant workers are regularized and taking criminal proceedings against employers and traffickers in illegal labour;
- giving illegal immigrants who are already in Spain a preferential right to be included in quotas;
- ensuring that asylum-seekers and refugees have the same rights as other citizens whilst their situation is being regularized.

...to collective agreements...

Article 17 of the Estatuto de los Trabajadores [Workers' Statute] states that; "Any regulatory precepts, collective-agreement clauses, individual agreements and unilateral employers' decisions that imply negative discrimination on the ground of age or positive or negative discrimination concerning employment, with respect to, for example, pay, working hours and other working conditions, on the ground of sex, *origin*, civil status, *race*, social status, religious or political beliefs, membership of a trade union, etc., shall be deemed to be null and void". The references to "origin" and "race" serve to recognize the principle of non-discrimination in labour relations, as "specified by law" in Article 14 of the Spanish Constitution, which establishes equality before the law, whereby "discrimination on the ground of birth, race, etc., shall not be permissible". Current legal regulations therefore make it clear that "the terms and conditions of employment and working conditions enjoyed by workers while they are performing their activities shall not be influenced by the nationality of the person concerned and there may be no discrimination on this ground" (Polo, 1994, p180).

The trade unions often propose that these anti-discrimination clauses be included in collective agreements, but few current agreements contain anti-discrimination clauses on the ground of nationality or "race", and those that do contain such clauses are not agreements covering the sectors with the largest numbers of immigrant workers. Collective agreements with such clauses include those covering the frozen-foods sector, the textiles and clothing industry and the paper, printing and graphic arts sector. The collective agreement for the frozen-food sector, for example, contains a clause that states: "this agreement is based on the principle that there will be no discrimination on the ground of sex, religion, *colour*, *race*, political or trade-union ideology, civil status, etc., in any aspect of the employment relationship, such as pay, post, category or any other concept covered either by this agreement or by general regulations...".

The trade unions have been very active in defending the rights of seasonal workers employed in the agricultural sector to harvest, for example, strawberries in Huelva, tomatoes in Badajoz or fruit in Catalonia and Aragón. In some cases (such as the provincial agricultural agreement covering Huelva for 1995/1996, which was signed by the sectoral Asociación Provincial de Empresarios [Provincial Employers' Association], ASAJA, UGT and CCOO), employers have been obliged to provide accommodation for the itinerant workers they employ, both Spanish and foreign.

...complaints about discrimination...

In this field, trade-union action is vital if employment relationships with immigrants in Spain are to be effectively regulated. But the unions face serious difficulties here, since immigrants themselves are often not interested in taking legal action against employers, because of their

precarious employment situation and their dependence on their employer. When an immigrant is legally employed by an enterprise (with a contract of employment, work permit and residence permit, etc.) and makes a complaint about discrimination, the trade union uses all the resources available to it to try to ascertain the facts as objectively as possible. In such cases, the complaint is passed on to the appropriate federation. The aim here is to ensure that the immigrant is seen simply as a worker, without any distinctions being drawn.

The Inspecciones de Trabajo (the institutional channel for complaints about irregularities) or court proceedings are the legal channels open to immigrants (as for any other worker) in cases of discrimination. But the task most commonly undertaken by the trade unions is direct negotiation with the employer; wherever possible, the trade unions try to negotiate with the employer to reduce the risk of reprisals against the immigrant worker.

...and vocational training for immigrants

Both the CCOO and the UGT, in collaboration with various public institutions, organize courses aimed specifically at immigrants, which are offered throughout Spain and particularly in regions with large immigrant populations. The aim of these courses is to provide immigrant workers with an opportunity to improve their chances of being integrated into the Spanish labour market. Courses have been offered in bricklaying, agricultural work, carpentry, plastering, shuttering, gardening, painting and decorating, operating agricultural machinery, domestic work, poultry-farming techniques, welding, car mechanics, etc. And courses are also offered in Castilian and Catalan, literacy, school-leaving certificate, etc.

4. Immigrants in the trade unions

There is an increasing number of immigrants at various levels of the CCOO and UGT. It is difficult to judge whether they are under-represented: in absolute terms, we do not know exactly how many immigrants are employed by the trade unions or how many are union members, and, in relative terms, we could not reach any such judgement without comparing these figures with the total number of immigrants in Spain, where, as we have already pointed out, immigration is relatively recent and not particularly extensive.

The trade unions as employers of immigrants

The immigrants who work for the UGT and CCOO are highly concentrated in areas that focus specifically on immigrants (such as the CITEs and Centros-Guía). We have no figures for either the CCOO or the UGT, but we do know that the number of immigrants employed by both organizations is rising.

The trade unions use the same criteria for hiring immigrants as they do for hiring other workers, with certain skills being required for specific jobs and duties. The CCOO told us that "the trade unions are not welfare centres", whereas the UGT informed us that, when it hires an immigrant, "it does so because the person concerned fulfils a whole set of occupational requirements, is better acquainted with aspects relating to migration, has the advantage of speaking different languages, etc., and not simply because the person is an immigrant". This means the trade unions' recruitment criteria are professional and, in some fields (such as the

CITEs and Centros-Guía), immigrants with the appropriate training may have some advantages over Spanish candidates because of their knowledge of migration issues.

Immigrants' terms and conditions of employment and working conditions in the trade unions are no different from those of other union employees. They tend not to occupy high-level posts (with the exception of the heads of some centres responsible for dealing with immigrants and the assistant to the CCOO's confederal migrations officer) in the general sections of the trade unions, but this seems to be attributable to the fact that they have only recently joined the staff.

Immigrants as trade-union members

Immigrants' relationship with the trade unions is quite complicated. The assistant in the CCOO's confederal office summarized immigrants' differing positions in relation to the trade unions like this: "There are actually five types of immigrant, in terms of their relationship with the trade union. The first group comprises immigrants who approach the trade union when there is something that may concern them particularly (connected with work or residence permits, courses, etc.). The second group comprises immigrants who are in a state of panic (particularly Filipinos and immigrants from eastern countries). Thirdly, there is the group of politically and ideologically committed immigrants, mainly South Americans and Moroccans. The fourth group is made up of Senegalese immigrants, who join the trade union in great numbers, not for political reasons but on purely practical grounds (the trade union can do something for me). And, finally, we have the fifth (and largest) group, which comprises immigrants who join a trade union and then leave as quickly as they have joined, and then join again, etc. (in response to any specific needs or difficulties they experience, because, for example, legal assistance is free to members, etc.)".

Many immigrants are suspicious of the trade unions and see them as being part of the institutions of the host country. There are various reasons for this wariness, depending on the group concerned (ranging from a lack of class consciousness to a general distrust of institutions, lack of knowledge of the trade unions' functions and activities or a passive attitude towards the trade unions). An immigrant who was interviewed for a report commissioned by the UGT explained it thus: "if I go along to the UGT and the UGT makes a complaint against the shipowner, the next day I'll find myself out on the street" (López, 1992). A CCOO representative said something similar: "immigrants prefer to work longer hours, receive lower pay, do the worst shifts and the hardest jobs - because at least they're working". Without work, they will not get a permit and, without a permit, they are virtually doomed to deportation. And a UGT representative put it yet another way: "sometimes, you just can't tell them that it's trade-union time and attention you're giving them, or they would send you away". This all means that the trade unions have to try to attract immigrants by dispelling any doubts about the service they are providing and trying to ensure that immigrants do not see the trade-union organization as just another part of the Spanish institutional system.

In accordance with the principle of respect of the equal rights of all members, whether male or female, the trade unions have, at their congresses, undertaken to organize foreign workers, by actively promoting their unionization and participation, and encouraging them to undertake union responsibilities that will contribute to their full integration (participating in union elections, collective bargaining, etc.). But the trade unions do not appear to have many immigrant members, except in certain areas, such as Almería and Murcia, where 80% of the

CCOO's members are Moroccan. The CCOO claims to have some 11 000 immigrant members, which would mean that it has more immigrant members than any other organization in Spain.

5. Evaluation of the Spanish trade unions' approach to immigration

The actions of the UGT and CCOO with regard to immigration and immigrants contrast with the approaches taken by other European trade unions during the post-war period. As soon as immigration became a social phenomenon in Spain, with the arrival of the first Latin Americans (fleeing from Latin-American dictatorships) in the 1970s, the Spanish trade unions adopted very active positions of solidarity with the immigrants/refugees who were arriving in Spain. Certainly, this was often more than a purely spontaneous solidarity, for Spanish trade unions and trade unionists still had memories of (if not physical scars from) the Franco dictatorship and the support they had received from European and Latin-American countries, and therefore felt some political empathy with the recent arrivals. And the employment crisis was not as severe as it was to become just a few years later.

The real challenge of immigration for the Spanish trade-union movement emerged with the arrival of immigrants from other countries: African, and particularly Moroccan, workers. The surprising thing in Spain is not the small but growing presence of Maghrebi immigrants, but rather the fact that these immigrants did not begin to arrive until a decade ago and that there are still so few of them. The fact that Spain has, historically, had very significant links with Morocco means that the economic links today are very strong; the cultural connections (particularly with Andalusia) and tourist links are very close; the difference in the level of development of the two countries is very wide; Spanish television is watched in thousands of Moroccan homes every day; several million Maghrebis make at least one journey in each direction every year, travelling from northern Spain down through southern Spain to visit their countries of origin for a holiday and to return to the European countries in which they work; and, *last but not least*, Spain and Morocco are just a few kilometres apart. All of this means that the social phenomenon to be explained is why it has taken so long for Moroccans to reach Spain and why there are still so few of them there.

The process did not take the Spanish trade unions by surprise. In the areas where the first immigrants arrived (such as certain parts of Catalonia and Andalusia), the trade unions became very quickly aware of the significance of what was beginning to happen and responded immediately: the first CITEs were set up in Catalonia in 1986.

Trade-union action has been prompt, constant and positive in defending equal treatment at work and in society. This approach has been inspired not just by the expediency of defending the coherence of labour relations but also by a sense of solidarity. If we are to assess trade-union action in this field, we need to look separately at the various levels we distinguished earlier:

- *special attention focused on immigrants by the trade unions*: the CCOO and UGT have made a huge organizational effort in setting up the networks of CITEs and Centros-Guía. These bodies, along with other private, non-union networks focusing on immigrants, have proved to be vital to the process of regularizing immigration in Spain. We should, however, not forget their sometimes excessive dependence on public programmes which, in some cases, makes one question whether it is appropriate for trade unions whose economic resources could hardly be said to be abundant to keep up the effort it all requires;

- *trade-union positions on policies that influence the integration of immigrants into the labour market:* in this area of bargaining to defend immigrants' interests, the trade unions have maintained clear and constant positions, though they have not always managed to persuade the various administrations to adopt the measures they were demanding. The best example is the current Ley de Extranjería, which has not been amended, despite heavy trade-union criticism. Participation in institutions such as the Foro para la Integración Social de los Inmigrantes is taken very seriously by the trade unions, though, yet again, we have to observe that the fact that the forum is a purely consultative body means that the unions' recommendations, which largely concur with those of the other NGOs that are members of the forum, are not always taken into account by the administrations that attend (or fail to attend) the forum's meetings;
- *trade-union actions concerning labour markets where there is an immigrant presence:* trade-union declarations in this area are very clear, as are their recommendations concerning collective bargaining and intervention on the labour market. There are, however, differences between these declarations and the positions officially taken by the trade unions and the practical application of these principles by the sectoral federations, territorial unions, industrial unions, workplace branches and works councils. This is probably a question of changing priorities rather than ignoring strategies. The same is true of collective bargaining. We have already seen that very few collective agreements contain non-discrimination clauses on the ground of "origin" or "race"; these are the very terms used in the Estatuto de los Trabajadores, which means that it would hardly have been very difficult to include them in collective agreements, since it is a question not of introducing new obligations for employers but simply of reproducing labour regulations at this level and so positively promoting non-discrimination. Steps need to be taken to promote application of the principles of the Florence Declaration in collective bargaining in Spain;
- *the trade unions as employers of immigrants and immigrant participation in the trade unions:* we have already pointed out that immigrants often turn to the trade unions in Spain but that this varies considerably, depending on their country of origin and the geographical area and sector in which they live and work. Some immigrants are very mistrustful of the trade unions because they have a prejudiced view of them as part of the institutional system of the host country. Although both the UGT and the CCOO have tried to encourage immigrant workers to become union members, the results seem varied. The situation is similar as regards the hiring of immigrants by the two organizations. As we have already said on several occasions, we need to remember that there are not many immigrants in Spain and that immigration is a relatively recent phenomenon there.

One fundamental contribution the trade unions have made as regards immigration (as have other NGOs) has been their speedy recognition as a priority duty of concern for a group of workers with specific problems, such as immigrants. The activities and approaches of the CCOO and UGT perform an important "anticipatory" function, because we can assume that immigration to Spain will continue to grow and it is very important that steps such as this be taken to prepare public opinion in general, to prevent xenophobia, and the world of work in particular, to combat discriminatory attitudes towards immigrants. The active role that the UGT and CCOO are taking in this field is extremely important for the spread of positive attitudes and a social climate that will foster acceptance of immigrants and promote their integration into Spanish society.

3.2 *Minero Siderúrgica de Ponferrada [MSP]*

1. MSP and Valle de Laciana: two parallel histories

The Valle de Laciana is in the north-western corner of the Province of León (in north-west Spain, in the Autonomous Community of Castilla y León). It is a mountainous region and, for centuries, the main economic activity there was stock-farming. It is an area rich in natural resources (including coal), but its inadequate infrastructure and distance from main communications routes have hampered exploitation of these resources.

Coal-mining began in the area in the early twentieth century and soon became the main (and virtually the sole) economic activity in Valle de Laciana. The establishment of the enterprise "Minero Siderúrgica de Ponferrada" [MSP - Ponferrada Mining Complex] in 1918 and the construction of the Ponferrada-Villablino railway led to a "headlong process of socio-cultural change" for the entire area - a process that is not yet complete (Moldes, 1997). From then on, the future of MSP became the future of Valle de Laciana and other economic activities in the area developed on the basis of the mining activity there. The histories of Valle de Laciana and the enterprise run parallel. For people living in the valley, MSP is simply "the enterprise".

This transformation of Valle de Laciana has had many effects, particularly in terms of demographic growth, so that, in addition to absorbing workers from neighbouring provinces, the population has also been swollen by the arrival of immigrants. Mining activity has determined demographic trends and the structure of the population. Over the past century, the population has multiplied by five, rising from 2877 in 1990 to 15 079 in 1996. Villablino is the main urban centre.

MSP was originally formed as a resource for the iron and steel industry in the Basque Country, which meant that most of its owners were Basque. The initial idea was that it would be an "industrial complex" but, from the outset, all its activities focused on mining and the iron and steel infrastructure was neglected. MSP concentrated solely on mining, "with processing and the construction of industrial complexes being based in other areas, so that the only benefits for the valley were jobs and wages" (Moldes, 1997). The enterprise's market is purely national, but it is a secure market, given the enterprise's relations with the bank, the political authorities and consumer industries. In the early days, its clients were the railways, the electricity-generating sector and other sectors, such as the cement industry. This solid client base enabled the enterprise to survive successive economic crises and meant that, until 1960, it had no problems in finding new markets. The opening of Spanish markets in the 1960s led to a major crisis because of the drop in coal consumption (compared with other energy sources; coal accounted for 74% of energy consumption in Spain in the 1950s, but accounted for only 18% in 1973). The enterprise was not very mechanized at this time and resisted investing in machinery and modernizing its mines. Working hours were extremely long to compensate for the lack of machinery and the enterprise continued to use animals as the only aid for workers. Despite this (or even because of it), this was MSP's golden age.

The exodus of young people from the region to other European countries led the enterprise to seek immigrant workers; this was when immigrants from Portugal and Cape Verde arrived in the valley.

MSP registered its first net loss in 1977. In the 1980s, poor management of the enterprise meant that it changed from being an "exemplary enterprise" (a title granted to it by the Franco regime in 1959) to being a "model of enterprise in crisis". In 1985, a viability plan was

approved (seeking an increase in productivity by reducing staffing levels), but was found to be unworkable. Massive activism in the area (which culminated in the "black march" to Madrid in 1992) led to the negotiation of a new viability plan and a series of complicated financial and political operations culminated in the purchase of 70% of the enterprise's shares by the Victorino Alonso Group in 1994. A Strategic Technico-Economic Plan was then launched for the period 1994-1997. After a year of wage-cost restructuring, the enterprise had a positive balance in 1995. The gross daily output of the deep mine rose considerably and open-cast activities were recommenced, leading to a reduction in investment levels and a rise in productivity. A new management model was introduced, with the acceptance of a series of restructuring operations concerning both mechanization and work organization, with a view to achieving higher productivity and adapting to new requirements.

These restructuring projects have included replacing steam locomotives with electric diesel engines. A thermoelectric plant has also been built (and should soon come into operation), implying the start of some processing activity. The 1990s have seen the introduction of Polish machinery, which has led to a new wave of immigration, this time of men from eastern European countries (particularly Poland).

This whole period of restructuring (similar to the one undergone by other European mining enterprises) has led to a drop in staffing levels (achieved through 470 early retirements) over the past few years, with MSP's total workforce at its six production units falling from 2629 in 1993 to 2264 in February 1997.

2. Socio-economic context of the arrival of immigrants

Immigrants arrived in Valle de Laciana in a context that would determine both the enterprise's practices with regard to them and their integration into the valley society. The colliery crisis of the 1970s coincided with a demand for labour for the development of the European economies. Local young people's rejection of the hard working conditions at the mine led them to emigrate to other European countries and to more dynamic Spanish industrial centres. "The consequence of this situation was a chronic shortage of young workers, especially for the actual extraction work (faceworkers) in the sector" (Moldes, 1997). Also, the low level of mechanization meant that a large number of workers were needed to continue working the mines. This situation led the mining companies to seek labour firstly in Portugal and then, six years later, from 1974 onwards, in Cape Verde (which was then still a Portuguese colony). Immigrants were needed by the enterprise. There were no difficulties as regards securing or renewing work permits, since the enterprise helped immigrants in both respects. Some immigrants who initially came to work for MSP left the mine to seek work in other sectors, both in Valle de Laciano and elsewhere.

The immigrants who came from Portugal and Cape Verde were young men who came alone with the idea of working for a period and saving as much money as possible. However, this idea seems to have been abandoned, particularly by immigrants from Cape Verde, most of whom have settled permanently in Spain. The Cape Verde community represents only a small percentage of the entire African population resident in Spain, and it should be noted that half of all Cape Verdeans resident in Spain live in the Province of León (about 1000 immigrants, of whom some 500 in Valle de Laciana).

Valle de Laciana and the town of Villablino have, therefore, gradually become a multi-cultural centre, with (in comparison with Spain as a whole, where foreigners account for less than 2%

of the population) a high percentage of foreigners amounting to 8% of the total population of the valley (see Table 3.2.1). When they arrived, the immigrants were welcomed by the local people. Since late 1992, the Portuguese and Cape Verdean immigrants have been joined by another sizeable group of young Poles and Czechs, skilled miners who work for MSP's subcontractors. Their numbers vary: there were about 90 of them a few years ago, at present there are 60. They have had more difficulty in integrating into the local community, partly because they arrived when the mining industry was in crisis and partly because of language problems, which complicate relations with local people.

Table 3.2.1 Population of Villablino, by sex and nationality (1996)

Country of origin	Men	Women	Total
Spain	6 978	6 942	13 920
Portugal	356	314	670
Cape Verde	215	211	426
Poland	49	0	49
Other	4	10	14
Total population	7 602	7 477	15 079

Source: Padrón Municipal [Municipal Register], 1996 (Moldes, 1997)

3. MSP's practices with regard to immigrants

3.1 Portuguese and Cape Verdean workers at MSP

Of the enterprise's total workforce of 2264 (February 1997), 96 are Cape Verdean and 34 Portuguese. These figures do not include the 60 or so Polish workers, since they are not employed directly by MSP. Just two years ago, the number of non-naturalized immigrant workers was calculated as being 153 (70 Cape Verdeans and 83 Portuguese). However, if we include immigrants who have taken Spanish nationality, the proportion of foreign workers (Portuguese and Cape Verdean) at MSP rises to some 20%. The fact that they have taken Spanish nationality is a clear sign of the socio-occupational integration of these two groups since, to all intents and purposes, there is no official difference between them and native Spaniards. The enterprise itself estimates that more than 4000 immigrant workers have been employed by MSP since it was first set up.

3.2 Occupational structure and career paths

The complexity of coal-mining activities means that mining companies tend to have a fairly complicated structure of jobs and categories. Occupational categories are defined on the basis of criteria such as skills and responsibilities, but also on the basis of other elements, such as pay or the degree of risk involved in the tasks performed. This means it is difficult to establish a differential ranking for the various specialist jobs. Work in the deep mine accounts for most of the enterprise's workforce, with the largest number of employees being faceworkers (327). It is difficult to define the position of one occupational category in relation to the others, except in

the case of posts that require special qualifications (such as engineers), those that involve responsibility (such as supervisors), or those for which the job description specifies that the person has the status of assistant. For example, in the case of an occupational category such as faceworker, although it is a job that requires no specific skills or training and simply requires the worker to have a knowledge of mining work and to be sufficiently fit and strong, it can be considered to be a high-status job because of the amount of money a faceworker can earn (since faceworkers are paid per metre worked). The same applies to timbermen, whose job is more highly valued than that of faceworkers because it requires more technical knowledge.

In the case of immigrants, both Portuguese and Cape Verdean workers began as mining assistants and faceworkers. Their lack of training and of any specific skills in mining work prevented them from having access to other jobs. Many of them have changed jobs over the 20 years that they have been working for MSP, though most of them are still working underground. At present, the 96 Cape Verdean workers at the mine are in the following occupational categories: 71 faceworkers, 17 mining assistants, 3 timbermen and 5 workers in other categories. Of the mine's 34 Portuguese workers, 8 are faceworkers, 3 are mining assistants, 5 are timbermen, 6 are drillers and 12 are in other categories.

The internal promotion system allows workers to move from one job to another on the basis of criteria such as length of service, knowledge of mining work and the enterprise's labour needs. In many cases, workers are required to undertake additional training offered by the enterprise before they are promoted. For this purpose, lists are kept of workers who wish to change job, though management and the works council may also recommend people for transfers.

It may be noted that Cape Verdean workers are over-represented among faceworkers, since they account for 4.2% of MSP's total workforce but 21.7% of its faceworkers. Lack of general training and language difficulties seem to be among the reasons for their not changing jobs. And yet these problems are also shared by Portuguese workers, who seem to enjoy greater job mobility within the enterprise. Another suggested reason is that Cape Verdean workers are not interested in transferring to other occupational categories that would mean lower pay, similar levels of risk and more problems, both in terms of the responsibility they would involve and because of the possibility of friction with other workers, which they try to avoid at all costs. These problems may be greater than usual for Cape Verdeans, since the generally good working relations among MSP's workers do not prevent Spanish workers from being somewhat unwilling to see Cape Verdeans in certain positions of responsibility, partly because of the colour of their skin. As one Cape Verdean miner said: "What we need here is a black timberman".

For all these reasons, workers of the three nationalities have tended to have different working careers. We compared the careers of 10 Spanish workers, 10 Portuguese workers and 10 Cape Verdean workers, whom we selected at random (excluding management staff). We took account of their age and when they had joined the enterprise so that we could make a true comparison of their working careers, without the results being affected by such differentials. The Portuguese and Cape Verdean workers selected were of similar ages and had been working for MSP for similar periods; but the 10 Spanish workers were rather younger (Spaniards were not interested in working in the mine during the 1970s, which means they have tended to join the workforce at later dates; many of the Spanish workers who were employed by MSP during the 1970s are now retired). The youngest Spaniard in our sample was 30, the youngest Portuguese 37 and the youngest Cape Verdean 41. The most common job history of

the Cape Verdean is as follows: *mining assistant* → *assistant faceworker* → *faceworker* (of the 10 in our sample, five were faceworkers and four were mining assistants). In the case of Portuguese workers, the most common career is: *mining assistant* → *faceworker* → *timberman* → *supervisor* (in our sample of 10, there were two supervisors, one top-grade miner, one safety-lamp specialist, three faceworkers, one mining assistant, one assistant driller and one specialized labourer). The careers of the Spanish workers in our sample were more varied, with workers beginning as apprentices, labourers or mining assistants and each of the ten ending up in a different occupational category (though we must bear in mind that they are younger and have not been working for the enterprise for as long as the Portuguese and Cape Verdean workers in our sample): driver, timberman, roadman, grade-two supervisor, explosives expert, engineering officer, faceworker, assistant driller, specialized labourer and mining assistant.

3.3 Working conditions

Despite the fact that mining work is hard and dangerous, working conditions at MSP are good and are constantly adjusted to keep them in line with the provisions of the Estatuto Minero [Mineworkers' Statute], which is applied in enterprises specializing in the extraction and use of mineral deposits, and the provisions of the collective agreement at company level. The working conditions specified in both the Estatuto Minero and the company agreement are the same for native and immigrant workers.

The collective agreement has established considerable pay restraint since 1993 (two years without any pay rises, two years with a pay rise two percentage points below the consumer price index, and a pay rise in line with the consumer price index in 1997), which means that mineworkers' purchasing power has fallen considerably over the past few years. The composition of pay is complicated, particularly because, in many occupational categories, workers are paid on a piece rate and because of the various bonuses and incentives: productivity bonus, attendance bonus, agreement bonus, bonus for heavy work, length-of-service bonus, bonus for nightwork, bonus for special work, etc. For jobs in which workers are paid on a piece rate, an average is set and determines the pay received for anything more than that. The occupational category of faceworker is one of the best paid (though this is basically dependent on the section being worked).

Working hours are as follows: 35 hours a week for miners working in the deep mine (7 hours and 10 minutes of working time and 25 minutes' rest time) and 40 hours for miners working shifts in the open-cast mine (8 hours of working time and 15 minutes' rest time). Where working conditions are particularly hard because of temperature, humidity, etc., working hours are cut to six hours per day, and five hours when a worker is forced to work under soaking conditions for the entire working day (known as "horas de mojado"). The enterprise's new management has introduced very strict controls on working times and, in particular, on these "horas de mojado", and has introduced penalties for anyone found to be abusing the system.

The company agreement stipulates that workers are entitled to two consecutive days' leave a week, which are currently Saturday (a conquest of the 1980s) and Sunday. All MSP's workers have 25 days' paid holiday.

Although working conditions at MSP comply with the health and safety conditions laid down in the Estatuto Minero, there were 956 accidents at the mine in 1995 (896 of these in the deep

mine). The mechanization of work at the mine has improved safety conditions, though the priority given to productivity leaves workers' health in second place.

3.4 Current situation of the labour market in the area: problems concerning the socio-occupational integration of second-generation Portuguese and Cape Verdean immigrants

The excellent social integration of immigrants in Villablino in the 1970s encouraged a process of family reunification that took place 4-7 years after male workers had settled in the area. This period also saw the first mixed marriages between immigrants and Spaniards. The fact that they now had families helped both Portuguese and Cape Verdean workers to settle for good in Valle de Laciana. The children of the immigrants who came to the area to work at the mine are now young people, many of them (particularly the children of Portuguese immigrants) of working age. But the employment and social conditions faced by these young people are not the same as those encountered by their parents.

The high level of unemployment among young people in Spain is now affecting a region which had until recently been sheltered from this problem by emigration and the mine. Young Spaniards in Valle de Laciana are on the same labour market as second-generation immigrants. And it is in this context of economic crisis that the first complaints about the presence of foreigners in the area have been heard. We are talking about minor incidents, such as a piece of graffiti bearing the slogan "the future of Laciana without blacks", which local people dismiss as being the work of "some ignoramus" (a trade-union official told us).

The main activity in Valle de Laciana is still mining and it is still MSP - "the enterprise" - that dominates. At the moment, there are two ways of working at the mine: being employed directly by MSP or working for one of the subcontractors MSP uses for particular jobs.

MSP has been purchasing estates in villages throughout the valley, mostly to be used for open-cast mining. As a result of the acceptance of early retirements, an agreement has been drawn up by the enterprise, local councils and the trade unions, under which MSP has undertaken to hire local young people (under the age of 30) to work these estates. The enterprise selects new workers from a "list" submitted by local councils. Applicants undergo a medical examination and are then called in to work, depending on the enterprise's needs in the various parts of the valley. This procedure led to the permanent hiring of 83 workers in 1996, about 15% of whom were of Portuguese origin. MSP's human-resources manager summarizes the procedure in this way: "We are given a list of candidates and then, depending on our needs and provided the candidate meets our requirements, we hire him - that's the policy. The main requirement is that the candidate is physically capable of the work". The children of Spaniards, Portuguese and Cape Verdeans are all treated equally in this selection process (though the children of Cape Verdean immigrants still tend to be very young). Nevertheless, networks of friends and relatives and ownership of the estates that have been purchased by MSP seem to be significant when the lists to be submitted to the enterprise are being drawn up. These new workers enjoy the same terms and conditions of employment and working conditions as the rest of MSP's workforce, except that they are required to work on Saturday and take another day of the week off.

The second option is to work for enterprises subcontracted by MSP. These enterprises usually want people with experience, but they are one of the few options open to young people and are

hiring miners who used to work for mining enterprises that have closed down in other areas. There is no generalized unemployment among skilled workers in Laciaña. The terms and conditions of employment and working conditions of these enterprises' workers are not as good as those enjoyed by MSP's employees and they are not covered by MSP's collective agreement; the enterprises do, however, comply with the health and safety conditions laid down by the Estatuto Minero and applied by MSP. Pay is lower, though these workers can earn considerable sums, since they work longer hours and more days a week than MSP's employees do.

This is the case of workers of a Polish enterprise subcontracted by an Asturian enterprise, which is, in turn, subcontracted by MSP; they work eight hours a day, six days a week (including Saturdays and even Sundays if any days lost through an interruption in work have to be made up). The enterprise pays for one trip to Poland a year, in return for which the workers also work on public holidays. They are not allowed to talk about their pay. Their working conditions, however, are good: they work in a mechanized pit, with adequate health and safety conditions. Their conditions, therefore, do not seem to be much different from those experienced by any other worker in a company subcontracted by MSP. Their weak position, because of their dependence on a work permit, as well as their need to earn money at any cost, introduces a certain degree of pressure: "they're afraid", a trade-union delegate told us.

A *Mining College* was set up in the area a few years ago with a view to training people so they could gain access to employment at the mine under better conditions. The training provided under this scheme comprises six months of theoretical teaching and six months of practical training, under a work-experience contract. The centre is in a village close to Ponferrada (80 km) and a practical-training unit is now being set up in another village in the valley. It offers specific training for certain jobs: driller or faceworker; service engineer; earth-moving-machinery operator; and specialist in underground works. The training is followed by a period of support in finding employment. This scheme is run by the Consejería de Economía y Hacienda [Department of Economy and Finance] of Castilla y León, INEM and the Fundación Santa Bárbara. At the pre-selection stage for the training, there were five foreign applicants for a total of 15 places throughout the area. Applicants had to be between the age of 19 and 24 and had to pass a medical examination. The fact that there are foreigners among possible future students demonstrates that these young people are aware of local information channels and are socially integrated.

MSP has supported the scheme by providing land on which the mine for the practical component of the course is to be set up. There is, however, some scepticism about a scheme of this type being set up precisely at a time when the mining sector in the area is in crisis.

3.5 Lack of an anti-discrimination policy, equal treatment and the trade unions within MSP

Although it has employed a total of more than 4000 immigrants over the years and although immigrants currently account for some 7% of the enterprise's workforce, MSP has never had a policy to prevent racial discrimination and xenophobia or promote equality in the workplace. The fact that all groups enjoy equal treatment as regards work and employment has, according to the company, made any specific regulations unnecessary. Foreigners have always been treated in the same way as any other worker in the enterprise, without there ever having been any question of it being any other way. The trade unions have fought for equal working and employment conditions for all of MSP's workers, irrespective of their origin or colour. MSP's

head of human resources says that "there has never been any discrimination - the trade unions would not have allowed it". The fact that there are no problems - or, at least, no specific problems - among workers has meant that there has never been any specific concern for these groups. The head of human resources also pointed out that "no-one has ever complained about being treated in an unfavourable or discriminatory manner on the ground of origin or race".

The trade unions are very strong and well-established in the area. Their role in channelling miners' social discontent and organizing worker action has, in a sector that is a traditional union hotbed, made them into a major social actor in the area. There are four major unions in the valley; CCOO, UGT, USO [Unión Sindical Obrera - Workers' Trade Unionist Confederation] and UTM [Unión de Trabajadores de la Montaña - Mountain Workers' Union], all of which are represented on MSP's works council. There is a committee for each workplace and an overall works council, whose members are appointed from among the members of the various workplace committees.

Most of MSP's workers are members of a trade union, and its immigrant workers are no exception. Some of the Cape Verdeans are even members of several trade unions, their reason being that they "don't want to cause any offence" or "be at odds with anyone". Some immigrants have been union delegates and have been on the management committees of some of the more representative trade unions.

There are differences between the Portuguese and Cape Verdean immigrants: whilst Portuguese immigrants participate fully in the trade unions and there are currently several Portuguese workers' delegates on the enterprise's various committees, Cape Verdean immigrants are more hesitant to participate so actively. It is they themselves who do not seek such a role. Some of them have participated in workplace branches but, generally, they are not interested in taking on positions of responsibility. Being a union activist means having responsibilities, learning certain things, having a facility with words and being able to reach people. The Cape Verdeans are aware of their limitations in this area and seem to have accepted a quiet back seat. Yet they have taken a very active part in worker action.

4. Evaluation: social and industrial relations at MSP and in Valle de Laciana

It is difficult to call people who have been living in Valle de Laciana for more than 20 years foreigners or immigrants. Many of them have actually taken Spanish nationality, which means they are legally Spanish. Social and industrial relations in the workplace are marked by many years of harmonious co-existence.

At the mine, everyone enjoys the same terms and conditions of employment and working conditions: as one trade-unionist said to us, "at the mine, we're all black". Despite this, we have noted that Cape Verdean workers are concentrated in certain occupational categories (such as faceworker). The Cape Verdeans have been cautious in their attitude ever since they arrived. They were afraid of not being accepted and this made them try to please everyone. In general, outside the mine, they do not mix much with the rest of the population, though they want to get on well with everyone. This explains, for example, their tendency to join more than one union. This "wish not to displease" has meant they have always taken a quiet back seat. They have not taken positions of responsibility at the mine for fear of being seen as meddling in other people's business; and there is also the fact that the occupational categories in which they are classified are very well paid, which is what they are really interested in. One of the Cape

Verdeans we interviewed, however, said that he did not get the supervisor's post he had applied for because he was "born the wrong colour". Generally, the Cape Verdeans have settled in jobs in which they have no responsibility and earn a large amount of money - and, in Valle de Laciana, money means status. Their good economic position has enabled them to integrate into local society. The same applies regarding their participation in the trade unions. They seek neither responsibilities nor difficulties and are aware of their limitations as regards both the language and, more generally, their low standard of education.

We should mention a mechanism that operates *in* Valle de Laciana but (officially) *outside* MSP, which may have a negative impact on equal treatment: valley social networks are a key factor in the functioning of the local labour market, both as regards the pre-selection of new staff for the enterprise and as regards internal mobility within MSP. We do not mean to suggest that this mechanism discriminates specifically against immigrants as such, but that it may work to their disadvantage because their social and family connections in the valley are still not particularly strong and because they are not sufficiently numerous or "well-placed" to have a positive influence. A Cape Verdean miner summed it up for us like this: "there are lots of godfathers around here". It is a question of social tradition, of knowing the "right" people.

Political relations are also a key factor in the relative weakness of immigrants' "social bargaining power" (Villa, 1990) on the local labour market. Their lack of political rights (which is total in the case of Cape Verdeans) means that they are excluded because of their "lack of importance" (to politicians) and that their social networks are powerless.

Social networks and political interests have a marked impact on, for example, compilation of the "lists" for new MSP recruits: there does not appear to be any xenophobia, nor does it seem that nationality or "colour" are taken as criteria in compiling these lists, but being "known" does count and it would seem that being part of these (essentially) informal networks is vital for inclusion on the lists. It is "social relations" in the valley that lie behind the lists.

Whilst we were conducting our research, a Portuguese worker had an article published (in *La Crónica 16*, 22 January 1997), entitled "Racism and xenophobia", in which he accused MSP of xenophobia because it rejected two Portuguese candidates for "the very few jobs offered by the enterprise", and claimed that "the trade unions are demanding that MSP take on no more foreign workers". This allegation was denied by the enterprise and by the chairman of the works council (see *La Crónica 16*, 24 January 1997).

MSP does not discriminate between foreigners and Spanish nationals in its selection process, but the lists used as a basis for this process are based on an agreement that it will hire people from the local area, who may be Portuguese or Cape Verdeans, provided their social relations so permit. Possible "discrimination" can, therefore, take place in a less formal domain that is officially nothing to do with the enterprise: the domain of social relations in the valley, social relations in which Portuguese and Cape Verdean residents are certainly less well-placed than native Spaniards. The fact that "there are also Spanish people who may feel discriminated against" (as a Spanish miner said) simply indicates that differences in "social power" go beyond nationality and/or the colour of a person's skin.

Natives of the region feel they have a right to the jobs that enable "their" land to be mined. Members of three trade unions tried to explain the priority being given to local young people. The UGT representative pointed out to us that "if they have to come from other places (...), it

is understandable that first...". The CCOO representative said that "the enterprise has never been asked to give work to Spaniards only; certainly, it might give preference to local young people for these jobs, but that doesn't exclude anyone, it simply indicates a preference, which is what local people everywhere would like to see" (*La Crónica 16*, 24 January 1997). A UTM delegate put forward another, very "powerful" argument: "I'm a *real* local, so I feel I have a greater entitlement". The nuances of the various arguments are highly significant and bring us up against a problem that goes well beyond the enterprise's "good practices" and indicates the impact of the economic crisis (both general and specific) on workers' attitudes and how important it is to combat attitudes and beliefs that give rise to xenophobic discriminations of the "*real* locals first" kind. It does not seem that the predominant attitude is a xenophobic one in the sense of excluding anyone who is "not Spanish"; what we seem to have here, given the strong historical link between "the valley" and "the enterprise" over the past 80 years, is a kind of feeling that the enterprise belongs to the local people, to the detriment of those who are not natives of the valley.

The problem comes with the mention of "real" locals. And this is where we see the seed of exclusive attitudes that can lead to xenophobia and racism.

3.3 A Small Agricultural Enterprise in Saragossa

1. Socio-economic context: agriculture and immigrants in Saragossa

In Saragossa (province in the Autonomous Community of Aragón), as in the rest of Spain, the number of agricultural workers has gradually but markedly fallen since the 1950s. At present (third quarter of 1996), there are 21 900 economically active people in the agricultural sector, accounting for 6.3% of the province's active population, and there are 20 900 people employed in the sector (accounting for 7.2% of total employment in the province). Both percentages are below the national averages (which are 8% of the working population and 8.4% of the employed population).

Land-ownership in the province is highly fragmented, with more than half of agricultural undertakings covering less than 5 hectares and only 5.9% covering more than 50 hectares.

Some 40% of cultivated land is used for dry-farming, whilst 24% is irrigated. The main agricultural products are cereals, fruit and vines, industrial crops and horticultural produce. Since 1986, the cultivation of fruit and vegetables has been expanding as the most profitable alternative to cereals and as a result of the increase in irrigated land. Fruit- and vegetable-growing farms tend to be located close to urban centres and have the following characteristics:

- family-type farms managed directly by the owner;
- new irrigation systems and new crops, and the mechanization of some phases of production;
- seasonal nature of the work, with peak periods when large numbers of workers are required;
- most jobs are low-skilled.

The development of crop-farming on irrigated land has coincided with a gradual loss of indigenous agricultural workers, who have moved into other sectors (particularly the service sector) in search of better working conditions and higher pay. This, together with the characteristics listed above (labour requirements, seasonal nature of employment, low skill content of jobs), has led fruit and vegetable farms in Saragossa to employ large numbers of immigrant workers over recent years.

Legal immigration in Saragossa is marked by a strong African component: of the 2862 immigrants with work permits at the end of 1996, 1010 came from the Maghreb (including 729 Moroccans) and 819 (29%) came from other African countries (particularly Senegal and the Gambia). The number of contracts of employment with foreign workers registered by INEM during 1996 confirms this picture, with 70% being signed with Africans and more than half (62%) being signed with immigrants from Morocco and Algeria. The jobs in which immigrants are employed tend to be in agriculture (30% of cases) and the construction industry (40%). This marked concentration of immigrants in agriculture and the construction industry seems to be linked to the fact that they are labour-intensive sectors, with low-skilled jobs, which have, to a certain extent, been abandoned by Spanish workers (Martínez and Navarro, 1993; Gamarra and Mur, 1993).

2. Enterprise's practices with regard to Moroccan workers

The enterprise *Francisco Sánchez Delmas* is a partnership, with three owners of the same family. It is in Fuentes de Ebro, a town with a population of approximately 2000, 25 km from Saragossa city. It is an agricultural undertaking specializing in the following horticultural and cereal crops: tomatoes (77 hectares and an average annual output of 3100 tonnes); melons (30 hectares and an average annual output of 800 000 kg); onions (30 hectares and an average annual output of 600 000 kg); and cereal crops covering 50 hectares. With the exception of cereals, all these crops are labour intensive.

Workers perform all the tasks associated with sowing, maintenance, fertilization, watering and, in particular, harvesting. The owners supervise the workers, sell the produce and manage the enterprise. They have been introducing new mechanized systems in some phases and have set up new watering systems (sprinklers and sprayers).

The enterprise hired its first immigrant workers in 1991, phasing them in to solve the problems they were facing because of the lack of local labour. The first immigrant taken on was the son of a Moroccan who was already working in the area, in a non-agricultural enterprise (tile factory).

The basic principles gradually established by the owners in the matter of recruitment are as follows:

- they always hire legal immigrants (who have both a work and a residence permit), though they have frequently been approached for work by undocumented immigrants;
- they hire immigrants of the same nationality (Moroccans), who are "introduced by someone already working for the enterprise"; that is, they are always relatives or friends of other immigrants already hired by the enterprise;
- they take responsibility for the necessary administrative formalities with the Dirección Provincial de Trabajo [Provincial Employment Office] for the renewal (usually annual) of their employees' permits;

- they want a group of immigrants to work for the enterprise on an ongoing basis, both because this means the workers gain experience in agricultural work and because the owners are convinced that there will continue to be a shortage of local labour. Their existing immigrant workers help them to find new workers and also make it easier to communicate with any recent arrivals who do not speak Spanish (which is often the case);
- when one of their workers has a relative living in Morocco who wants to come to work for the enterprise, he is given the necessary documentation to begin the formalities with the competent bodies; although long-winded, this process usually ends with the new worker coming to Spain and being hired by the enterprise;
- the pay, contract of employment and working conditions of Moroccans are always the same as those of Spanish workers employed by the enterprise.

2.1 Distribution of workers

Because of the nature of the enterprise's activities, most of its workers are temporary. It has just two permanent employees: a Spaniard, who is employed as foreman, and a Moroccan, who is currently acting as deputy foreman and has taken over some of his tasks. The number of workers varies through the year, depending on the workload, which peaks at harvest time, between May and October. Table 3.3.1 gives a breakdown of the number of workers by month during 1996, showing that the enterprise had a minimum of eight workers in January and a maximum of 43 in August. The proportion of immigrant workers hired is constantly in excess of 50%, except in December and January, when there is very little work to do. The average is 66% Moroccan.

Table 3.3.1. Workers employed by the enterprise in 1996, by month (two permanent and the rest temporary)

Month	Total workers	Moroccan immigrants	Spaniards
January	8	3	5
February	11	6	5
March	12	7	5
April	15	10	5
May	23	18	5
June	29	23	6
July	34	26	8
August	43	26	17
September	40	26	14
October	29	23	6
November	18	10	8
December	11	3	8
Monthly average	23	15	16

Source: author's figures based on the enterprise's data

The immigrants employed by the enterprise are always Moroccan, all men and all aged between 20 and 40, with most of them being under the age of 35.

Immigrants are employed for the same jobs and in the same occupational categories as local workers, except in the case of tractor-drivers, none of whom are Moroccan. They perform all the tasks associated with sowing, fertilization, watering, general maintenance, harvesting and packaging.

When it is hiring immigrants, the enterprise does not take account of whether or not they have worked previously in the agricultural sector, since, according to the owners, they are employed to perform "relatively easy tasks, which they quickly learn".

2.2 Terms and conditions of employment

The enterprise's employment relationship with its workers is the same whether they are Spanish or Moroccan. The legal form of employment used is the full-time "contract for work or services", which may last for up to nine months. During the months of peak activity, the enterprise may sometimes hire workers on a weekly basis or for however long is necessary to complete certain tasks; in this case, workers may be hired under a verbal agreement, with their names being included in the Censo Agrario [Census of Agricultural Workers], with the due

contribution being paid, and recorded in the Libro de Empresa [Enterprise Book]. The employment relationship comes to an end with the decline in activity over the winter months. Moroccan workers usually make use of this period to return to Morocco and then come back to join the workforce again during February or March.

Working hours are usually eight hours a day, which may be increased to nine at harvest time. Starting and finishing times vary, depending on hours of sunlight.

The possibilities for promotion in an enterprise of this kind are virtually non-existent. One of the Moroccan workers has a relatively responsible job, is employed under a permanent contract and could be a candidate for the post of foreman, if the enterprise were large enough to require more than one foreman.

Partly because most of their work is done in the open air and partly because they do not use machinery or tools that could be dangerous or require special accident-prevention measures, there are no working situations that could be deemed to put workers' health and safety at risk. Working conditions in this respect, as in all others, are the same for Spanish and Moroccan workers.

Moroccan and Spanish workers receive the same pay (Ptas 575 gross per hour, from which the worker's social-security contribution is deducted).

The enterprise provides accommodation for its Moroccan workers, as is traditional in the agricultural sector in the region. The enterprise itself rents accommodation in the area for its immigrant workers. It has recently built a house on the farm, which can accommodate 25 workers and has electricity and running water, a shared kitchen, showers, bedrooms and a living/dining-room.

3. Evaluation: a small agricultural enterprise and immigration

The enterprise hires Moroccan workers to meet its labour requirements: there is a shortage of local labour that could be hired on a regular basis. Without taking any prior decision to hire immigrants, the enterprise's owners began to take on immigrants quite spontaneously, simply because they were available for work. The enterprise has, however, right from the outset, always fulfilled the necessary legal requirements. This principle in the employment relationship is of vital importance in preventing various practices very common in the hiring of temporary workers from becoming discriminatory practices, which are further exacerbated by the insecure situation of immigrants, especially if they have no work permit. These discriminatory practices usually involve failing to draw up a contract of employment or to insure the worker, paying less than the established minimum or less than is paid to local workers, forcing immigrants to work more hours than is legally permissible and failing to pay them for over-time. The enterprise's owners firmly assured us that there was absolutely no difference between their Moroccan and Spanish workers.

To ensure that they have some guarantee of the quality of immigrants' work and as a result of the experience they have gleaned from years of hiring Moroccans, the enterprise's owners have a rule of always hiring workers who are relatives or friends of immigrants already working for them. This encourages the re-uniting of families, since the enterprise's owners go through the necessary administrative formalities so that their workers' relatives can come to the area with

the appropriate visas and permits. Four family groups (brothers, brothers-in-law, cousins) have been formed within the enterprise in this way; one of the enterprise's workers, the Moroccan who is on a permanent contract, is soon to be joined by his wife and children; and another worker is hoping soon to begin the necessary formalities to do the same.

We also noted a respect for Moroccan workers' culture: the enterprise's owners assume that Moroccan workers' output will fall during Ramadan, while they are fasting. They similarly allow Moroccan workers to return home at certain times, for, for example, the Feast of Sacrifice in May.

The enterprise is expected to continue hiring immigrants, both by its owners, who do not believe the situation as regards the shortage of local labour will change, and by workers themselves, who plan to go on working for the enterprise. This is, then, an example of a situation in which immigrant labour is vital for maintaining the enterprise's production, which in turn helps to support the immigrant population in the area.

On the other hand, we found no evidence of any direct, positive action to facilitate and improve immigrants' integration in the area. To a certain extent, the enterprise is encouraging segregation by providing an independent dwelling, some distance from the village, which, although it provides acceptable living conditions, is only for Moroccans. Nor did our interviews with the owners reveal any interest in providing immigrant workers with information on activities that might promote their social integration. The enterprise's owners know there are Spanish classes at the adult-training college but do not know if any of their workers are attending them. The Moroccans we interviewed said they had no problems and that those of them who wish to do so attend the Spanish classes. The fact that virtually all of them have at least one relative or acquaintance in the area has helped them to solve the "few" problems they have had. On the other hand, the immigrants have no information about associations or information centres (such as those run by the CCOO and UGT) that provide help for immigrants.

Immigrants who live and work in conditions such as those we have observed in this enterprise are employed and resident in Spain as regular immigrants; their work may be temporary (as in the case of two-thirds of Spanish employees in the agricultural sector) but there is no danger that their work permits will not be renewed. They consider their personal situation within the enterprise and in their jobs to be satisfactory. And yet there is no clear prospect that they will be able to improve their level of integration into Spanish society, despite the efforts being made by the trade unions, NGOs and some authorities (and, of course, by enterprises that have "good practices" as regards equal treatment). Although a great deal may be going on to improve the situation both at enterprise level and at the level of the labour market in general, there is an obvious need to improve the context by introducing positive policies.

CHAPTER 4

CONCLUSIONS

Some of the conclusions that can be reached on the basis of the examination of "good practices" described in this report and the context in which they are taking place in Spain are given below.

1. There are still certain limitations in the legal framework that impede more effective action to combat racial discrimination and promote the equal treatment of immigrants in Spain. In an earlier report (Cachón, 1995a), we drew attention to the need for Spain to implement some of the recommendations made by the European Parliament in the *Report on behalf of the Committee of Inquiry on Racism and Xenophobia on the conclusions of the Committee of Inquiry* (known as the Ford Report), which was published in 1991 and aimed at all the Member States. The following recommendations are still particularly relevant to Spain: 52 (passing of a specific anti-discrimination law that condemns all racist acts), 53 (review of legislation on access to public employment), 57 (preventing ethnic minorities from being confined to ghettos and improving housing policy to facilitate access to adequate accommodation), 61 (establishing harsh penalties for anyone who employs and exploits undocumented immigrants), 69 (preventing any discriminatory harassment in checks), 71 and 73 (anti-racist education) and 74 (informing people of the channels available to them to combat any discrimination they may suffer). Spain should also ratify ILO Agreement 143, which guarantees the protection of undeclared or undocumented migrant workers, and amend certain aspects of the 1985 law on the rights and freedoms of foreigners, which have been repeatedly criticized by the trade unions and by NGOs working in this field.
2. However, despite these limitations of the legal framework, following the policies developed over the past five years, not only is it possible to pursue anti-discrimination policies in and outside the world of work, it is actually required by the Constitution and by law, for Article 14 of the 1978 Spanish Constitution establishes equality before the law, "without there being any discrimination on the ground of birth, race, etc.". And, for the world of work, Article 17 of the Estatuto de los Trabajadores specifies that "any regulatory precepts, collective-agreement clauses, individual agreements and unilateral employers' decisions that imply negative discrimination on the ground of age or positive or negative discrimination concerning employment, with respect to, for example, pay, working hours and other working conditions, on the ground of sex, *origin*, civil status, *race*, social status, religious or political beliefs, membership or non-membership of a trade union, (...) shall be deemed to be null and void". Anti-discrimination policies could be pursued at various levels on the basis of these two precepts.
3. We have noted in this report that there are obvious cases of discrimination against immigrants in the workplace in Spain. Discrimination can occur during the selection process, either with discrimination against legal immigrant workers in favour of indigenous workers, or with preference being given to immigrant workers because they

are in a weak position and, therefore, more readily exploitable. In this report (in the MSP and Sánchez case studies), we have seen that enterprises hire foreign workers because they need them to compensate for a decline in the number of Spanish workers willing to do certain jobs, and we have also seen, as in the case of both these enterprises, that foreign workers may be employed on an equal footing with Spanish workers. This is especially noteworthy in the small agricultural enterprise we studied, since, particularly in this sector, people sometimes argue that there is a need to apply terms and conditions of employment and working conditions that are less favourable than the established standards (Estatuto de los Trabajadores or collective agreements) in order to maintain enterprises' competitiveness. The case we studied proves the contrary: it is possible to apply the terms and conditions of employment and working conditions established by legislation and collective agreements, in terms of equal treatment for immigrant and Spanish workers, and still maintain an enterprise's competitiveness.

4. Anti-discrimination policies are still relatively rare on the Spanish labour market and in Spanish enterprises. This is not to say that there are not many examples of "good practices" in relation to immigrants, but simply that policies to combat racial discrimination and promote equal treatment are not formulated at the various levels (from the Plan de Integración Social de los Inmigrantes to collective agreements and company rules, and including trade-union bargaining proposals at sectoral and enterprise level).
5. There are at least two reasons why such policies should be formulated. One of these is internal to the labour market and the world of enterprise, since demands for anti-discrimination clauses, their negotiation and inclusion in regulatory texts such as collective agreements would help to increase the social partners' awareness of these issues. The second reason can be described as being external to the world of work, though closely related to it. Discussion of such policies helps society as a whole to become more aware and adopt political positions that oppose discriminatory and racist practices. This is particularly important in a country like Spain, where immigration is only just beginning.
6. There are very few collective agreements that contain non-discrimination clauses on the ground of "origin" or "race", to use the two terms used in the Estatuto de los Trabajadores. And yet it does not seem that it would be very difficult to include such clauses in collective agreements, since they do not imply any new obligations for employers (because they are already laid down by law), but would merely serve to recall labour law at this level and so positively encourage non-discrimination. By the same token, there is a need to encourage application of the practical contents of the Florence Declaration in collective bargaining in Spain.

7. The *Joint Declaration* made by ETUC and the European employers' associations, UNICE and CEEP, at the Social Dialogue Summit in Florence, *on the prevention of racial discrimination and xenophobia and promotion of equal treatment at the workplace*, is relatively unknown in Spain, including among trade-union bodies and even less so among employers. There is, therefore, a need to distribute the text and convey its philosophy to the social partners and to workers and employers.
8. There is a marked difference between "equal treatment" and "equal opportunities". Equal treatment clearly concerns individuals and is inadequate for achieving equality between different groups of workers. And, if this is true for indigenous workers, it is all the more true for immigrants. We need to move forward with "equal-opportunities" policies that would also serve to improve the integration of immigrants in the host society.
9. There is a need for more systematic surveys of Spanish enterprises to investigate the policies and practices in relation to immigrants. Further case studies might be the best method of analysis. If we are to tackle discrimination and its problems, we need to have detailed knowledge of the way in which it operates.
10. In the case of the trade unions, it would be useful to analyse (particularly by studying bargaining platforms for collective agreements) policies at sectoral and enterprise level; to study actual trade-union practices within enterprises (particularly when the unions are taking positions on staff selection and promotion); to ensure they are aware of the Joint Declaration of Florence; and, lastly, to study the attitudes of members and officials to immigration and immigrants. Combating the possible seeds of discriminatory attitudes and practices within the trade unions should be a priority union task.

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ANNEX

LIST OF INTERVIEWS CONDUCTED IN CONNECTION WITH THIS STUDY

A. *Unión General de Trabajadores and Comisiones Obreras*

Ana Corral (UGT, confederal migrations officer)
Javier López (UGT, head of social services section, Madrid region)
Mizua Misingaba (Centro-Guía, Madrid - Angolan)
Francisco Soriano (CCOO, confederal migrations officer)
Mohamed Anouar Haidour (CCOO, assistant to the confederal migrations officer - Moroccan)
Ángela González (CCOO, area migrations coordinator, Madrid region)
Ángela Oviedo (CITE-CCOO, assistant - Dominican)

B. *Minero Siderúrgica de Ponferrada*

Secundino Fernández (human resources manager, MSP)
José Luís Gurdiel (CCOO regional secretary)
Marisa (manager of the INEM office in Villablino)
Samuel (electromechanical engineer, Carrasconte Group - Spanish)
Luis (timberman - Portuguese)
José (faceworker 1 - Cape Verdean)
José (faceworker 2 - Cape Verdean)
Amable (mining assistant - Spanish)
Marec (engineering officer - Polish)
José Luis (UGT trade-union delegate and member of the works council)
Juan Carlos (UGT trade-union delegate and member of the works council)
A UTM trade-union delegate and member of the works council

C. *Francisco Sánchez Delmas (Saragossa)*

Sánchez (manager and owner of the enterprise)
Enterprise foreman - Spanish
Worker 1 - Moroccan
Worker 2 - Moroccan
Worker 3 - Moroccan
Worker 4 - Moroccan
Spanish worker