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Industrial Policy and the Rights of Labor: The Case of Foreign Workers in the French Automobile Assemble Industry

Mark J. Miller
University of Delaware

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The foreign labor which made possible Western Europe's postwar economic growth[1] has become a permanent, if belatedly recognized, component of the region's labor markets.[2] Technological change and new industrial policies stressing efficiency, skilled labor, and rationalization threaten foreign workers, raising complex and important issues of law and social policy in the debate over labor's role in industrial policy. These changes already have resulted in grave problems which make agreement and clarification of the rights of foreign workers in national and international law a matter of considerable urgency.

Since World War II, the rights of foreign workers in national and international law have loomed as potentially explosive issues both within Western European countries employing foreign workers and between host countries and the labor-sending countries of the Mediterranean Basin.[3] Western European industrial policies promoting advanced technology, automation, and a highly educated work force constitute a marked shift away from earlier industrial strategies dependent upon massive foreign worker employment. The evolution of foreign worker rights and legal protections may have contributed to this shift in industrial policies. However, a combination of several other factors—technological advances, intense international competition, and a more general European unease over postwar migration policies—probably best accounts for the adoption of industrial policy goals which threaten to unemploy a disproportionally large

* Associate Professor of Political Science, University of Delaware; U.S. Correspondent to the Continuous Reporting System on Migration, Organization for Economic Cooperation and Development; Assistant Editor, International Migration Review; B.A. 1972, University of Wisconsin; M.A. 1973, University of Wisconsin; Ph.D. 1978, University of Wisconsin.

1. *See generally* C. KINDLEBURGER, EUROPE'S POST WAR GROWTH (1967).

2. *See, e.g.*, A. LE PORS, IMMIGRATION ET DEVELOPEMENT L'ECONOMIQUE ET SOCIAL (1976).

3. For example, of 4,223,900 resident aliens in France in 1981, there were 859,400 Portuguese, 816,900 Algerians, 452,000 Italians, 444,500 Moroccans, 412,500 Spaniards, 193,200 Tunisians, 118,100 Turks, and 67,800 Yugoslavs. *See* ORG. FOR ECONOMIC COOPERATION AND DEV., SYSTEME D'OBSERVATION PERMANENTE DES MIGRATIONS 1982 (1983).

number of foreign workers.[4] While the surge in foreign worker employment in the service sector in France suggests that many foreign workers will adapt to the industrial transformations of the 1980s,[5] many other foreign workers will not or cannot adapt to those changes.

Perhaps the case which best illustrates the significance of foreign labor's role in postwar European industrial policy and the legal issues raised thereby is the troubled French automobile assembly industry. Massive recruitment of foreign labor facilitated its expansion in the 1950s and 1960s,[6] making the automobile industry a keystone of and showcase for French industrial policy. However, since the early 1970s, the industry has been repeatedly crippled by strikes largely supported, and often autonomously organized, by foreign workers. This strike wave has its roots in the May–June Events of 1968.[7] Because of the economic and

Table 1

Total Employed and Foreigners Employed by Renault (1952–1978)

Year	Total Employees	Total Foreigners	% Foreigners
1952	51,950	5,300	10.2
—			
1963	63,603	6,700	10.5
1964	58,930	5,200	8.8
1965	62,902	5,600	8.9
1966	66,171	9,197	13.9
1967	66,882	9,765	14.6
1968	76,060	12,250	16.1
1969 (9/30)	83,000	17,488	21.0
1970 (9/30)	91,500	21,993	24.0
1971	94,000	21,474	22.8
1972	94,335	21,547	22.8
1973	96,970	21,817	22.5
1974	96,240	21,410	22.2
1975	100,875	21,517	21.3
1976	110,406	22,205	20.2
1977	110,855	21,685	19.6
1978 (4/30)	109,574	21,311	19.5

Source: Adapted from Régie Renault Personnel Office Records

4. See El Bahri, *Les immigres face aux reconversions industrielles*, 114 PRESSE ET IMMIGRES EN FRANCE 5 (1984).

5. In France, the number of aliens employed in the tertiary sector increased by 21 percent between 1973 and 1979 whereas total employment in the sector over the same time period increased by 18.3 percent. *See* 8 TRAVAIL ET EMPLOI 54 (1981).

6. *See* Tables 1 and 2, *infra* p. 362–363.

7. The so-called May–June Events were precipitated by student protests and student-police clashes in the Paris region. As student protests flared nationwide, a general strike was called, paralyzing the French economy. The crisis threatened the French Government with collapse until the Grenelle Accords between unions and employers ended the strike. The government eventually emerged victorious in national elections brought on by the crisis.

Table 2

Foreign Workers Employed at Citroen Plants 1966–1975 (% of Total Work Force)

Plant	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975
Paris	16,343	15,253	14,252	14,938	18,436	18,349	17,541	17,397	14,159	12,492
	49.1	47.4	50.3	55.2	61.0	63.2	64.0	64.2	63.0	61.4
Caen	45	52	63	89	161	72	212	317	248	237
	5.2	5.9	6.7	6.0	7.4	2.8	6.8	9.5	8.7	8.2
Charl.									31	162
									12.2	26.0
Metz				43	231	339	465	600	451	533
				12.3	13.0	18.1	19.3	22.9	19.9	21.2
Mulh.			165	235	333	641	614	515	363	253
			20.2	25.5	32.3	43.8	41.0	39.4	34.7	27.0
Reims			164	190	181	224	272	264	264	221
			22.4	26.0	22.8	29.7	37.1	28.6	30.1	29.4
Rennes				(NO DATA ON FOREIGNERS)						
Total*	16,479	15,305	14,644	15,495	19,342	19,625	18,832	19,093	15,516	13,898
France	39.8	38.3	39.2	40.5	42.3	41.4	39.9	40.1	35.7	36.2

*Includes Rennes

Source: Table provided by an official of the Centre d'Etudes et de Recherches sur la Qualification who asked to remain anonymous.

political importance of the automobile manufacturing industry in France, this strike wave has not only had a major impact on the industry, but also upon French politics generally.

Episodic outbreaks of violence involving striking foreign auto workers have contributed to the growing electoral strength of the anti-immigrant National Front led by Jean-Marie LePen. In two recent national elections, the National Front garnered around ten percent of the vote. With the likely adoption of a new electoral law, the National Front seems destined to win a sizeable bloc of seats in the 1986 parliamentary elections.

Improvements in the legal rights of foreign workers and their growing consciousness of those rights has spurred the automobile industry unrest. Since the election in 1981 of Socialist President François Mitterand and the formation of the left-wing coalition government, foreign workers have felt more than ever before that they can express their longstanding grievances and participate in unions and other employee institutions without fear of losing their work and residency permits (the major attributes of foreign worker legal inferiority). The violent automobile industry strikes that marked the early stages of the Mitterand era amount to a revolt by foreign automobile workers against the role assigned to them by postwar French industrial policy.[8] They no longer accept assembly line work that leaves them with no possibilities for advancement.

The general restructuring of the automobile industry and the ancillary use of

Table 3.
Principal Autoworker Strike Movements in France 1982-83

Firm-Plant	Date	Duration	Issues
Citroën-Aulnay	Spring 1982	Several Months	Employee and Union Rights
Citroën-Levallois	May 1982	Several Weeks	" "
Citroën-Asnieres	May 1982	Several Days	" "
Citroën-Les Epinettes	May 1982	Several Days	" "
Renault-Flins	Spring 1982	Several Weeks	New Professional Classification System Protested
Talbot-Poissy	Spring/Summer 1982	Several Months	Employee and Union Rights
Citroën-Levallois	October 1982	Several Days	Application of Auroux Laws
Renault-Flins	Winter 1983	Several Weeks	Reform of Professional Classification System
Talbot-Poissy	Winter 1983	Several Weeks	Union Representation/Job Security
Citroën-Aulnay	Winter 1983	Several Weeks	Sanctions Against CGT Strikers
Chausson-Gennevilliers	Winter 1983	Several Days	Salaries/Production Tempo
Citroën-Levallois	Winter 1983	Several Days	Firing of CGT Delegate
UNIC-FIAT	Winter 1983	Several Weeks	Reform of Professional Classification System
Citroën-Aulnay	Spring 1983	Several Days	Threatened Firings/Salaries
Talbot-Poissy	December 1983	Several Weeks	Layoff Plan

8. *See* Table 3, *infra* p. 364.

new technology such as industrial robots have led to less labor intensive production processes. Not only are fewer employees used, but these new processes require employees of greater skill and education. These trends have played an increasingly important part in foreign worker unrest as thousands stand to lose their jobs with bleak chances for reemployment. The plight of unemployed foreign workers in particular raises troublesome questions about the legal obligations of host countries, both under their own law and under international law. One might ask whether the most common solution in Europe to the problem of foreign workers—cash incentive programs for foreign worker repatriation—violates foreign workers' rights and, further, whether it is a fair or even practical solution.

The purpose of this article is to explore how these issues arose historically in the French automobile assembly industry and to suggest the inadequacy of present attempts to resolve them. Part I recounts the early history of foreign workers in the auto industry. Part II sketches the character and status of foreign labor in the plants and Part III explains the growing militancy of such workers in recent years. Part IV describes recent French Government efforts to resolve the problems posed by the role of foreign workers in a changing auto industry. Finally, the conclusion criticizes the government's solution and suggests two principles that should guide future efforts in this area.

I. The Creation of an Issue

At the peak of foreign worker employment in the French automobile assembly industry in the early 1970s, nearly one out of four auto workers was a foreigner;[9] and nearly one out of every four foreigners employed in France found work in automobile manufacturing.[10] Since then, the number of foreigners employed by the auto industry has steadily declined. While total employment in the industry actually increased between 1973 and 1979, the number of foreign employees declined by more than one-fifth.[11]

Table 4

*Total Salaried Employees and Foreign Salaried Employees in Auto Assembly in 1973, 1976 and 1979**

Year	Total	Aliens	% Aliens
1973	507,900	125,900	24.8
1976	527,100	104,000	19.7
1979	520,900	96,900	18.6

*Based on a Ministry of Labor survey of firms employing ten or more persons. Such firms employ 80.3% of total employees in the industrial and commercial sectors.
Source: *Travail et Emploi, No. 8, April–June, 1981, p. 53.*

9. *See* Table 4, *infra* p. 365.

10. Willard, *Conditions d'emploi et salaires de la main d'oeuvre etrangere,* 162 Economie et Statistique 15 (1984).

11. *See* Table 4, *supra* note 9.

The effects of the recession upon the French auto assembly industry and its consequent restructuring, have disproportionately affected foreign workers. Employers predict that an additional 40,000 jobs will be lost in automobile manufacturing between 1984 and 1986.[12] In 1982, of the some 282,000 firings for economic reasons in France, 34,000, or 12 percent of the total, involved foreign workers, even though aliens comprise only nine percent of the total work force.[13] Out of the 1.8 million unemployed workers in France in 1982, over 220,000 were foreigners.[14] In order to understand these statistics, one should note that France has quite liberal naturalization laws, and that French statistics on aliens are imprecise. An unknown number of foreign auto workers probably became French nationals in the 1970s and therefore would no longer be counted as aliens. Nevertheless, naturalization can be safely assumed to be a minor factor in the decrease in the number of foreign auto workers since most foreign workers are from nationality groups which naturalize at a low rate.[15]

Even before World War II, foreign and colonial workers comprised important segments of the work forces at several French auto plants. The Renault factory at Billancourt, for example, had a significant Algerian work force between the wars;[16] in fact, Renault became a crucible for the early Algerian nationalist movement. By 1952, ten percent of Renault's work force was foreign.[17] The number of foreigners employed by Renault increased sharply only in the second half of the 1960s,[18] which was a period of enormous French industrial expansion.[19]

The French Government established a National Immigration Office in 1945 to regulate immigration.[20] Unlike most European countries, France was considered to be open to immigration, and permanent immigration, especially from Italy and the Iberian Peninsula, was encouraged. At the same time, however, over the 34 year period from 1948 to 1981, more than 60 percent of all immigrants from countries subject to National Immigration Office regulation (which excludes Algeria and many other African states) entered France outside established immigration procedures and had to have their status legalized.[21] Hence, France also condoned technically illegal immigration. French immigration policy was further complicated by an unofficial policy which distinguished between immigrant

12. *See* Le Monde, 18 janvier 1984, at 40.

13. *See* Benoit, *Les immigres et la crise de l'emploi,* Le Monde, 1 février 1984, at 30.

14. *Id.*

15. According to 1977 naturalization statistics for France, only 0.54 percent of Moroccans naturalized as compared to 1.03 percent of Italians, 1.24 percent of Tunisians and 1.37 percent of Spaniards. *See generally* POPULATION ET SOCIETES 98 (1977).

16. *See* G. CROSS, IMMIGRANT WORKERS IN INDUSTRIAL FRANCE (1983).

17. *See* Table 1, *supra* note 6.

18. *Id.*

19. *See* V.C. Marie, Dynamique de l'integration structurelle de la main d'oeuvre etrangere en France 307 (1980) (unpublished Ministry of Labor paper); Lepas, *La croissance et les grands equilibres economiques,* in PROFIL ECONOMIQUE DE LA FRANCE 35 (J.P. Page ed. 1981).

20. Ord. No. 45-2658, 1945 JOURNAL OFFICIEL DE LA REPUBLIQUE FRANCAISE [J.O.](Law on the Conditions for Entry and Stay in France of Foreigners) and Décret No. 46-550, 1946 J.O. (On the Regulation of the Public Administration of the Organization of the National Office of Immigration).

21. *See Immigration Clandestinee,* 106 MENSUEL DES STATISTIQUES DU TRAVAIL 8 (1983).

groups regarded as capable of assimilation (Europeans) and those incapable of assimilation (North Africans and eventually other Africans and Asians).[22] The entry of non-European foreigners in particular was viewed primarily as a labor market expedient, like the guestworker policies in Switzerland[23] and the Federal Republic of Germany (West Germany).[24]

Likewise, during a period of rapid economic growth and social change in the second half of the 1960s, French automobile manufacturers hired many foreign workers because of the scarcity of French workers in certain areas and the availability of foreign labor (whether legal or illegal). Figure 1 portrays the sharp climb in foreign worker employment at one auto assembly company before the abrupt decline starting in 1973.[25]

Further recruitment of foreign workers was prohibited by the government in 1974,[26] although already legally present aliens could continue to be hired unless a citizen or permanent resident alien also applied for the job. Under the so-called priority to indigenous labor policy, an employer must hire an indigenous worker if faced with the choice of hiring either a nonpermanent alien or a citizen (or permanent resident alien). The impact of the 1974 recruitment ban has been diluted by the continuing legalization of improperly documented aliens and the legal arrival of second generation migrants and migrant spouses on the labor market.

While the auto industry's massive recourse to foreign labor industry can be explained by perceived shortages in the indigenous labor market, industry employers also found foreign labor more willing to accept physically difficult assembly line work. Such work generally required minimal training and foreigners often were seen as particularly well-suited for repetitious tasks. African workers were seen as better than French workers for jobs in high heat environments, such as auto industry press shops. Employers had to pay a fee to recruit foreign workers and had to hire translators, but this was a small cost to pay for labor peace and a disciplined work force. As Frenchmen increasingly shunned such monotonous, tiresome work, employers came to regard foreign workers as an indispensable component of their labor forces in the enormous factories clustered around Paris.[27] The more foreigners were hired, the harder it became to hire and retain French workers as auto assembly line work came to be regarded as demeaning for Frenchmen. It is important to stress that this situation prevailed primarily in Paris-area factories where there was a huge reservoir of foreign labor. Auto assembly factories outside of the Paris region generally employed far fewer foreigners.[28]

22. *See* G. TAPINOS, L'IMMIGRATION ETRANGERE EN FRANCE 18-19 (1975).

23. *See* Maillat, *L'Immigration en Suisse*, in LES TRAVAILLEURS ETRANGERS EN EUROPE OCCIDENTALE 105 (P. Bernard ed. 1976).

24. Lohrmann, La *Réglementation de l'immigration etrangere en RFA et ses implications politiques*, in LES TRAVAILLEURS ETRANGERS EN EUROPE OCCIDENTALE 357 (P. Bernard ed. 1976).

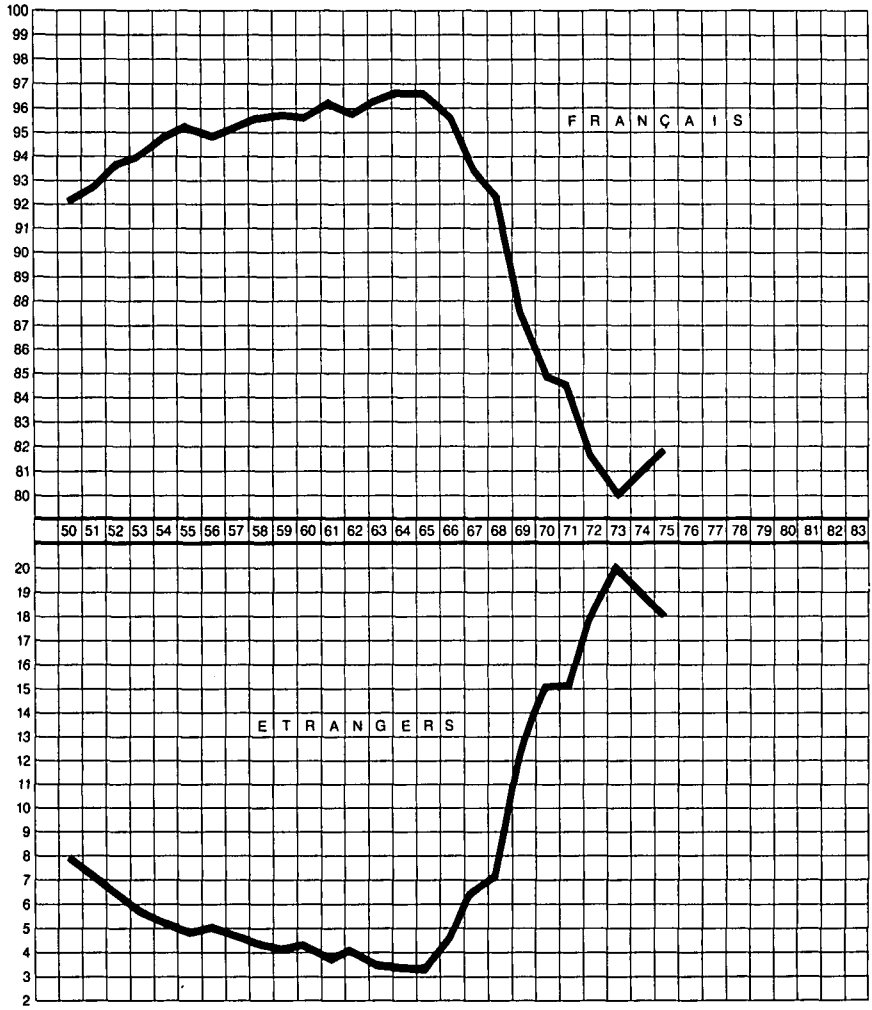
25. *See* Figure 1.

26. SECRETARIAT D'ETAT AUX TRAVAILLEURS IMMIGRES, LA NOUVELLE POLITIQUE DE L'IMMIGRATION 37 (undated).

27. *See* A. LE PORS, *supra* note 2, at 151-59.

28. *See* Table 2,*supra* note 6.

Figure 1
*Distribution of Workers (French and Foreign)**



*Graph prepared by an official of the Centre d'Etudes et de Recherches sur la Qualification.

Employers also valued foreign worker employment because it was seen as attenuating certain labor relations problems in an industry that is the historic barometer of such relations in France. Initially, under the French system of work and residency permits, foreign workers were virtually tied to their employers, a situation that many French employers, including the automobile industry, found

very much to their liking. However, restrictions on alien employment and residency were later progressively eased with length of residency.[29]

The inferior legal status of foreign workers seems to have influenced the employment strategies of several French automakers. Due to their background and contingent legal status, foreign workers in France were seen as less likely to join leftist-dominated trade unions and less likely to make demands on employers. Citroën in particular relied on foreign worker recruitment as the keystone of its labor relations strategy which aimed at building a house union to the detriment of more representative national unions.[30] The company received special National Immigration Office cooperation in recruiting Moroccan workers selected for their physical abilities and primitive rural backgrounds.[31] Citroën's Moroccan connection accounts for the fact that nearly one-fourth of all Moroccans employed in France today work in the auto assembly industry.[32] The firm also favored rotation of its work force. Hence, a steady supply of Moroccan workers was available to Renault and other companies near Paris. Unlike Citroën, Renault hired most of its foreign employees on the spot.

In light of the important role that foreign workers came to play in the automobile assembly industry and other important industries, an implicit link between the legal status of foreign workers and industrial policy seemed to develop. Decisions to build huge assembly plants were made on the assumption that a virtually inexhaustible supply of foreign workers could be tapped.[33] This development gave rise to a paradox: The very industry that symbolized a transformed, modernized industrial France employed large numbers of workers whose legal status, in several key respects, harkened back to labor's in the 19th century prior to the development of the modern labor movement. Many critics of French immigration policy termed the inferior legal and sociopolitical status of foreign labor a new form of slavery.[34]

II. Characteristics of Foreign Worker Employment in Auto Assembly

Foreigners disproportionally occupy the lower echelons of industry job ladders which French workers generally regard as unattractive due to the level of physical effort involved and the unhealthy or dangerous working conditions.[35] Indeed,

29. Ord. No. 45-2658, 1945 J.O. (On the Conditions for Entry and Stay in France of Foreigners), *as amended by* Décret No. 76-383, 1976 J.O. (On the Conditions for Entry and Stay of Family Members of Foreigners Authorized To Stay in France).

30. L. Gani, Syndicats et travailleurs immigres 138–41 (1972).

31. *See Conféderation Française Démocratique du Travail*, in Le livre noir du trust Citroën (1966).

32. *Resultats de l'enquete d'octobre 1979 sur la main d'oeuvre etrangère*, 94 Statistiques du Travail 52 (1982).

33. Unpublished interviews with French automobile industry officials (1980 and 1983).

34. *See, e.g.*, J. Benoit, E. comme Esclave (1980).

35. *See* Rerat, Petit & Bauman, *Les emplois tenus par la main d'oeuvre etrangère*, in Trois approches des problemes d'emploi 13 (F. Rerat ed. 1974).

many foreign auto workers are illiterate. At the Aulnay-sous-bois Citroën factory, for example, 66 percent of all manual workers, about three quarters of whom are foreigners, were classified as illiterates as late as 1984.[36] The fact that many foreign workers are not literate in French and that most have not completed primary education creates an enormous barrier to their professional advancement. In particular, such workers find themselves unable to take the written exams often required for professional advancement. Despite the availability of worker education programs, few foreign workers complete them. At the Talbot factory in Poissy, only 213 workers out of a 9,000-man work force completed literacy courses in 1980. This number declined to 46 in 1981.[37]

Any explanation for the low qualifications or low certified skill levels of most foreign auto workers must return to the recruitment process. Citroën, and to a lesser extent other French automobile manufacturers, deliberately sought out physically able but poorly educated foreigners to fill manual labor positions.[38]

Foreign workers often possess skills not reflected in their professional rankings because they cannot or do not obtain certificates based on examinations and successful completion of courses. A perceived gap between actual foreign worker skill levels and their formal classification as unskilled or lowly skilled workers has been a major source of unrest. Foreign workers frequently charge that the industry's system of remuneration based on a worker's formal qualifications and job description discriminates against them.[39] This issue has strained relations between non-French workers and French workers and unions.

During the period of massive foreign worker recruitment, there was little direct competition between foreigners and Frenchmen for jobs. French workers took the best jobs, leaving jobs requiring few or no qualifications to foreigners. Consequently, an important degree of ethnic stratification developed: Foreigners employed by French automobile manufacturers are concentrated in so-called "dirty" jobs, whereas Frenchmen predominate in highly skilled positions. In Paris-area auto factories, foreign workers comprise over half of all assembly line workers. Table 5 demonstrates the concentration of foreigners in assembly line work at the Renault factory at Billancourt. So-called nonprofessional workers comprise the bulk of assembly line workers and over half of the unskilled workers are of North African background. Overall, nearly half of all foreigners employed in auto assembly hail from North Africa. Table 6 further portrays a pattern of foreign workers clustered in the least desirable jobs while Frenchmen predominate in more attractive posts. Table 7, which breaks down the category of manual laborers (*ouvriers spécialisés*) by French and non-French background at three Renault factories over the period 1969 to 1977, suggests that the percentage of foreign workers among manual workers steadily increased with time, even after the recruitment halt. The major effect of the recruitment halt was to stabilize the numbers of foreign workers.

Prior to 1974, a high rate of turnover characterized foreign worker employment

36. *See* Croissandeau, *La formation alternative au chômage?*, LE MONDE DE L'EDUCATION, février 1984, at 8–9.

37. *Id.*

38. *See supra* note 31 and text accompanying notes 27–32.

39. Beaufils, *L'Automobile otage de ses immigres*, 206 L'EXPANSION 48 (1982–83).

Table 5
Distribution of Renault Billancourt Employees by Nationality and Qualification Level in 1979

	French	Ital., Span. and Port.	North Africa	Black Africa	Other Foreign	Subtotal Foreign	Total	% Foreigners
Unskilled (Nonprofessionals)	1,505	758	4,495	466	385	6,104	7,609	80
Skilled (Professionals)								
P1	1,192	379	1,124	103	80	1,686	2,878	59
P2	858	89	124	10	11	234	1,092	21
P3	611	19	22	1	4	45	656	7
Machine Operateurs (Regleurs)	576	63	78	1	8	150	726	21
Clerks and Supervisory Pers. (ETAM et Cadres)	2,823	73	83	11	17	184	3,007	6
TOTAL	7,565	1,381	5,926	591	505	8,403	15,968	53

Source: Renault Billancourt Personnel Office. Summer 1980. Unpublished.

Table 6
Proportion of Foreigners in Various Types of Work at a French Auto Plant (%)

"Bad Jobs"	Foreigners
Foundry	54
Presses, Painting	56
Assembly	48
Welder	46
Refinishing	43
Machine Operator	31
Metal Worker	30
Mechanic, Ajustor, Electrician	10
Sewing	6
Clerk	3

Source: Adapted from Dossier du Centre d'etudes et de recherches sur la qualification, *L'Evolution des Emplois et de la Main-d'Oeuvre dans l'Industrie Automobile*, p. 150. Dossier No. 15.

in the auto assembly industry.[40] These high turnover rates could be attributed to several causes: deliberate company policies, the nature of the factory work, and the transnational character of the labor force. In some factories, especially at Citroën, contracts were not renewed so as to ensure a high turnover rate. The high turnover rate was also a reflection of the physically taxing and monotonous nature of foreign workers' jobs and their poor chances for professional advancement. A third reason for high turnover rates stems from the transnational nature of foreign labor. Foreign workers often would return home after relatively short employment terms to spend time with their families. Many foreign workers would quit their jobs in order to take long vacations and then seek to be rehired in the auto assembly industry upon their return. This pattern was profoundly altered by the 1974 recruitment ban.[41]

After 1974, foreign auto workers without permanent resident alien status who quit their jobs and returned home could no longer legally return to France to seek reemployment. In addition, the recession made it less likely that foreign auto workers would find other jobs. Hence, by 1975 the foreign worker turnover rate at Renault had declined sharply.[42] By the 1980s, most foreign auto workers had been employed for at least five years by their company. At the Talbot Poissy plant in 1982, for example, only one of the 4,400 Moroccan manual workers had worked there less than five years.[43] Some 3,200 of the Moroccans had worked there for ten years or more.[44]

The recruitment halt accentuated a process already under way: Foreign workers had become immigrant workers with an important stake in the automobile assem-

40. Unpublished interviews with French government and industry officials including Mr. André Lebon, Ministry of Labor (1980 and 1983).
41. *See supra* note 26.
42. *See* Table 8, *infra* p. 374.
43. *See* Croissandeau, *supra* note 36.
44. *Id.*

Table 7

Evolution of Total Manual Laborers (O.S.) and Foreign O.S. in Three Renault Factories 1969 to 1977

	1969 (10/10)	1970	1971 (10/31)	1972 (10/31)	1973	1974	1975 (11/1)	1976	1977
Billancourt									
Total O.S.	18,413	17,758	16,265	12,586	12,089	11,203	10,221	10,125	9,120
Foreign O.S.	10,782		10,918	9,206	8,434	8,122	7,563	7,704	
% of Foreigners	58.6		67.1	73.1	69.8	72.5	74.0	76.1	
Flins									
Total O.S.	12,949	14,748	14,928	13,966	12,877	11,930	12,043	11,982	10,724
Foreign O.S.	4,639		7,579	8,018	7,484	7,175	7,062	7,368	6,972
% of Foreigners	35.8		50.8	57.4	58.2	60.1	58.6	61.5	65.0
Sandouville									
Total O.S.	4,376	5,374	5,918	6,207	7,063	5,809	6,820	7,495	6,154
Foreign O.S.	563		457	712	993	844	818	898	836
% of Foreigners	12.9		7.7	11.5	14.1	14.5	12.0	12.0	13.6

Source: Adapted from Régie Renault Personnel Office Records

Table 8

Total Employment, Total Foreign Employment and Respective Turnover Rates 1963–1978

	Departures	French	Foreigners	% Foreigners	Total Employed	Total Turnover	Total Foreigners	Foreign Turnover
1963	6,886	5,464	1,422	20.7	63,603	10.8	6,700	21.2
1964	7,214	6,285	929	12.9	58,930	12.2	5,200	17.7
1965	6,574	5,609	965	14.7	62,902	10.5	5,600	17.2
1966	8,234	6,004	2,230	27.1	66,171	12.4	9,197	24.3
1967	7,900	5,837	2,063	26.1	66,882	11.8	9,765	21.1
1968	6,915	5,169	1,746	25.2	76,060	9.1	12,250	14.3
1969	8,026	5,742	2,284	28.5	86,435	9.3	17,488	13.1
1970	9,223	6,079	3,144	34.1	93,672	9.9	21,993	14.3
1971	9,330	6,483	2,847	30.5	94,335	9.9	21,474	13.3
1972	9,050	6,709	2,341	25.9	95,662	9.5	21,547	10.9
1973	9,469	6,840	2,629	27.8	96,970	9.8	21,817	12.0
1974	7,764	5,724	2,040	26.3	96,240	8.1	21,410	9.5
1975	6,671	5,448	1,223	18.3	100,875	6.6	21,517	5.7
1976	7,885	6,638	1,247	12.5	110,406	7.1	22,205	5.6
1977	7,170	6,063	1,107	15.4	110,485	6.5	21,685	5.1
1978 (1)	1,335	1,056	279	20.9	109,574		21,311	

(1) As of April, 1978

Source: Adapted from Régie Renault Personnel Office Records

bly industry. The high turnover rate had contributed to low rates of foreign worker unionization and the concentration of foreign employees in entry level positions. In contrast, stabilization of the foreign work force in automobile manufacturing gave rise to mounting unionization and sociopolitical cohesiveness, growing dissatisfaction with assembly line work, and resentment of perceived discrimination against foreigners in terms of career opportunities in an aging work force.[45]

Although their legal status hinges upon the renewal of work and residency permits, foreign workers have long enjoyed most of the formal rights accorded French workers, including the right to join unions and to participate in employee elections. Several restrictions against foreigners becoming union leaders and employee representatives were struck down in the 1970s.[46] Foreign auto worker unionization progressed steadily in the 1970s, whereas total union membership stagnated before declining sharply in the 1980s.[47] In the auto plants around Paris, the foreign worker unionization rate matched or exceeded that of French workers by 1980.[48] Although aliens were still under-represented, many foreign workers had been elected to factory councils and to union leadership positions. There were, however, sharp differences in the nature and progress of foreign worker unionization from plant to plant.

At Paris-area Renault plants, traditional bastions of left-wing unions in a land with a comparatively weak union movement, foreign workers generally supported left-wing unions.[49] Foreign worker support can swing sharply from one of these unions to another depending on the aliens' views of a union's specific program on issues of concern to them. The Communist-led *Confédération Générale du Travail* (CGT) proved to be more popular among North Africans, while its chief left-wing rival, the *Confédération Française Democratique du Travail* (CFDT), generally was more attractive to foreign workers from the Iberian Peninsula. The tendency of Algerian workers to support the CGT arose in part from agreements between the CGT and its Algerian counterpart, the *Union Générale des Travailleurs Algériens* (UGTA). The CFDT has similar ties with union structures in the workers' home countries.

In some factories, such as Citroën's Aulnay-sous-bois plant and Talbot's Poissy plant, various types of management pressure (including alleged violations of labor laws) resulted in foreign worker enrollment in so-called house unions affiliated with the right-wing *Confédération des Syndicats Libres* (CSL).[50] Foreigners risked losing work and residency permits or company housing and the opportunity to participate in CSL-controlled vacation programs if they did not support the house union. It was alleged that factory elections were fraudulent. Foreign workers who openly sympathized with left-wing unions ran the risk of

45. Benoit, *supra* note 13.

46. For example, Loi No. 75-630, 1975 J.O. (Reinforcing the Rights of Foreign Workers) made foreigners eligible for election as employee representatives with certain age, seniority and language restrictions. *See generally* C. DE WENDEN, LES IMMIGRES DANS LA CITE (1978).

47. Unpublished conversations with trade union sources (June 1980 and July 1983).

48. *Id.*

49. *Id.*

50. F. BENOIT, CITROEN: LE PRINTEMPS DE LA DIGNITE 35–53 (1982).

being assaulted and reported to homeland governmental services charged with surveillance and maintenance of foreign worker political loyalty. Moroccan sympathizers of the CFDT or CGT, in particular, could be jailed when they returned home on vacation.[51] Thus, in several important plants, the inferior legal status of foreign labor contributed to the development of labor relations dominated by management interests. This led to an accumulation of grievances by foreign workers and bitter antagonism between CSL supporters—most of whom were skilled French workers—and foreign assembly line workers who supported the CGT.[52] The volatility of foreign worker ties to French unions also stemmed in part from the parallel development of cohesive and largely autonomous shop floor organization among foreign workers[53] based in many cases, upon national or religious solidarity and the stratification in the workplace that fostered a sense of collective identity. By the 1980s, Islamic fundamentalist solidarity groups, whose loci of contact were Muslim prayer rooms provided by management within the factories, had become an important force. In other instances, underground revolutionary groups created foreign worker cohesion which could either facilitate or obstruct foreign worker integration into union structures.

The frustration of foreign workers is reflected in rising absenteeism and generally less disciplined work habits. Whereas employers once prized foreign workers for their industry and discipline, they now complain about the effects that their inability to manage foreign labor effectively has on productivity and quality control.[54] Employer misgivings over massive hiring of foreign labor were crystallized by a strike wave, brought on primarily by nonnational workers, which plagued the industry in the 1970s before rocking its very foundations in the 1980s.

III. Foreign Workers and the Automobile Industry Strikes

The May–June Events of 1968—the confrontations, strikes, and occupations[55]—were eclipsed over the short run by the conservative reaction. Symbolically, however, May 1968 set an agenda for broad socioeconomic and political change. Among the many issues placed on the French national agenda by the May–June Events, although by no means the most prominent, were those concerning foreign workers' rights, the integration of foreign workers into French society.

Most major auto plants, and particularly those in the Paris area, were struck and often occupied by their employees at the height of the 1968 crisis. Many foreign employees supported these strikes and factory occupations despite the possibility of deportation for disturbing public order.[56] In the wake of the crisis,

51. *See* M. Miller, Foreign Workers in Western Europe 38–39 (1981); *see generally* Ewäld, L'Ecole des esclaves (1983).
52. Benoit, *supra* note 13.
53. *Id.*
54. *See* Willard, *supra* note 10.
55. Benoit, *supra* note 13.
56. *See* A. Vieuquet, Francais et immigres 138–39 (1975).

foreign auto workers became a major focus of organizational efforts by extreme leftists who felt that major unions, such as the CGT, and even the French Communist Party had revealed their non-revolutionary character and betrayed working class interests by supporting the Grenelle Accords which won significant wage and social concessions from employers in return for labor peace.

Extreme leftist efforts to organize foreign auto workers more often failed than succeeded.[57] But even when extreme leftist strikes were crushed, they often were of longterm significance. They showed that foreign auto workers were capable of labor militancy. Extreme leftists also succeeded in exposing the weaknesses of trade union ties to foreign labor. As the major trade unions responded by seeking to better integrate foreign auto workers and their interests, foreign workers became less docile.

In 1973, a so-called *grève bouchon* (bottleneck strike) stopped production at the sprawling Renault-Billancourt factory. A shop of some 400 workers, most of whom were aliens, demanded a wage increase and upgrading of their professional status.[58] The nearly week-long disturbance attracted national attention because of the historic factory's importance as the bellwether of working class trends and because of the large number of workers laid off by the work stoppage. The strike also had anti-CGT overtones in a traditional bastion of support for the CGT. After Renault largely met the strikers' demands, it was clear that the inability of management or the unions to control foreign workers could wreak havoc in an industry dependent upon assembly lines vulnerable to stoppage by determined groups of employees.

Foreign worker protest movements in the early to mid 1970s were most significant in the social sphere. In 1975, a strike movement in foreign worker housing units, including housing for foreign auto workers in the Paris area, attracted widespread support. The success of this group, the so-called SONACOTRA strikers, may have some connection with the foreign auto worker strikes of the summer of 1978 which struck Renault particularly hard. Again, shops of foreign workers demanded wage increases and improvement of their professional ratings. They wanted employers to treat them with dignity and they wanted careers, not dead-end jobs.[59]

By 1978 foreign auto worker unrest was evident throughout the industry. However, it took the dramatic left-wing coalition electoral victories of 1981 to embolden foreign workers at Talbot and Citroën to strike. Thirteen years after the May–June Events, the victory of the left-wing coalition held out the promise of the realization of the agenda of those strikes.[60] In any event, the change of government meant that labor laws would be applied to Talbot and Citroën factories and that foreign workers would no longer have to fear sanctions if they expressed themselves freely.[61] The announced intention of the new government to

57. *See generally* R. LINHART, THE ASSEMBLY LINE (1981).

58. Mehideb, *Renault-Billancourt: le Tiers Monde à l'usine*, CROISSANCE DES JEUNES NATIONS, juin 1973, at 19–26.

59. Le Monde, 10 juin 1978, at 28.

60. *See supra* note 7.

61. Specifically, the new *lois Auroux* were to be applied which significantly strengthened workers' rights. *See* 102 LE MONDE DOSSIERS ET DOCUMENTS 12 (1983).

strengthen the rights of labor buoyed support for anti-CSL forces in elections at the two companies. The CGT in particular scored impressive gains in elections which were marred by violent confrontations between CGT supporters and CSL supporters.[62] Since these employee elections, violence has periodically erupted at the two plants. CGT- or CFDT-affiliated foreign workers repeatedly have struck the two firms over a variety of issues. Each strike action has seriously disrupted production, with strikers often damaging cars and production equipment.

The strike movements at Talbot-Poissy and Citroën-Aulnay sparked foreign worker-dominated strikes at other French auto plants. Paris-area Renault plants were repeatedly hit by strikes as were several other manufacturers. In virtually all cases, foreign workers comprised the vast majority of strikers. They generally demanded upgrading of their pay and professional status along with the creation of career opportunities.[63] Many of the strikes were *grèves bouchons,* where one or several shops of foreign workers would shut down production and thereby force layoffs of nonstriking workers. This situation led to confrontations between strikers and nonstrikers, but the violence witnessed at Talbot and Citroën plants was avoided.

Foreign worker strike movements in recent years often began autonomously at the shop level without trade union backing, although either the CGT or CFDT usually would seek to represent the strikers. The inability of the established unions to control foreign workers hurt organized labor's credibility within the industry and in French society at large. French Prime Minister Pierre Mauroy suggested that foreign auto worker strikes were expressions of Islamic fundamentalism and were being fomented by Iran.[64] Although there appeared to be little evidence to support this charge, his allegation suggests the degree of governmental dismay over the recurrent strikes and over the inability of management and the unions to end them.

The violence of the auto worker strikes, the severe production losses they entailed and the breakdown of management, and even union control in the face of a virtual rebellion by foreign auto workers had major repercussions upon French politics. The strikes marred a period of national labor tranquillity which resulted from labor support for the left-wing coalition government. As the government's economic policies faltered, leading to a sense of impending economic crisis, foreign auto worker unrest hurt the performance of a key economic sector[65] and seemed to undermine the government's effort to restore confidence in its handling of the economy. The strikes almost certainly contributed to a political backlash against governmental immigration policies which has eroded support for left-wing coalition parties in recent elections.[66]

The auto worker strikes hastened plans to restructure and modernize the French auto manufacturing industry. The two major automobile firms, Renault

62. *See supra* note 51.

63. Le Monde, 29 janvier 1983, at 35.

64. Benoit, *supra* note 13, at 41.

65. *See* Tully, *French Automakers Lonely Slump,* FORTUNE, Nov. 28, 1983, at 121; *Automobile: La France à la traine,* LE POINT, 2 janvier 1984, at 54.

66. Jarreau, *Cher Mustapha,* Le Monde, 13–14 mars 1983, at 1.

and Peugeot (Peugeot acquired Citroën and Chrysler-Europe in the late 1970s), announced plans to automate car production through the use of industrial robots.[67] In the summer of 1983, Peugeot announced that it planned to fire 8,000 workers, including almost 3,000 workers at its Talbot plant.[68] Under French law, the government must approve layoffs.[69] In December, an agreement between the government and Peugeot was announced that authorized the firing of 1,905 workers at Talbot, most of whom were foreigners.[70] This announcement sparked a new strike and factory occupation, which again was accompanied by a great deal of violence. Over fifty workers were injured before the CFDT and the CGT asked the government to send in police forces to restore order, a virtually unprecedented act which bears mute testimony to the near total breakdown of labor relations at the Talbot plant.

In 1985, a management shake-up at financially-troubled Renault increased prospects for massive employee layoffs. Tens of thousands of assembly-line jobs seemed threatened by the management change. Since the decision by the French Communist Party to quit the government, a likely government-CGT showdown over Renault raises the possibility of an auto industry strike escalating into generalized labor unrest.

IV. The Government's Responses and the Legal Issues Raised

Faced with the specter of unemployment due to industry plans to automate many jobs, foreign auto workers are likely to continue to strike. However, the outcome of the Talbot strike of December 1983–January 1984 suggests the limits of the foreign auto workers' ability to stop layoffs. As French police evacuated the Talbot strikers, a number of the strikers declared that they were willing to return home if the government would give them a lump sum payment of some 200,000 francs.[71]

This unexpected turn of events has revived controversies over the rights of unemployed foreign workers and the obligations of host societies and their homelands toward them. The legal questions surrounding cash payment for definitive repatriation programs are particularly complex. Until 1981, non-permanent aliens could be deported if they became public charges,[72] but very few unemployed foreigners were denied permit renewal on the grounds that they had become public charges. Instead, French authorities favored giving foreign workers and

67. Libération, 9 septembre 1983, at 30.

68. Noblecourt, *Les leçons du conflit Talbot*, Le Monde, 3 janvier 1983, at 14.

69. Loi No. 75-5, art. L.321-7, 1975 Code du travail (France).

70. Thepaut, *L'Affaire Talbot*, 113 Presse et Immigres en France 7 (1983).

71. *See* Delavennat, *Souvent indesirables chez eux*, L'Express, 13 janvier 1984, at 31. Fr 200,000 amounted to approximately $25,000 at this time.

72. Loi No. 80-9, 1980 J.O. (Law On The Prevention of Clandestine Immigration—The *Loi Bonnet*), *as modified by* Loi No. 81-82, 1981 J.O. (Law Reinforcing Security and Protecting Liberty) empowered authorities to expel aliens lacking residency permits, the granting or renewal of which was tied to an alien having employment. Hence, an unemployed alien could lose his residency authorization and thereby be subject to deportation. This aspect of French law regarding foreigners was modified by Loi. No. 81-973, 1981 J.O. (Law On the Conditions of Entry and Stay of Foreigners in France—the *Loi Questiaux*).

their dependents a cash payment to go home in return for a promise never to return to seek work and to renounce all rights to French social security. Unemployed foreigners, if qualified, were entitled to full unemployment benefits and eventually to welfare payments. However, work and residency permits for long-term unemployed foreigners were not necessarily renewed unless there were compelling humanitarian reasons for permit renewal.

Between 1977 and the change of government in mid-1981, the French Government offered any foreign worker who agreed to go home, not just the unemployed, a payment of 10,000 francs along with a smaller allocation for dependents.[73] Over the five year period, only some 58,000 foreign workers, along with 34,000 dependents, accepted the offer.[74] Left-wing parties and unions sharply attacked the cash payment for repatriation program, calling it illegal and unjust. In fact, the highest French administrative court, the *Conseil d'Etat,* had ruled the program illegal because it exceeded the recognized powers of the Ministry of Labor.[75] The government chose to ignore this ruling and continued to administer the program.

For all the furor raised by the program, it had disappointingly meager results for the conservative government. Over two-thirds of the foreigners who agreed to go home under the program came from the Iberian Peninsula while less than four percent of the returnees were Algerians.[76] Thus, the program was not attracting foreign workers considered to be unassimilable,[77] whose presence was seen as the cause of the societal malaise which the program was supposed to alleviate. The program also was regarded as costly and it was feared that some participants had returned to France despite their pledges.

The new left-wing government suspended the program shortly after assuming power on the ground that it was unfair to entice foreign workers to forfeit their rights to French social security.[78] Although the program was voluntary, critics felt that participants were renouncing hard-earned rights and entitlements for a pittance. The program also was seen as contradicting the spirit of official French integration policy. Hence, after the new government assumed power, it seemed as if a cash for repatriation policy would no longer be considered.

However, the new government did continue to honor the terms of a 1980 Franco-Algerian accord which provided for cash payments to repatriating Algerian nationals.[79] By the time this accord expired at the end of 1983, only several thousand Algerians out of a population of over 800,000 had agreed to repatriate under its terms, although the offer was much more attractive than the 10,000 franc payment offered in the suspended program.[80] Under the Franco-Algerian accord, returning workers could receive vocational training, resettlement aid, and

73. Benoit, *supra* note 13.
74. *Id.*
75. Unpublished interview with André Lebon, Ministry of Labor (January 1980).
76. Benoit, *supra* note 13.
77. *See supra* note 22 and accompanying text.
78. Unpublished interviews with French government officials (June 1983).
79. *See* C. de Wendon, L'Exchange de lettres franço-algérien du 18 septembre 1980 et son évolution en 1981 et 1982 (1983) (unpublished paper).
80. *Id.*

reimbursement for travel costs in addition to a minimum lump sum payment of 14,220 francs. The actual cash payment could be much higher depending on the worker's monthly salary.[81]

The prospect of massive foreign worker layoffs in the auto assembly industry, mounting racial tensions, and the political backlash against the Mitterand government's immigration policies resulted in a policy reversal which has reopened the debate over the legality of cash for repatriation payments and the obligations of states toward unemployed workers. Since the Talbot evacuation in January 1984, the French Government has indicated that it is drawing up plans to aid foreign workers adversely affected by industrial restructuring.[82] Foreigners who lose their jobs will be able to benefit from repatriation assistance and job training geared to reintegration into the homeland economy of the worker. Thus, France appears to have rejoined the FRG, Belgium, and the Netherlands with a cash for repatriation policy.[83]

V. Conclusion

Two principles should guide the formulation of public policies in this area of concern. First, foreign worker repatriation should be voluntary. By authorizing foreigners to work in jobs with a permanent character, states must recognize the rights of alien workers and the stake they acquire in host societies. Second, in the absence of specific guidelines covering the repatriation of foreign workers, foreign worker repatriation should be regulated by bilateral accords between foreign worker host governments and the countries of origin.

For the most part, Western European states have honored the principle of voluntary repatriation, although there have been isolated cases of abusive deportations of established foreign workers and their dependents. With the exception of the Franco-Algerian case, however, bilateral agreements regulating international labor flows do not address the question of foreign worker repatriation in detail, if at all. Hence, policies based on cash-for-foreign-worker-repatriation develop unilaterally with little input from foreign worker homelands. The prospect of large-scale foreign worker unemployment due to industrial restructuring underscores the need for bilateral consultation and agreement between foreign worker sending and receiving countries. It is encouraging to note that the French Government plans to consult with labor-sending countries over the specifics of its return policies.

Nonetheless, the fairness and practicality of cash payment for foreign worker repatriation plans are questionable. First, past experience suggests that relatively few foreign workers will choose to return home because of a cash incentive.[84] Most will not want to give up their rights in the French welfare state. Second, economic and sociopolitical conditions in most foreign worker homelands do not favor successful reintegration. Indeed, there is some question whether the homelands would welcome the return of thousands of their unemployed citizens when

81. *Id.*
82. *See supra* note 72.
83. Thepaut, *Le retour de l'aide au retour*, 116 Presse et Immigres en France 5 (1984).

there already are too few jobs to go around. It is unlikely, for example, that the conservative monarchy in Morocco would welcome the return of thousands of unemployed auto workers, many of whom have joined a Communist-dominated union. Analysis of the international situation suggests that little progress will be made toward bilateral agreement on return policy.

Foreign workers' lack of education makes it unlikely that they will successfully complete job training programs. However, by extending job priority status—which accords priority in hiring to unemployed auto workers—France can realistically hope to attenuate some of the human costs of its new industrial policy.[85] Cash for repatriation schemes offer only the illusion of a solution as repatriation will probably be the choice of relatively few foreign auto workers. Moreover, such plans undercut the rights of foreign workers by encouraging public expectations of massive repatriation that only hinder the struggle for integration of foreign workers into French society.