

When the strike encounters the *sans-papiers* movement: The discovery of a workers repertoire of actions for irregular migrant protest in France

Author:

Marcus Kabmann

Organization:

Institut de Recherches Economiques et Sociales

16 boulevard du Mont d'Est

F-93192 Noisy-le-Grand

Marcus.Kabmann@ires.fr

1. INTRODUCTION

Between April 2008 and June 2010, the Greater Paris region witnessed an unprecedented series of strike waves of undocumented¹ workers claiming the legalization of their status. At its height in October 2009, some 6,800 workers occupied enterprises, employer federations and temporary work agencies. This movement took should impress observers and activists by its degree of coordination as well as its capacity to reach out to the public and move the question of the presence of undocumented populations to the level of national politics. This aptitude contrasted with the state of the struggles for regularization by irregular migrant collectives and their support groups (Terray 2006): Since its height in 1996 when the occupation of the Saint-Bernard church in Paris had led to a significant public mobilization, these movements had remained scattered and failed to make an impression on the media, let alone the government.

One of the remarkable phenomena associated with this movement was the leading role played in it by one of the two major French trade union confederations, CGT (*Confédération générale du travail*). Throughout the 1970s and until the early 1980s, CGT had been involved in numerous industrial conflicts identifiable or identified as “immigrant” (Gastaut 2000; Pitti 2008). Yet, the once seemingly organic link between both sides had become disarticulated in the 1990s in the context of the withering away of industrial militancy at shop floor level (Beaud and Pialoux 1999) and the rise of the undocumented migrant worker as an increasingly durable, yet largely invisible mass phenomenon. In the hunger strikes and occupations of public places that proliferated in the 1990s, CGT was sidestepped by other groups and organizations in the “pro-immigration field” (Mathieu 2009). It adopted itself a reasoning of human rights (Haus 2002). In the context of changing political and economic conditions, this pointed to the union’s lack of both practical means and a framing capable of integrating these claims. By the new millennium, very few

¹ In this text, the attributes “irregular” and “undocumented” are used interchangeably. They refer to the administrative situation of foreign nationals with regard to the right of stay. When I refer to their employment relation, the terms “illegal” or “undeclared” (workers) are employed. In public discourse, these aspects often are conflated, producing imageries of undocumented migrants either as the archetype of the excluded or welfare scroungers. This is misleading in many ways as the text will show.

migrant activists, unionists or researchers in France (or, indeed, elsewhere in Europe) continued to insist on the significance of the *sans papiers*'² claims for the labour movement.

What has provoked the emergence of these lost linkages with primo migrant workers? – This article argues that at the heart of the rapprochement between migrants and the union was the discovery of the productiveness of a specific repertoire of actions – situated both in space and time – for the cause of undocumented migrants: the workers strike. Following Tilly, a repertoire of actions can be conceived as a model in which the accumulated experiences of agents interfere with the strategies of the authorities, rendering a set of limited means of actions more practical, attractive and frequent than other means which could serve, in principle, the same interests (Tilly 1984: 99). Tilly often used metaphors of Jazz or street theatre to highlight both the constraints of such structures of pre-existing means of collective action and the margins of freedom left for inventions. He underlined that the elements of a repertoire are potentially subject to constant innovations (“performances”), emerging from situations of interaction between claimants and the object of claimants. People can play several pieces (in the case of the employer-worker pair think of strikes, slowdowns, lockouts, contract negotiations or grievance hearings), but not an indefinite number. Far from being a simple set of techniques or routines, repertoires of action “evoke and express specific emotions, recall memories of previous encounters, and thus establish continuity between political actors’ pasts and presents” (Tilly and Tarrow 2007: 16). The notion not only supposes the rarity of means; it also insists on its character as a universe of shared meaning, preceding (collective) action. Repertoires are not merely a simple means to an end. They carry the traits of the agents who recur to them and constitute them at the same time (Siméant 1993).

Based on this theoretical perspective, this article identifies – in a rather diachronic fashion – some of the decisive processes of innovation occurring in the strike repertoire throughout the movement. They occurred in the context of worker desperation about the reducing chances for regularization due to the increasingly repressive turn of immigration policies and their – albeit extremely limited – opening for immigration on economic grounds (2). The tactical and cognitive principles of the strike as a tool for regularization were uncovered by dedicated unionists in a local conflict over the dismissal of irregular workers and successively transposed to other situations. Performances in the repertoire occurred as the movement was confronted with two sets of conditions: Internally, it had to deal with the effects of its growth and, linked to this, diversity. Externally, it had to face the tactics of local prefectures delaying regularizations as well as increasing government resistance to enlarge eligibility criteria for regularization (3). If the movement has allowed for a very important mobilization of irregular workers, the strike repertoire has also revealed its limits. These illustrate the enormous resistances social movements face when they raise claims in terms of citizenship rights (4).

The *problématique* seeks to contribute to the ongoing research on the evolution of trade union policies and practice directed at migrant workers and migration more generally. Notably, comparative IR-literature has provided insights into union repertoires and policies, typically organizing and labour market (re-) regulation, and their macro-social determinants (Lillie and Greer 2007; Hardy *et al.* 2012; Meardi *et al.* 2012). It has centred on the transnational mobility of EU-citizens, in particular posted workers. Notwithstanding the significance of irregular workers for European labour markets³, IR-research has neglected the question of how unions deal with those who are excluded from either national or (crippled) EU-citizenship (a notable exception: Iskander 2007). By taking into account the situations and processes concerning irregular workers, this article seeks to address this gap in the literature. This should allow for a more ample and diversified picture of the changes and challenges trade unions face with regard to the transnational mobility of labour. The struggle for fundamental citizenship rights as a (pre)condition for the participation in industrial democracy is part of this reality.

Empirically, this article draws on some 15 interviews with migrant workers, trade unionists and migrant support activists, carried out between 2011 and 2013. The chronological reconstruction of the movement

² *Sans papiers* in French literally means “without papers”. The term has a political connotation as it was first used in the 1970s by movements voicing claims for work and residence permits against the devaluating notion of the “illegal immigrant”. By the 1990s, it had become part of everyday and media language in France.

³ In 2008, an estimated 1.9 to 3.8 million undocumented migrants resided in the EU (Morehouse and Bloomfield 2011: 6)

is based on the evaluation of newspaper articles and a remarkable ethnographical work dedicated to the movement (Barron *et al.* 2011).

2. THE CONTEXT OF UNDOCUMENTED MIGRANT WORKERS MOBILIZATION: NEW HOPES TO ESCAPE FROM THE “FIGHT AGAINST ILLEGAL IMMIGRATION”?

When Nicolas Sarkozy became President of the French Republic in 2007, he sought to continue the political strive for the reduction of asylum, family and irregular immigration flows that had become his trademark as the Minister of Interior. In the name of the “fight against illegal immigration”, from 2007 he set annual quotas for the expulsion of irregular migrants. Each year, out of an estimated total population of between 200.000 and 400,000 undocumented migrants between 25,000 and 28,000 were to be expelled. To achieve this goal, the government multiplied pressures on public bodies. Police forces multiplied identity checks in public places, such as metro stations or streets, and engaged in joint checks with labour inspectors in industries considered to be heavily populated by irregular workers. Pressure augmented further when in July 2007 a government decree obliged employers to transmit to the regional police departments the permits of the foreign workers they sought to employ. Layoffs multiplied consequently. While the labour market situation of irregular migrant workers deteriorated, their prospects for obtaining a permit diminished due to the increasingly restrictive admission practice of local prefectures. The 2006 law on entry, stay and asylum (CESEDA) had abrogated the right to obtain a long term resident card after 10 years of continuous irregular stay in France. Increasing repressive pressures and diminishing chances of a stabilization of their situation formed the backdrop of the irregular workers’ contention.

To fully understand the conditions and mechanisms of the irregular workers movement we have to take into account another element, namely a certain business-friendly bend in immigration policies. On the eve of the global economic crisis, President Sarkozy called for the balancing of what he termed “undesirable” (family members, asylum seekers or irregular migrants) and “desirable” (migration selected according to economic needs) migration flows. Article 40 of the Hortefeux Immigration Law from 2007 defined the conditions for the “exceptional admission” of third country nationals (TCN) on economic grounds, provided that they held jobs characterized by labour scarcity and that they had the support of an employer. However, the 30 jobs entitling non-EU workers for permits did not correspond to those held by the large majority of the irregular workers. To some surprise, a government circular from January 7th 2008 stipulated that under conditions of pronounced local labour scarcity, prefectures could exceptionally issue permits for TCN workers holding jobs not included in the list. Employers had to engage in signing an employment contract with a minimum duration of 12 months and paying a lump sum of € 900 to the National Immigration Agency ANAEM. Rather than opening a new door for economic migration, in reality this measure gave employers the chance to escape from the imposed choice of either dismissing their irregular workers or getting penalized. Several migrant support groups and CGT unionists were eager to test the political opportunity encapsulated in the circular, i.e. to regularize a sizeable portion of TCN workers beyond the limits of the job list.

3. DISCOVERING THE STRIKE AS A REPERTOIRE OF ACTIONS: A CHRONOLOGY

The chronology of the social movement of irregular workers reveals the importance of a local conflict that uncovered the ways in which the strike could further the cause of irregular workers. Its principles were transposable to other situations and sufficiently flexible to adapt to changes of the characteristics of participating irregular workers and the tactics of public authorities alike. It thus laid the foundations for a coordinated strike movement, proceeding by successive waves.

3.1. The preliminaries: Experimenting with the right to strike as a tool for worker regularization

The origins of the 2008-2010 strike movement reach back to a series of rather isolated irregular worker strikes in the Greater Paris region (*Île de France*) in the middle of the last decade. The first incidence of this kind is the occupation of *Modeluxe*, an industrial laundry situated in Chilly-Mazarin. In September 2006, the enterprise is on sale. Management wants to dismiss 22 irregular workers in order to avoid a costly redundancy plan. The CGT local in Massy has been in contact with these workers for a while. It is prepared to repost. Its leader, Raymond Chauveau, is an ex-public transport mechanic in his 60s with a marked communist background. Somewhat untypically for a CGT unionist, he is not a novice to *sans papiers* movements: Massy CGT local has been supporting them for several years already. As soon as the first notification of redundancy arrives, the 22 workers gather in a corner of the enterprise and declare that they are on strike.

The local CGT takes a calculated risk in this operation. It counts on a fact well-known by specialists of French labour law: Even if the employment of irregular workers is illegal, once the employer has committed this infraction (knowingly or not), irregular workers benefit from almost the same rights as regular workers, including the right to strike. Unionists believe that in order to make effective these rights (e.g. protect workers against unfair dismissal), their regularization is necessary. “*Already at that time, our logic was: they are the same as other workers. They have been working in the enterprise for many years. Therefore, they must be treated like the others. In order to execute their rights, they need to be regularized*”, explains Chauveau the prevailing logic retrospectively.⁴ The local prefecture becomes the principal object of the claim *via* the strike. More originally, in order to protect striking workers from dismissal (the employer needs to “regularize” his or her own situation upon the revelation of the infraction), labour law is used to protect workers protest. “*The strike protects against the police ... We entirely exploited this labour and constitutional right. This was an element we perceived immediately and served us consequently.*”⁵ When the strike sets off, the police forces called by the *Modeluxe* management have to remain outside the building.

Another major effect of the occupation is that it renders publically visible the presence of irregular workers in the enterprise. Administrations are obliged to react to the revelation of the double infraction by employers and workers. Massy unionists know from previous experiences that in such a situation, public attention is crucial for pressuring the local prefecture to react in favour of the workers. The revelation of the often scandalous working and employment conditions of these workers is meant to gather support outside the enterprise. Hence, unionists organize demonstrations and petitions and seek the support of local politicians. Inside the enterprise, the strike presupposes the constitution of an otherwise unlikely collective; by bringing to light their situation, workers challenge the individualizing and criminalizing effects of immigration regulations. Experiences of solidarity within and outside the enterprise bolster the legitimacy of their claim. Three days after the beginning of the strike, regular co-workers join the strike and bring the laundry to a standstill. In January 2007, all workers obtain their permits from the prefecture, possibly anticipating the upcoming change in immigration law.

⁴ Interview with R. Chauveau, November 2011.

⁵ Interview with R. Chauveau, November 2011.

The *Modeluxe* experiences had established the principles that will guide collective action throughout the future social movement. “*Everything we know by now, we have experienced in this particular strike in a condensed fashion. We built on these very intense experiences especially as we could easily theorize them*”, underlines Raymond Chauveau.⁶ On May 29th 2007, he intervenes in a similar situation. 26 workers of a *Buffalo Grill* restaurant in Viry-Châtillon have contacted him. They are threatened by dismissal. Workplace police controls have revealed the presence of numerous undocumented migrants in the workforce. At the strike’s kick-off press conference, workers bring forward a new type of justification for their regularization. They refer to their situation as (exploited) workers: “*The boss has employed us because we are undocumented; today public authorities must regularize us!*” (Barron *et al.* 2011: 30). Rapidly, more than sixty workers participate in the strike. Workers in similar situations from other enterprises show up and spread the word consequently. Migrant rights activists engaged in *sans papiers* struggles also visit the picket line. They feel that the strike could offer new perspectives for the cause: “*I went at the encounter of Raymond Chauveau ... in Viry-Châtillon, the Buffalo Grill conflict. I had a revelation; in any case, I said to myself that something was happening there. Until then, we were constantly on a conflict that repeated itself endlessly; I mean the occupation of symbolical places. We had entered in a kind of routine that failed to draw the attention of the media*”.⁷

The interest of migrant support groups for the new repertoire of action will consequently produce connections with workers and organisations outside the CGT networks. In July 2007, after a final meeting between the regional CGT, Buffalo Grill and the prefecture, only 20 workers obtain permits. Notwithstanding this mixed result, the local CGT office in Massy gets overwhelmed by demands from undocumented workers. They ask to become union members and to go on strike.⁸ In autumn 2007, Chauveau and other activists set out to visit migrant workers hostels. They inform workers about the chances and risks for obtaining permits by going on strike. A dynamics was engaged that owed much to the engagement of local unionists and their desire to experiment with the strike as a suitable means to further regularization claims *vis-à-vis* local prefectures.

3.2. Framing and appropriating irregular migrant protest as a workers cause

In cognitive terms, the discovery of the productiveness of the strike repertoire allowed for the revelation of an “evidence” that was of importance in particular to CGT as a larger entity: Because the undocumented migrants make use of their right to strike, they are workers. Within this framing, conducts, conflicts, claims and divisions observed by unionists in the different situations of the strike (notably in general strike assemblies and on picket lines) could be interpreted on the familiar matrix of a labour conflict. “*The question of work, immediately we have perceived it as determinant. For a trade union, this question necessarily goes beyond manifestations of solidarity or support, things we have done in the past in our relationships with the sans papiers collectives. This means that we enter a dimension that is completely linked up with our traditions as a trade union that is to defend workers’ rights. Besides, we saw this when we went living the strike with these workers. We immediately perceived the solidarity. It was of another nature. These were workers, on strike, you know. They displayed the determination to win their struggle for dignity, for rights. We perceived this immediately ... From the very beginning, this was more understood as a trade union thing*”.⁹ Interviewed trade unionists regularly admire the stamina and the dedication of the striking workers for their cause. This movement appears as “exemplary” to them, marking implicitly a contrast with the difficulties of engaging French workers in industrial action.¹⁰

⁶ Interview with R. Chauveau, November 2011.

⁷ Interview with M., Paris CGT officer, July 2011.

⁸ By April 2008, 600 undocumented workers had become union members.

⁹ Interview with P., Paris CGT officer, July 2011.

¹⁰ The “exemplarity” of the strike allowed CGT protagonist to make more or less explicit linkages with the union’s past, present and future. By assuming the leadership in this movement, the union perpetuates its history in which the strike plays a crucial role (Groux and Pernot 2008), notably by seeking the confrontation with the government through strike waves (Tilly and Shorter 1973). This certainly marks a contrast with CGT’s prevalent, yet uneasily assumed role as a “social partner”. As a movement of workers in industries in which the union is extremely weak and strikes are rare, it carried the promise to organize workers in these labour markets.

Within this framing, unionists could deploy tactics, principles and knowledge acquired throughout their careers as activists, e.g. on how to deal with the employer on the picket line, how to interpret administrative texts or how to organize a mass movement. Importantly, this reduced the social distance between (white) unionists and precarious (black) workers. “*As far as I am concerned, my relationships were entirely from worker to worker, as simple as that. We are not only unionists; first of all we are workers. Being a unionist does not mean that we have left behind the world of labour and that we don’t understand anymore issues as working and living conditions or situations of low pay.... Therefore, very quickly things evolved in the context of a labour conflict*”.¹¹ Here, the strike appears as the successful exchange of two attributes: the extreme dedication of the workers on the one hand, and the *savoir faire* of the trade unionists on the other hand. A *sans papiers* delegate of a picket line explains: “*The trade union educated us. We did not know our rights. I did not even know that I could demonstrate or that I could become a union member. They taught us that we had rights as workers and could even get regularized [as workers]. They have encouraged us very strongly taking up the fight. Also, the organization – that was done really well. We were a great number of people. We were in a very difficult situation and therefore not easy to manage*”.¹² It is in this exchange that a strong relationship of confidence was created. “*First off, they [the workers on strike] discovered trade unionism. They saw unionists arrive [on the picket lines] from different unions who helped them out. Rapidly, there was a relationship of trust between these workers and the union. That was something really important.*”¹³

The framing of the movement as a workers struggle also marks a rupture with the hitherto dominant, but competing repertoire of *sans papiers* protest. As early as the 1970s, the hunger strike became— in France and elsewhere – the dominant repertoire in struggles for regularization, often followed by occupations of public places (churches, town halls or administrative buildings), petitions and demonstrations. Siméant (1998) has analyzed the ways in which the physical violence implied in this act is used to contest the violence *sans papiers* are exposed to. The hunger strike repertoire thus opposes migrants (and their supporters) to the state. Mobilizations of the public are the decisive means to influence the latter. Other than in the labour conflicts of “regular” immigrant workers of the 1970s, employers, however, had disappeared from the scene of contention as had the sphere of work as an object or leverage of protest.

Throughout the strike movement, unionists seek to distance themselves from this repertoire. They tend to conceive it as a “sordid” mode of action, based on an “apolitical” human rights discourse. To mark their difference, from a very early stage on, CGT uses the term *sans papiers* only in combination with the qualifier “worker” (*travailleur sans papiers*). Claims are based on the valorised and positive figure of the worker, striking a contrast with the figure of the excluded of “humanitarian” migrant protest. “*There are no more have-nots [i.e. sans papiers], there are workers without permits, but who work. Their point of departure is where they are strong, i.e. [as workers] they exist in society*”.¹⁴ Conceiving irregular migrants as subjects of rights and as parts of a larger socially recognized collective (the union movement) potentially allowed the migrants to affirm publically their situation and claims. Against internal resistances which conceived the regularization struggles as a “societal” and not a “union issue”, the framing allowed the proponents to justify the financial and human resources that CGT dedicated to the movement. It also enabled unions to distance themselves from the highly contested issue of immigration policies. “*The idea was: The Minister likes these terrible terms of stock and flows [of migrants] and we said: We discuss stock. There are sans papiers workers and sans papiers in France and you are never going to expulse all of them. There are entire parts of the economy which exploit them. We are there to fight against this.*”¹⁵ By insisting on the nature of the movement as an issue of “immigrant policy” (Hammar 1985), CGT reconnected with a historical preference of favouring the extension of rights of resident migrant populations over calls for more liberal admission policies (Castles and Kosack 1973; Penninx and Roosblad 2000).

The considerable media coverage of the Buffalo Grill strike had revealed to unionists and activists another strategic advantage of this framing: Journalists were intrigued by the images (workers holding their payslips, social security cards and work contracts into the cameras) and accounts (of working conditions and the role of the employers) of irregular workers on strike. By highlighting their degree of legal, social and economic integration (as cooks, cleaners, barmen, dump or construction workers, security agents,

¹¹ Interview with P., Paris CGT officer, July 2011.

¹² Interview with D., picket line delegate, April 2013.

¹³ Interview with P., Paris CGT officer, July 2011.

¹⁴ Interview with R. Chauveau, November 2011.

¹⁵ Interview with B., Paris Solidaires officer, July 2011.

nannies ...) in the host society, the strike offered “something new” that stood in contrast with recurrent, “well known” incidents of *sans papiers* occupations and hunger strikes. Unionists were keen to exploit this precious resource in further mobilizations.

3.3. Amplifying and scaling up the strike movement

Other, yet less mediatised strikes follow the *Buffalo Grill* movement. Importantly, in the meantime the situation has changed at the legal level with the 2007 Immigration Law and the circular from January 7th 2008. Article 40 introduced the employer as a centerpiece of the “case by case” admission on economic grounds. From now on, the attribution of the newly created salaried worker card crucially relies on the support of the individual employer who may “propose” her candidates to the local prefectures. Unionists and migrant activists ask themselves how they could exploit this new regulation. Had the introduction of the employment relationship into the regularization procedure opened the door for putting under pressure employers in order to make them support the candidature of their workers? – Under this hypothesis, the strike would not only mobilize public attention, but also introduce the employer as a new and important strategically “ally” into the relationship with the prefectures and the government.

Arguably, a major test takes place on February 13th 2008 when Raymond Chauveau and Paris CGT launch the occupation of the prestigious *La Grande Armée* restaurant. Contrary to previous operations which took place after the dismissal of workers, this time CGT wants to take the employer by surprise. Each of the eight striking workers does several jobs in the restaurant, either as a cook, barman, cleaner or dish washer. The most senior of them has been working in the restaurant for eight years.¹⁶ The manager gives up resistance quickly and supports his workers’ claim at the prefecture. After only 6 days of strike and negotiations, the Paris prefecture backs down. For the first time, irregular workers on strike are regularized on economic grounds: They obtain the “salaried worker” permit introduced by the 2006 immigration law.¹⁷ The strike has proven to be a practical means to obtain the regularization of workers outside the list of 30 jobs established by the Ministry.

When the conflict appears on the national evening news, CGT activists feel that a new dynamic has been created, amongst the workers but also the general public. The moment has come to amplify and scale up the movement. In order to maximize the number of regularizations, pressure on local prefectures and the government has to be augmented. Chauveau gets into contact with CGT’s national level. Together they decide to coordinate a strike movement in the Greater Paris region (*Île de France*), home of the major part of French immigrant populations. The tactics is to centre the movement, at least initially, on cases which are most likely to satisfy local prefectures and to generate sufficient pressure on employers: (male) workers with permanent full-time employment contracts in enterprises characterized by the presence of several irregular workers.

For three months, a very restricted circle of CGT and worker activists have prepared the movement in secret. Within one hour, on April 14th, 300 workers occupy eighteen different sites. Amongst them are construction workers, cooks and janitorial workers. Rapidly, the movement becomes an issue for national politics. Raymond Chauveau and national immigration officer Francine Blanche are received by the Ministry of Immigration. In the talks CGT obtains the promise that the applications of the striking workers will be “regarded positively” by the Greater Paris prefectures. However, the ministry categorically refutes the idea of a mass amnesty of the striking workers. Each case will continue to be considered individually by the prefectures, granting them a maximum control over the number of permits issued.

The strike provokes immediate, yet contrasting reactions amongst organized employers. SYNHORCAT and UMIH, the two main hotel and restaurant employer federations, call for the regularization of some 50,000 workers in their industry. The principal employer confederation MEDEF, tightly linked to the government and French “big business”, however, refrains from commenting on the issue. The

¹⁶ Libération, February 15th 2008.

¹⁷ The salaried worker card is a precarious title insofar as it is valid for one year only and often limited to a particular profession and region. Getting unemployed or changing the job can be a reason for non-renewal.

construction employer federation FFB (*Fédération française du bâtiment*) publicly opposes any legislative changes and speaks out in favour of the individual treatment of regularization demands. Individual employers hit by the strike are initially outraged, but most of them concede under pressure. Typically, they claim that they had been unaware of the administrative situation of their employees. Many workers, however, ascertain that their employer knowingly employed them: Some of them have been asked to change their identity as soon as their administrative situation had been revealed; others were dismissed and reintegrated afterwards without being declared or *via* a temporary work agency.

To maintain pressure on the prefectures, on May 20th 2008 CGT launches a second strike wave. Another 321 workers occupy 23 enterprises. In total, between 600 and 700 workers are on strike. In June 2008, CGT announces that out of 1.400 applications, 400 have already been treated favourably. Meanwhile, scissions appear in the movement. A conflict opposes the autonomous *sans papiers* group CSP 75 to Paris CGT and leads to the occupation of the Paris Union House (*Bourse du Travail*) that will last for over a year. In an interview with *Le Monde* on June 16th, Chauveau suggests the possibility of a third strike wave. However, within CGT resistances have built up. Unionists participating in the strike are afraid of getting overwhelmed by an extension of the movement. Since April, night and day unionists and activists are present on the picket lines in order to avoid manipulation by bosses; others are busy filing applications and accompanying workers to the prefectures. Their engagement collides with other events on the union agenda. Internally, alternative activist resources are rare as industry federations officially do not participate in the movement. To lessen the strain on the organization, in June 2008 CGT decides to take a break from launching new strikes and to observe the evolution within the prefectures. A serious break is thus put on the desire of numerous workers waiting impatiently to be “launched” by CGT to participate in the movement. An episode of “cold regularization” (Barron *et al.* 2011: 146) sets in. CGT opens permanencies in local union offices in which dedicated full-time officers file and follow up applications and accept new ones.

3.4. Broadening the social and organizational basis of the movement

Increasingly faced with the unwillingness of prefectures to concede any further permits, in spring 2009, CGT starts discussing the need to reestablish pressure on the authorities. At the same time, the union is aware that entering in a new full-blown movement exceeds its own militant resources. The profile of the majority of the workers who have contacted the union imposes a question: How can the movement integrate causal workers such as part-timers, temporary agency workers, housemaids, “individual”¹⁸ or undeclared workers?

If a future movement is to broaden its social base, CGT is convinced that its organizational foundations have to be enlarged, too. In September 2009, CGT’s Francine Blanche invites four union confederations (Solidaires, UNSA, CFDT, FSU) and six migrant support groups to the CGT headquarter. At the meeting she announces that the union’s national executive board has finally approved the launch of a new major strike wave. She invites the representatives to participate in it. In order to open up the way for the “regularization of all *sans papiers* workers” (and not only the striking workers), CGT seeks to go beyond the informal arrangements with the Ministry and prefectures of the preceding episodes. It calls for a government circular that establishes simplified and improved eligibility criteria applicable to all irregular workers, independently of their nationality, employer or the place of their prefecture. The participants of the meeting approve this claim and sign a letter to the Prime Minister. As it remains unanswered, the newly constituted “group of eleven” takes the decision to launch the movement. It will remain geographically limited to the Greater Paris region, but its dimensions will largely surpass the preceding ones.

¹⁸ In this context, the term refers to situations in which the strike is not feasible either because the number of irregular workers in a given collective is too low or the worker has no regular contact with other employees from the same company.

On October 11th 2009, a preparatory assembly for the strike wave is held at the CGT headquarters in Montreuil. An impressive total of 2,000 migrant workers assist the meeting. Their profile is more heterogeneous than in 2008. Temporary agency, undeclared and recently dismissed workers are well represented amongst them. Part-time workers, mostly women, are also present. Some of the participants have already participated in the previous movement, but failed to obtain their permits. Alongside workers from francophone Africa,¹⁹ for the first time a sizeable population of Chinese origin participates. The next day, more than 1,300 workers go on strike. By October 24th, 4,000 irregular workers occupy some 40 sites, amongst them restaurants, building sites, cleaning and security services, temporary work agencies, and employer federations. At its peak, CGT registers 6,800 striking workers. Notwithstanding these impressive numbers, in the context of the economic crisis the movement has much more difficulties to catch the media's attention. In order to prevent the dispersion of the movement and to deal with heterogeneous worker profiles, several innovations occur in the repertoire of contention.

First, each picket line has to elect a strike delegate. In part, this measure responded to the difficulties of providing sufficient militant resources. This was of particular importance for CGT that continues to manage the large majority of picket lines. From now on, regular assemblies with delegates and representatives of the "group of eleven" are held. The delegates have to report back to their picket lines all the information provided on these occasions. Delegates are also crucial for communicating and explaining the shift in the movement's objectives and tactics: Contrary to preceding waves, no application files must be handed to the prefectures until the government has issued a circular. Moreover, from now on, each striking worker holds a nominative strike card that should protect her against police arrests. The card also allows delegates to check the participation in the picket lines and to increase discipline by threatening to take back the card (Barron *et al.* 2011: 199).

Second, the participation of 'atypical' workers entails new ways of conducting the strike. If most of the enterprises are occupied by their employees, several Parisian sites gather individual workers from different enterprises. These sites provide a means to participate for those workers who normally would not have the opportunity. On October 12th, almost 400 workers occupy the national headquarters of the construction employers' federation FNTP (*Fédération nationale de travaux publics*). Amongst them are undeclared, temporary agency and isolated workers from small-sized construction firms. About 1,000 individual cleaners occupy the headquarters of SAMSIC, a major player in the French janitorial market. The training fund of the hotel trade (FAFIH) is chosen as a site to gather several hundred individual restaurant workers. Three agencies serve as a picket line for temporary agency workers. Affluence to these collective sites is massive, but quickly employers successfully contest the tactics in court on the grounds that the striking workers do not have an employment relationship with the employer or organization in question. On October 28th, the movement is hit for the first time: Police evacuates 650 construction workers from FNTP headquarters. In November, the SAMSIC site is equally threatened by an evacuation procedure. Meanwhile, the government still has not issued a text. Temporary agency workers who get expelled from an agency organize to occupy another agency. The "travelling strike" is invented (Barron *et al.* 2011: 211 ff.).

On November 16th, one month after the beginning of the strike wave, the Minister of Immigration edits a circular. Its content is disappointing: It merely repeats existing regulations and affirms the discretionary powers of the prefectures. The circular is accompanied by a document of uncertain legal value that only suggests the amelioration of their eligibility criteria for temporary agency workers. The "Group of eleven" and the strike delegates unanimously reject the text. At a press conference the same day, the Minister of Immigration declares that only "between 500 and 1,000 workers" will benefit from the circular, much less than the 2,800 regularisations obtained in the 2008 strikes. The position of the government has hardened: In the context of the economic crisis the opening towards "economic immigration" does not figure anymore on the government's agenda.

Deception is enormous amongst the striking workers. Nevertheless, the decision is taken to continue the movement in order to obtain a better text. Also, it is agreed that workers set out to obtain a binding offer of employment in order to comply with the basic eligibility criteria imposed by immigration law. However,

¹⁹ The strike movement is dominated by young men aged between 20 and 35. Most of them are from rural areas of Kayes in Mali or other African countries (Chauveau 2009).

from now on, the movement starts to decline. On February 2nd, FAF-SAB, the last remaining major strike site for individual workers is evacuated by the police. Striking workers and activists are exhausted after months of occupation; some workers have picked up work without admitting it. CGT seeks to compensate the loss of the major strike sites by mobilizing the support of artists as well as employers. In March 2010, a “common approach” to regularization is signed between certain employer organizations and CGT, but the government fails to consider the initiative.

CGT still has one ace up its sleeve: On May 27th 2010, about 1,000 irregular workers participate in the Parisian trade union demonstration against the government’s pension reform plans. Upon its arrival at the *Place de la Bastille*, Raymond Chauveau guides the irregular workers cortege to the staircase of the Bastille Opera. He publically declares that workers will occupy the place until the government concedes precise eligibility criteria. CGT leadership argues that the signature of the common approach with employer organizations rules out new occupations of enterprises. Certain unionists engaged in the movement contest this position and tensions rise within the Group of eleven. The Ministry of Immigration hesitates over the ways to deal with the situation of “public disorder” at the *Place de la Bastille* (Barron *et al.* 2011: 268-271). Should it engage in negotiations over a new text or continue its tactics of “sitting out” the movement? On June 2nd, police forces try in vain to evacuate the occupants.

On June 18th, Raymond Chauveau announces to the Bastille crowd that CGT has obtained an ‘addendum’ to the circular from November 24th. The eligibility criteria listed in the text are the most favorable the movement has ever obtained and are, in principle, applicable to all workers.²⁰ Yet, the text has no legal value; it is officially intended to “guide” prefectures. CGT announces the end of the remaining picket lines. Throughout the summer, activists are extremely busy preparing applications and submitting them to the prefectures. Yet, results are disappointing. By the end of 2011, out of 4,000 applications processed by the “Group of eleven“, only 800 have been followed by a permit. In particular, undeclared workers, temporary agency workers as well as workers who could prove not five years of continuous residence are concerned by refusals (UD CGT Paris 2011). The main protagonists of the CGT defend the addendum as a major success. Other participants of the “Group of eleven” and Paris CGT are more critical of the circumstances of the end to the strike and its results. A Solidaires union officer affirms: “*We still do not have the final results, but a priori these will be relatively disastrous. We did not obtain the text we wanted*”.²¹

As soon as the movement ends, ties between striking workers and unions transform and weaken. Very much like in other movements of this kind, the processing and follow-up of “cases” imposes an individual relationship with the workers. For months and even years to come, the consequences of the movement will be administered by a handful of highly specialized union officers who negotiate with local prefectures over procedures and contested applications. Ties with regularized workers weaken quickly as many of them change jobs or immediately take the chance to visit their families in their home countries for the first time in many years. More importantly, CGT has not established a follow-up of these workers by their respective industry unions. Thus, the social regularities characterizing the relationship between workers and the union in the industries in question (extremely weak union density; lack of workplace representation; low degree of dialogue and conflict ...) can easily take their toll. Paradoxically, as soon as irregular workers have become regularized, distance to the union increases. In this sense the movement not only displayed the strengths of French unionism, but also its weaknesses. It had nevertheless demonstrated that there was a potential place for irregular workers and their claims in the union movement.

²⁰ In order to obtain the salaried worker permit, the text demands a minimum period of 12 months of employment over the last 18 months (24 months for agency workers). Part-time cleaning and homecare workers in particular can cumulate employment proofs of multiple employers. Multi-employer job offers are equally accepted, provided that they allow for earnings equivalent to the national minimum wage. However, the Ministry insists on a minimum of 5 proven years of residence.

²¹ Interview with B., Paris Solidaires union officer, July 2011.

4. CONCLUSION

When in May 2010 workers occupy the open air staircase of the Bastille Opera, CGT insists on the linkages with the movement of occupied enterprises by entitling the occupation the “picket line of the picket lines”. CGT banners are pulled out calling for the regularization of all *sans papiers* workers. Participating migrants, most of them issued from previously evacuated picket lines, anxiously ask themselves for how long they will have to hold out. The weather is bad and in order to protect themselves, plastic covers are put up. For almost a month, during night and day up to 1,000 workers will be occupying the esplanade. Yet, the images revealed by the occupation are disturbing. Is this still a workers strike or the occupation of another public place by a *sans papiers* collective? – By occupying the esplanade, CGT had implicitly acknowledged that the strike had become insufficient to make move the government. The authorities’ unwillingness to negotiate any substantial advances had shown the limits of the repertoire. They had imposed degrading conditions on the movement and refused to take into account the economic and legal “integration” of irregular migrants. Thereby, they brought to the forefront the figure of the excluded migrant. The Bastille occupation took into account this situation. It publically exposed the desperation of exhausted migrants and thereby denounced the violence exerted by the state. In the direct confrontation with the government, employers had disappeared from the scene of contention. CGT leadership had recurred to a repertoire that it would however not be able to sustain.

REFERENCES

- Barron P, Bory A, Chauvin S, Jounin N and Tourette L (2011) *On bosse ici, on vie ici. La grève des sans papiers: une aventure inédite*. Paris: La Découverte.
- Beaud S and Pialoux M (1999) *Retour sur la condition ouvrière*. Paris: Fayard.
- Castles S and Kosack G (1973) *Immigrant Workers and Class Structure in Western Europe*. London: Oxford University Press.
- Chauveau R (2009) La lutte des sans papiers au travail, in: *CERAS*, projet no. 311, July 2009.
- Gastaut Y (2000) *L’immigration et l’opinion publique en France sous la Ve République*. Paris: Seuil.
- Groux G and Pernot J-M (2008) *La grève*. Paris: Presses de Sciences Po.
- Hammar T (1985) *European Immigration Policy*. Cambridge: Cambridge University Press.
- Hardy J, Eldring L and Schulten T (2012) Trade union responses to migrant workers from the ‘new Europe’: a three sector comparison in the UK, Norway and Germany. *European Journal of Industrial Relations* 18 (4): 347-363.
- Haus L (2002) *Unions, Immigration and Internationalization*. New York: Palgrave.
- Isidro L (2011) La grève des travailleurs sans-papiers. Réflexions sur l’occupation, in: *Revue du droit du travail*, June 2011, pp. 363-369.
- Iskander N (2007) Informal work and protest: Undocumented migrant activism in France, 1996-2000. *British Journal of Industrial Relations* 45 (2): 309-334.
- Lillie N and Greer I (2007) Industrial relations, migrations, and neoliberal politics: the case of the European construction sector. *Politics & Society* 35 (4): 551-581.
- Mathieu L (2009) Heurs et malheurs de la lutte contre la double peine. Éléments pour une analyse des interactions entre mouvements sociaux et champ politique. *Sociologie et sociétés* 41 (2): 63-87.

- Meardi G, Martin A and Lozano Riera M (2012) Constructing uncertainty: unions and migrant labour in construction in Spain and the UK. *Journal of Industrial Relations* 54 (1): 5-21.
- Morehouse C and Bloomfield M (2011) *Irregular Migration in Europe*. Washington: MPI.
- Penninx R and Roosblad J (2000) *Trade Unions, Immigration and Immigrants in Europe 1960-1993*. New York: Berghahn.
- Pitti L (2008) "Travailleurs de France, voilà notre nom". Les mobilisations des ouvriers étrangers dans les usines et les foyers durant les années 1970. In: Boubeker A and Hajjat A (eds) *Histoire politique des immigrations (post) coloniales*, Paris: Editions Amsterdam: 95-111.
- Siméant J (1993) La violence d'un répertoire: les sans-papiers en grève de la faim. *Cultures & Conflits* 1993 (09-10): 1-16.
- Siméant J (1998) *La cause des sans-papiers*. Paris: Presses de Sciences-Po.
- Terray E (2006) Saint-Bernard, un bilan: dix ans après. *Migrations Société* 14 (104): 91-102.
- Tilly C and Shorter E (1973) Les vagues de grèves en France, 1890-1968. *Annales. Économies, Sociétés, Civilisations* 28 (4): 857-887.
- Tilly C (1984) Les origines du répertoire d'action collective contemporain en France et en Grande Bretagne. *Vingtième Siècle*, no. 4, Octobre 1984: 89-108.
- Tilly C and Tarrow S (2007) *Contentious Politics*. Boulder: Paradigm.