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Greek non-state actors in immigration policy-making within the context of EU membership: the cases of trade unions and employers' associations (1990-2005)

I. Introduction

More often than not, the impact of EU membership on the national policies and politics of immigration is sought in the formal adoption of legal norms and institutions, at both the EU and the national levels. What about the actors taking part in the process of immigration policy-making? How do they perceive, understand, and even instrumentalize the EU within the latter? In Greece, the policy issues concerning foreign immigrants can provide a magnifying lens to observe different non-state actors at work as well as their positions and strategies concerning the role of the EU.

In this paper we turn away from the “usual suspects” of immigration policy-making, such as the political parties or governmental agencies. Instead, we focus on non-state actors that are smaller, under-researched players: workers’ and employers’ associations. We ask: what has been the impact (if any) of these non-state actors on Greek immigration policy? And how has EU membership mattered in their positions, strategies and choices ever since? We are concerned with the Greek policies on non-EU citizens (the so-called “third-country nationals”) of foreign ethnic descent. We take the adopted basic Immigration Acts of the period 1990-2005 as concrete cases of policy-making outcomes and we focus on the role, the positions and the strategies of non-state actors during the domestic immigration-policy making process that led to these outcomes.

Our analysis is based on the qualitative study of official and unofficial documents, parliamentary debates and personal interviews, and it shows that the Greek social partners drew on EU membership and its politics in similar ways. In particular, in their effort to formulate their policy positions and legitimize their preferences, the European Union was understood and rationally instrumentalized as a pool for policy paradigms to choose from, as a venue for horizontal policy learning, and as a symbolic resource to draw from in the domestic realm of immigration politics. On the contrary, a universalistic human rights discourse was largely absent. Whether these understandings and strategies have prevailed up to the present day is an issue that deserves further research.

II. Non-state actors and the profile of immigration in the Greek labor market

Before proceeding with our analysis, the term “non-state actors” needs some clarification as it may be taken to include just about everything: elite networks, interest groups, epistemic communities, human rights organizations, social movements and trade unions, to name but a few. For one thing, “non-state” implies financial and institutional independence from state control. However, as Josselin & Wallace rightly note (2001: 2-3), in the universe of non-state actors the degree of autonomy varies greatly concerning both their institutional significance in policy-making and their independence from state structures and policies.

Furthermore, the degree of autonomy of non-state actors as well as their role in policy-making is directly connected to the degree of maturity of a civil society that may sustain their activities by providing them with the necessary (non-state) resources. By implication, the less developed and organized civil society is, the less autonomy non-state actors may enjoy in exercising their role in politics. This point is important to consider in the case of Greece, where civil society – in contrast to other western European states – has been slow in developing, the state-political party nexus constitutes the biggest manager of public funding, and “statism” traditionally exercises extensive control over the public sphere.

In this paper, we take “non-state actors” to mean organizations and institutions largely autonomous from direct government or state control that take part in the policy-making process. Furthermore, we select actors whose activity is directly linked to the national policies and politics of immigration. The latter touch on issues of economic and labor policy on the one hand and on the protection of human rights on the other. For the purposes of this article, our attention lays on labor and employers' associations.

– *Immigration to Greece and the labor market*

The entry and residence of third-country nationals for employment purposes concerns first and foremost the domestic labor market and its players: the employers, the self-employed, and the workers.¹ The 2001 Greek census registered a total of 715,322 third-country nationals irrespective of legal status, who constituted 6,54% of a total population of 10.934.097 (ESYE 2008: 60).² Of those third-country nationals, 375,637 (52,51% of the total number of non-EU citizens) were employed: about 25,3% were employed in constructions; 18% in agriculture, forestry and fishing; 15,24 in trade and in the tourist sector; and 12,6% in manufacturing. Finally, about 19,8% of employed non-EU citizens were engaged in “other services” (ESYE 2008: 126). According to Kritikidis (2004:34), 11% of third-country nationals were employed in domestic services. In general, the vast majority of foreign immigrants in Greece are engaged in paid-employment activities (Rompolis 2005: 36).

¹ It also concerns the unemployed, to the extent that foreign immigration impacts on the employment rate of the native labor force or that of immigrants who are long-term residents in their host country.

² The final data of the 2011 Greek census is not available as yet. According to the temporary results published by ELSTAT (the Hellenic Statistical Authority), Greece has a total permanent population of 10.787.690 (ELSTAT 2011:5).

This profile makes clear that immigration of non-EU citizens in Greece has been of great importance in specific economic sectors. Accordingly, it can be expected that social partners in these sectors have sought to influence Greek immigration policy-making in pursue of their labor market strategies and policy aims.

However, any consideration of the role of these domestic actors in Greek immigration policy-making needs to take into account the particular structure of the Greek economy (Table I). Economic activity of the Greek private sector³ is overwhelmingly based on small enterprises that employ up to four workers (a 94,58% of the total number of enterprises in the year 2004). By contrast, only 6,940 out of 902,631 businesses (about 0,77%) employed thirty workers or more, whereas big businesses employing more than fifty workers comprised only 0,41% of all enterprises on the Greek Business Register in the year 2004 (ESYE 2008: 141). Furthermore, and contrary to the “classic” paradigm of guest-worker immigration to Western Europe in the past, the employment of foreign workers in the Greek industry has been very low. This implies that the Greek industrialists have not had sufficiently strong motivations to engage extensively with domestic immigration policy-making. Thus, the impact of employers’ associations on Greek immigration policy is not expected to be decisive.

Moreover, in an economy dominated by small businesses, it is to be expected that the degree of unionization of workers is lower than in the highly industrialized western-European economies with large-scale businesses and highly organized, massive membership in industrial workers' associations. This expectation is confirmed by the data on the density of unionization of employees in Greece, which in the private sectors of services, trade, tourism and manufacture is nearly non-existent (Vernardakis, Mavreas & Patronis 2007: 46-47). This crisis in unionization further implies that the financial, institutional and symbolic resources of the Greek trade unions are limited. The existence of extensive informal economy in Greece further exacerbates the unionization crisis. However, due to the high number of foreign immigrants, most of whom initially entered and resided in Greece without authorization, immigration has been a central issue for workers’ associations. Thus, it is to be expected that the activity of Greek trade unions in the domestic immigration policy-making process is mainly concentrated at the higher level of representation and focused on particular, ad-hoc policy issues so as to make a selective and effective use of their resources and maximize their impact on policy outcomes. Overall we expect their impact on immigration policy outcomes to be limited but with occasional successes in shaping policy provisions on those issues that lie in the core of their institutional and policy preferences.

³ Any account of the economic activity of foreign immigrants in Greece concerns first and foremost the private sector as Greek citizenship and fluency in Greek is very often a necessary prerequisite for employment in the public sector. Exceptions include the case of EU citizens exercising their right to freedom of establishment and equality of treatment, and foreign nationals of Greek ethnic descent (*omogeneis*) for some categories of public service. The actual cases of non-EU citizens of foreign descent being employed in the public sector are actually very few when compared to the size of foreign immigration to Greece since the early 1990s (see, for instance, the case of medical doctors trained in Greek public hospitals and of nurses employed in public health services).

Table I: Number of Greek enterprises according to economic sector and number of employed workers (2004)

Economic sector	Total	0-4 workers	5-9 workers	10-19 workers	20-29 workers	30-49 workers	50-99 workers	100 workers & over
Total	902631	853705	25331	12559	4096	3199	1994	1747
Agriculture, livestock, hunting and forestry	18491	17971	215	163	62	46	19	15
Fishing	1655	1421	147	51	12	12	8	4
Mining & quarrying	1165	916	98	77	33	18	13	10
Manufacturing	96252	84382	5424	3225	1137	942	591	551
Electricity, natural gas & water supply	1299	1133	56	44	17	24	9	16
Construction	109217	105974	1572	797	300	245	184	145
Trade; repair of motor vehicles & motorcycles ; personal and household goods	313553	299608	7878	3505	962	768	469	363
Hotels & restaurants	103730	95825	4598	2000	545	400	200	162
Transport, storage & communication	48993	46029	1510	780	271	184	116	103
Financial institutions	3882	3647	66	48	25	27	27	42
Real estate	126182	122496	1884	887	313	238	187	177
Public administration & defence; compulsory social security	1215	957	72	59	33	41	21	32
Education	5258	4808	219	109	37	38	28	19
Health & social work	3572	3261	107	97	34	24	23	26

Other community, social & personal services	45713	43096	1249	680	315	192	99	82
Private households with employed persons	33	33						
Extraterritorial organisations & bodies	17	16		1				
Sector unknown	22404	22132	236	36				

Source: Greek Statistical Agency (ESYE), Business Register (2004) (ESYE 2008: 141)

III. The Labor Unions

The articulation of policy positions and proposals from the part of Labour Unions began immediately after extensive immigration flows began in 1990/1991. At the early stages, these activities were limited in geographical scope and focused on the communication with local public authorities concerning the clandestine entry, irregular employment, and bad living conditions of third-country national workers. Foreign (clandestine) immigration soon became an important point of interest for the General Confederation of Greek Workers (*GSEE*), the highest level of representation of private employees engaged in paid employment. Throughout the period under consideration (1990-2005), *GSEE* supported its positions by mobilising its human resources and conducting research at its Labour Institute (*INE*). *INE* became the pool of expertise on immigration issues and the main forum for the formulation of *GSEE* policy recommendations. Although the views expressed in the publications of *INE* are not necessarily the positions of the *GSEE* in the strict sense, they nevertheless reflect the principles and the policy approach pursued at the leadership of the Greek Trade Unions, as they are the main “pool” where policy proposals and their representation to public authorities are derived from.

The evidence presented by Linardos-Rylmond (1993: 49-60) suggest that, as early as 1991, *INE* engaged in information exchange with local labour unions all over the country in an attempt to map the immigration phenomenon and aggregate their policy proposals. The common denominator among the latter was that constructions, farming, and small or medium-size artisanship enterprises absorbed clandestine foreign labour with considerably lower wages. In a period of growing unemployment, that created concerns about growing racism and xenophobia among Greek workers and undermining the respect for the working rights of legal employees. During the drafting of the first Immigration Act (1991), the Presidium of *GSEE* expressed its concern about the mass economic immigration to Greece and articulated the basic positions of Labour Unions on the issue. According to *GSEE*, a) the phenomenon had to be treated as an aspect of labour market policy (instead of public order and security); b) Greek legislation should guarantee equal employment and social security rights to foreign workers; and c) irregular

employment of foreign nationals had to be combated by legalizing clandestine immigrants (GSEE 1991). The same basic policy principles were expressed and lobbied for by GSEE in all subsequent cases of drafting the Greek legislation on immigration and regularisation policies up to the 2005 Immigration Act (Permanent Parliamentary Committee on Public Administration, Public Order and Justice 6/7/2005: 3-4, 16). Within the Confederation but also among policy-makers, there is the widespread belief that GSEE played a significant role in the drafting and the adoption of the two Presidential Decrees on the first regularization round (1997) as well as in the regularizations that were introduced by subsequent Immigration Acts (2001, 2005) (interview with Petros Linardos-Rylmond 19/1/2005; interview with Theoharis Tsiokas 5/1/2005).

A basic and firm assumption inherent in the positions of the Greek Labour Unions was that foreign immigration was taking place due to the structural characteristics of the Greek economy (including the extensive informal economic activities) and that immigrant labour was not competing with native employees (Permanent Parliamentary Committee on Public Administration, Public Order and Justice 6/7/2005: 14-15)⁴. In most cases, the argumentation of Labour Unions appealed to the principles of international workers' solidarity and to the fight for more and equal working rights for the entire labour force. However, their concern over the long-term impact of continuous clandestine immigration was central regarding both the strengthening of the Greek informal economy and their bargaining power. Moreover, endorsing the plea for immigrants' working rights and regularisation was not unanimous, especially in those labour-intensive sectors (mainly in constructions and tourism) and geographical areas where native workers were facing extensive unemployment and informal market practices.

Cases existed, in particular among construction workers in the first half of the 1990s, in which the reserved or negative reactions of Greek employees towards the employment of (clandestine) immigrants created strategic puzzles for some Unions and their leadership, who tried to reconcile their normative, leftist ideological predispositions with the utilitarian concerns of Greek workers. As a result, the positions of these Unions included contradictory recommendations, such as the adoption of social policy measures in favour of foreign immigrants *and* calls for stricter state and Labour Union controls on immigrant employment in the domestic labour market (Konidaris 2001: 276 ff 181). In the construction sector, the replacement of natives by foreign clandestine immigrants produced hostility by the former against the latter, especially in periods of high unemployment rates and greater flexibility pressures exercised on the native labour force (Federation of Construction Workers and Similar Professions of Greece 1991; Workers' Centre of Corfu 1992).

Nevertheless, this phenomenon did not prevail in the articulation of policy positions of Labour Unions at the highest level (interview with Petros Linardos-Rylmond, 19/1/2005). There, the official strategy on the issue of (clandestine) immigration was perceived as lying "between sensitivities and positions concerning the respect and the safeguarding of basic human rights and the materialisation of the principle of social and class solidarity" (Linardos-Rylmond 1993: 29)⁵.

⁴ By the mid-1990s academic research verified that employment of foreign immigrants took place in unwanted low-wage jobs or in unpopular economic sectors, such as farming (*To Vima* 14/9/1997).

⁵ A couple of surveys in the early 1990s showed that the positions of GSEE were in contrast with the dominant public opinion tendencies. The latter did not seem to favour equal rights for third-country nationals – and when it

The positions of the Labour Unions' leadership in favour of the rights of third-country national workers were also reflecting basic strategic concerns. In a period of well-known problems of the ailing Greek social security system, the regularisation of foreign immigrants and the recognition of their full employment and social security rights were seen as a remedy for the great losses of social security contributions caused by illegal employment practices. In the publications of the Labour Institute of the GSEE, immigration to Greece was positively seen as a factor against demographic decline and in favour of meeting labour market needs (albeit without being a permanent solution to those issues) (Robolis 2004: 8). Concerning immigration, the policy aims of GSEE ran parallel to the wider expressed concerns regarding the characteristics of the Greek labour market in the wider EU context: the low level of wages, the low productivity rates, and the efforts to increase the influence and the bargaining power of Greek Labour Unions in domestic policy-making (Ioakeimoglou, Soumeli & Carley 2003: 46 – 83).

Between 1991 and 2005, GSEE maintained a firm view over the issue of foreign immigration in Greece. In particular, immigration was perceived first and foremost as an issue of employment management. Labour Unions spoke in favour of equal treatment of foreign workers as regards to their access to the labour market and the Greek social security system. Within this framework, their positions in favour of the respect for human rights of third-country nationals cannot be seen as the outcome of an internalised universalistic human rights discourse. Rather, they were part and parcel of their wider strategic concerns about the conditions prevailing in the Greek labour market and their own bargaining power in domestic policy-making. This argument is supported by the hierarchy of rights, which the leadership of GSEE perceived as part of the human rights of third-country nationals in Greece. As late as 2005, the emphasis of the leadership of GSEE was put, first and foremost, on employment and social security rights. In the words of the General Secretary of GSEE, those human rights that were not directly related to the role of immigrants in the domestic labour market followed last in the list:

“I would say, therefore, that a modern immigration policy should incorporate some principles. The first [one] is the principle of equal treatment concerning both employment rights and the ability of equal access to the labour market. The second principle is the respect for human rights, which have many dimensions. I would say that, to begin with, they refer to social security, as there has to be equality regarding access to social security institutions. Furthermore, our country should proceed with interstate agreements, which would safeguard and transfer the [social security] rights of economic immigrants [to their countries of origin].

There are, also, the issues of family, of the access to health care, to education and to social integration. There have been many discussions on the issue of social integration. There are models abroad on how will immigrants be integrated or not” (Permanent Parliamentary Committee on Public Administration, Public Order and Justice 6/7/2005: 4)

did, the reasoning was mostly based on economic utilitarian criteria (such as the filling of vacant labour posts in the Greek economy) rather than humanitarian considerations (Konidaris 2001: 211-112).

Within this framework of a hierarchy of rights for the (clandestine) foreign immigrants in Greece, there have been particular policy issues that attracted most of the attention and resources of the leadership of Greek Trade Unions. Two of them were dominant for the entire period under consideration in this study: the issue of regularisations and the promotion of equal working and social security rights for foreign workers.

- *Regularising irregular foreign immigrants and the issue of immigrant unionisation*

Early on, and although the regularisation of clandestine immigrants was not considered the solution to all problems connected with mass clandestine immigration, “the resulting detachment of a significant number of foreign workers from the underground economy” was perceived as an important step able to “improve the balance of power in favour of the labour union movement, regardless of whether foreign workers will unionise” (Linardos-Rylmond 1993: 30). It is easy to understand why this strategic consideration was directly linked to the positions in favour of equal working rights: by definition, illegally resident or employed third-country nationals were excluded from Labour Union activities.

Nevertheless, the full integration of the foreign immigrant population into the Trade Unions was not among the latter’s primary concerns. In the early 1990s, some efforts at the local level to establish bilateral contacts with labour unions in the immigrants’ countries of origin (mainly Albania) proved unsuccessful. In some cases, such as that of the Labour Centre of Athens (*EKA*), labour unions have played the role of active advocates of self-organisation of third-country nationals and provided institutional and moral support to immigrant communities by coming into contact with clandestine immigrants and encouraging them to create immigrant associations. However, foreign workers proved reluctant to approach the Greek labour movement (Workers’ Centre of Kavala 1992; Manual and White-Collar Workers’ Centre of Thebes 1992), allegedly due to their previous experiences with state-controlled labour unions in the former communist regimes (Konidaris 2001: 251).

Despite these activities, it was noted early on that Greek labour unions were late and reluctant to incorporate foreign immigrant workers into their organisation. They proved equally reluctant to include immigrant claims into their bargaining strategy (Katsoridas 1994: 90). As late as the year 2004, Kapsalis and Katsoridas of the INE/GSEE (2004: 13) articulated the thesis that “immigrant workers will continue to be treated as second-class citizens for a long time to come unless the Trade Unions fully integrate the improvement of working and living conditions of **all**⁶ workers into their activities and demands”. That implies that immigrant employees had not been organically incorporated into the Greek labour movement.

Only in the year 2005 did GSEE establish a General Secretariat for Immigrant Workers, a new structure to deal with issues of immigrant employment and rights. This development took place 15 years after the beginning of extensive immigration flows and 9 years after the first mass regularisation round. Therefore, whereas in the early 1990s extensive clandestine entry and residence of third-country nationals can sufficiently explain the low degree of foreign workers’ integration by the Greek labour unions, irregular migration does not provide a convincing reason for the continuation of the phenomenon. It seems that the integration of foreign workers in labour

⁶ Emphasis in bold in the original text

unions on equal merits was not looked at very positively by their native colleagues. Equality of treatment might have been a firm policy preference of the leadership of labour unions, but it is not certain to what extent this position was wholeheartedly supported by Greek employees themselves. Moreover, attempts of foreign immigrants to form their own representation structures were not seen favourably. As put by the Secretary of GSEE responsible for organisational affairs in 2005,

“We in the labour unions wish and aim at the participation of economic immigrants in the labour organisations. Of course, this is very difficult for a variety of reasons and one of those is that there is a ghettoisation and an effort to create their own pockets of negotiation. They are not institutionally consolidated and there is mistrust on the side of Greek employees” (Permanent Parliamentary Committee on Public Administration, Public Order and Justice 6/7/2005: 5)

“As far as the labour unions is concerned, unfortunately we are lacking very much behind in our policy regarding the economic immigrants, and they, in turn, have the reflexes of the hedgehog: they are retiring into their shell, they are creating ghettos and small homogeneous professional and national communities, however, all these do not work out (...)” (Permanent Parliamentary Committee on Public Administration, Public Order and Justice 6/7/2005: 17)

- *Equal rights for immigrant workers and domestic strategic concerns of the Greek Labour Unions*

Another aspect of rational strategic considerations of Greek labour unions is revealed by their continuous pursuit for a greater institutional role in immigration policy-making. At the local as well as at the national level, GSEE pushed for the inclusion of union representatives at administrative committees competent on immigration issues, such as the regional Committees on Aliens and Immigration⁷ and the Committee on Immigrant Integration in the Ministry of Interior⁸. These efforts further support the view that foreign immigrants and the support for their rights provided a window of strategic opportunity to Greek labour unions for the pursuit of their strategic aims and rational interest considerations.

Moreover, and contrary to what a universalistic human rights discourse would imply, there is no evidence suggesting that Greek labour unions were in favour of more foreign immigration. During the drafting process of the 2001 Immigration Act, GSEE still considered clandestine residence and employment of third-country nationals as the main issue to be tackled by the new domestic legislation rather than a new system to regulate legal immigration (Linardos-Rylmond 2000a: 74). Also in 2005, GSEE declared in Parliament that it did not support the idea of extensive new entries. Instead, it promoted the idea of activating bilateral agreements with third countries on seasonal employment on the basis of specific needs in the domestic labour market:

(...) “we want that immigrants have all rights that Greek employees have. We want them legalised. That does not mean that we want our country become a “fenceless vineyard”. Due to the great realignments in the countries of eastern Europe we had not been prepared for such an issue. Now, however, we must have a look at the interstate agreements and those agreements

7 Law 2910/2001

8 Law 3386/2005

under which economic immigrants will come to our country for a limited period of time and for specific jobs” (Permanent Parliamentary Committee on Public Administration, Public Order and Justice 6/7/2005: 16).

In the light of the above, it becomes clear that Greek labour unions were looking for policy tools to remedy for the *fait accompli* of extensive clandestine immigration and for its impacts on the domestic labour market. Whereas GSEE was successful in promoting the incorporation of its policy recommendations in favour of immigrants’ rights in the draft Presidential Decrees on regularisation (Konidaris 2001: 251-252) and in the draft 2001 Immigration Act, its emphasis concerned the provisions on the regularisation of illegal residents and the integration of foreign workers into the Greek social security system⁹. Promoting security of residence of third country nationals and the extension of their rights in general seem to have been peripheral. Although it is true that the recognition of long-term residence status and local voting rights after 5 years of residence was included in the positions of GSEE already in 1991 – and repeated in 2005 (Permanent Parliamentary Committee on Public Administration, Public Order and Justice 6/7/2005: 5) – GSEE did not insist on these policy recommendations as vehemently as in the case of regularisation and equal working and social rights.

- *Greek membership in the EU and the policy positions of Greek Labour Unions*

Given the two basic policy issues of interest for the Greek Labour Unions, it becomes interesting to discern the sources of ideas and argumentation they used in their policy positions and recommendations. Labour unions frequently used the examples and policy models of southern EU member-states. As early as 1991 GSEE suggested the regularisation of clandestine immigrants on the basis of previous regularisation rounds in Italy and Spain (GSEE 1991), and immigration policies in southern Europe (especially in these two countries) were used as paradigms to follow in Greece in the early 1990s (Linardos-Rylmond 1993: 23-24). Regularisation policies in Italy and Spain were repeatedly invoked in support of GSEE’s preferences for mass regularisations, including the drafting of the relevant Greek legislation (1997, 2001 & 2005).

As revealed by the publications of the Labour Institute (INE) of GSEE, its staff was undertaking comparative research on immigration policies in western European countries in search for information and alternative policy models. Following the policy developments in other European countries and referring to the latter’s policy experiences became a tool for expanding the information input and increase the legitimacy of GSEE policy suggestions. Especially in the early 1990s,

“(...) we were trying to think how these things would develop, we knew that there had been regularisations implemented in Italy, in Spain, that is, we had found bibliographical sources and

⁹ The success of GSEE to influence Greek immigration policy-making in 1997 and 2001 may partly be attributed to its enhanced bargaining power due to its political affiliation with the government in power. Following the three years of conservative government in the early 1990s (1990-1993), the socialist party (PASOK) remained in power for 11 consequent years (1993-2004). Between 1996 and 2001, two of the Deputy Ministers of Labour were former Presidents of GSEE in the early 1990s and they had put forward policy recommendations in favour of the regularisation (Konidaris 2001: 252).

information telling us [about] that. That is, this played an important role, looking at what had happened, what had taken place elsewhere. Not that it played the most important role, but it familiarised us so to speak with some things, which we had also been thinking about and they had been done by others too, therefore we thought that it was easier to put them forward and suggest them” (interview with Petros Linardos-Rylmond, 19/1/2005).

Gradually, and with the expanding EU competence in immigration issues, the staff of *INE* engaged in research and publications on Greek immigration policy in the wider framework of EU policy developments. These activities were especially visible after 2000 (Bagavos & Papadopoulou 2003; Katsoridas, Kapsalis & Linardos-Rylmond 2003). There was a critical perception of EU immigration legislation, especially regarding the policy on external border controls and the dominant policy model within the EU. The latter, focusing on the exercise of strict controls on new (legal) entries on the basis of labour market needs and fighting illegal immigration, was considered as inappropriate for the management of immigration flows in Greece, despite the support it received from Greek governments in the wider EU framework. According to the trade unions, Greek immigration legislation had to recognise that the high demand for low-cost clandestine labour was inherent in the structural characteristics of the Greek economy; consequently, pressures for regularisation should continue (interview with Petros Linardos-Rylmond 19/1/2005). However, with the exception of these *ex post facto* extensive regularisations, no particular policy on legal immigration was ever proposed.

At the same time, the staff at *INE* estimated that in the long term Greece alone would be unable to tackle immigration pressures. On this basis, common EU policies aiming at the economic stabilisation and development of the Balkan countries were seen as necessary, along with the Greek development aid to those countries through the OECD (Linardos-Rylmond 2000b). The labour unions endorsed the EU emphasis on the necessity to regulate the immigration phenomenon but they insisted that the rights of third-country national workers be safeguarded regardless of their mode of entry into the EU (interview with Petros Linardos-Rylmond 19/1/2005)¹⁰. In tandem with this position, EU legislation providing for the approximation of rights of third-country nationals to those of EU citizens was seen positively. This mainly concerned the Directives on family reunification and long-term resident status. According to Linardos-Rylmond, the outcomes of EU policy-making on the rights of third-country nationals played an important role in supporting and legitimising the turn in Greek public debates from a utilitarian approach to foreign immigration toward an argumentation based on the respect for human rights of immigrants. This turn benefited from the adoption of EU binding legislation, which ultimately transformed a discussion over theoretical and personal considerations into the formal obligation of Greece to adapt its domestic legislation (interview with Petros Linardos-Rylmond 19/1/2005).

Greek membership in the European Union and the policy developments in other EU member-states were not the only sources of policy norms and principles to be endorsed by GSEE. Information and argumentation were also derived from international immigration policy developments and debates (such as those in the United States, *INE/GSEE* 2000: 145-147) as well as from international norms on the protection of the rights of workers within the wider framework of the United Nations. In its argumentation in favour of the regularisations of

¹⁰ This position is rather paradoxical.

clandestine immigrants in 1997 and 2001, GSEE adopted the basic principle endorsed by the International Labour Organisation, namely the recognition of rights to foreign immigrant workers (interview with Petros Linardos-Rylmond 19/1/2005). The familiarity of GSEE with international norms of labour protection, including those concerning migrant workers, was made evident in the position of Social and Economic Committee of Greece¹¹ (*OKE*) on the draft 2005 Immigration Act: in that document, particular Conventions and Recommendations of the International Labour Organisation and of the United Nations on the protection of the rights of migrant workers were invoked as norms to be adopted by Greek domestic legislation in order to safeguard the rights of third-country nationals (Economic and Social Committee of Greece 2005: 18, 27-34).¹²

In recent years, this emphasis on international norms and Conventions of human rights protection may be suggesting a turn toward an argumentation based on the international human rights discourse. However, it is too soon to conclude that Greek labour unions have abandoned their largely utilitarian views in favour of the rights of third-country nationals.

IV. The Employer's Associations

Contrary to the variety of publicly accessible sources concerning the positions and policy preferences of labour unions, the same cannot be said about the Greek employers' associations. Some aspects of their input into the domestic immigration policy-making may be derived from the opinions of *OKE* on the Greek draft immigration legislation since 1995. The positions of *OKE*, themselves a product of internal deliberations, constitute an aggregation of the policy preferences of its constituent members. Thus, they usually reflect general tendencies concerning immigration policy issues among its members. Only exceptionally may they reveal particular positions on specific issues. These problems notwithstanding, the available sources point out to the fact that Greek employers' associations based their policy preferences on a rational, utilitarian view of immigration. Accordingly, the support for immigrants' rights was rather limited to the aspects of labour market policy that were considered beneficial to the development of economic activity.

Similarly to the case of labour unions, immigration policy developments within the EU countries were a source of information in the process of formulating domestic policy recommendations. However, this phenomenon was limited to the Greek industry. The latter is familiar with lobbying activities at the EU level whilst it has been engaging in international economic activities, especially in the Balkan region. On the contrary, more inward-oriented economic

11 The Economic and Social Committee of Greece may itself be regarded as a product of Greek membership in the European Union. Similarly to the case of the Greek Ombudsman, these institutions constituted part of domestic institutional reform and innovation in the mid-1990s, which sought to establish independent authorities following the model of other western European countries and EU institutions.

12 In particular, the following Conventions were invoked: a) ILO Convention No. 97 on Migration for Employment (revised), 1949, and Recommendation No. 86, 1949; b) ILO Convention No. 143 on Migrant Workers (supplementary provisions), 1975, and Recommendation No. 151, 1975; c) UN International Convention on the Protection of the Rights of Migrant Workers and their Family Members (1990). The opinion of *OKE* also called for the adaptation of Greek legislation to the norms of the Council of Europe, however with no particular reference.

sectors such as manufacture and farming concentrated their proposals and argumentation on the domestic sphere. In all cases, however, a universalistic human rights discourse was absent.

Most employer associations, especially those of Greek industry and manufacture, supported governmental preferences for the regularisation of clandestine immigrants in the mid-1990s. Their argumentation, similar to that of labour unions, stressed the need for immigrant workers in those unpopular economic sectors that were characterised by Greek labour shortages. Furthermore, they viewed immigration as an issue of employment and economic performance rather than a matter of public order and security or normative humanitarian considerations. Regularisations resulting in equality of working and social security rights were also supported in public. However, it seems that policy agendas were subject to significant differentiations according to the economic benefits of clandestine immigration in the respective economic sectors.

Clandestine unskilled immigrant employment was particularly beneficial to low-cost, seasonal, and labour-intensive production activities of artisanship enterprises and in the farming sector. There, high labour flexibility was a primary concern. By contrast, equality of treatment did not seem to constitute a priority. The employment of (clandestine) immigrants in the Greek farming sector was a substitute for costly technological investments and for the restructuring of Greek agricultural production. Moreover, it met the increased demand for low-cost labour and it allowed Greek farmers to pursue other occupations. Accordingly, the General Confederation of Greek Agrarian Associations (*GESASE*) was in support of a flexible scheme for the renewal of temporary residence permits on the basis of Greek agricultural needs. Furthermore, *GESASE* suggested that social insurance contributions be paid in the immigrants' countries of origin (General Confederation of Greek Agrarian Associations 1997: 2-3).

In a similar spirit, the employers in fish farming opposed the removal of clandestine Albanian immigrants since the latter had been providing low-cost labour in a highly competitive sector, allowing for a sharp increase in Greek exports (Fakiolas 1997: 48-49). In a similar manner, the General Confederation of Handicrafts and Trade perceived foreign immigration as a remedy for domestic labour shortages. Whereas it supported equal treatment of immigrant workers in issues of payment and social security, it also insisted on maintaining flexibility in the rules and regulations on immigrant employment and on the temporality of residence of third-country nationals. Furthermore, the General Confederation of Handicrafts and Trade was asking for the special treatment of Greeks employing third-country nationals without valid employment permits in period of great labour shortages (General Confederation of Handicrafts and Trade 1996: 2).

These findings confirm what Konidaris (2001: 252) has noted, namely that “[p]rofessional Unions whose members had close contacts to aliens (...) retained a cautious and informal stance on the [immigration] issue during the years before the initiation of the legalisation process in 1996” because clandestine immigration had proved profitable to their members. Whether this position and strategy continued in the late 1990s and in the present decade is hard to tell. Primary sources are very scarce. However, in 2005 the representatives of employers in trade and manufacture pushed within *OKE* for an increase in the minimum investment capital required for entry and residence of third-country nationals for the exercise of independent economic activity (Economic and Social Committee of Greece 2005: 24). It may be argued with safety that such a

position was the result of their competition with foreign trade enterprises in an effort to restrict their economic activity in the domestic market. The position was adopted in the final opinion of *OKE* but it was not included in the 2005 Immigration Act.

On the contrary, the Greek industry did not seem to make extensive use of the clandestine immigrant labour force, either because its labour needs concerned skilled employment or because clandestine employment would most probably be denounced (Linardos-Rylmond 1993: 26). Greek industries were employing only a small part of the immigrant population in Greece and policy issues pertaining to foreign labour were not among the primary interests of Greek industrialists. Exceptions to this general rule included the regulation of entry and residence of staff members of Greek industries abroad, of third-country national entrepreneurs, and of foreign stakeholders and company associates.

According to Mr Hristos Georgiou, a member of the Federation of Industries of Northern Greece (*SVVE*), the Greek industries did not have a particular interest in employing foreign labour. Rather, employment of workers was taking place within the framework of Greek employment legislation and under the same terms and conditions for native and foreign workers alike whilst third-country nationals did not possess any additional skills useful for industrial production (personal communication with Mr Hristos Georgiou 16/7/2008¹³). Similar to Linardos-Rylmond (1993), Konidaris argues that the skilled labour required by the industry, in combination with the administrative and labour controls exercised by public authorities, “did not create the proper conditions for the industries to employ significant numbers of illegal aliens”. Accordingly, his research traced no signs that the Federation of the Greek Industrialists (*SEV*) exercised any activity towards influencing Greek immigration legislation prior to 1996 (Konidaris 2001: 252-253).

SEV saw the first round of registration and regularisation of clandestine immigrants in 1997 quite favourably. However, the Greek industrialists have been rather critical of mass regularisations. In fact, *SEV* has supported the adoption of a coherent national immigration policy beyond mere regularisation. In particular, *SEV* promoted immigration provisions that would respect a series of domestic social, political and economic factors, based on the regulation of new immigration inflows and the social integration of already resident third-country nationals. These recommendations were incorporated in the position of *OKE* during the process of drafting the 1997 Greek regularisation legislation (Economic and Social Committee of Greece 1997: 8)¹⁴.

It seems that *SEV* has been in touch with immigration policy developments within the context of the European Union. This is related to its participation in lobbying activities at the EU level, in particular its membership in the Union of Industrial and Employers’ Confederations in Europe (*UNICE*). The examples of Italy and Spain were used to underline the benefits as well as the

13 At the time of the personal communication, Mr Hristos Georgiou was a member of the Federation of Industries of Northern Greece and responsible for research and documentation.

14 *OKE* noted in its position that a comprehensive immigration policy should take into consideration the conditions in the national economy and in the domestic labour market, foreign policy concerns, the demographic situation, the basic characteristics of immigration inflows, and the developments concerning racism and xenophobia (*OKE* 1997: 8).

problems of regularisation policies in other EU member states, and *SEV* was fully aware of the positions of *UNICE* on the Commission's Green Paper on the management of economic migration (2005) while expressing its views on the draft 2005 Immigration Act. It is also documented that the Greek industrialists had open channels of communication with the Ministry of Interior during the drafting of the 2005 Immigration Act. One of those channels was the speech of the Minister of Interior in the General Council of *SEV* in 2005 where the issue of immigration policy was included in the policy areas under deliberation (Ministry of Interior 2005).

However, no particular evidence is available as regards to the influence of *SEV* on the formulation of particular provisions of Greek immigration legislation. The amount of documentation that is publicly available is very limited. It is known that the Federation of Industries of Northern Greece (*SVVE*) was successful in lobbying the Greek Ministry of Foreign Affairs in favour of the liberalisation of regulations on entry and residence of the foreign staff of foreign enterprises or of Greek enterprises abroad. Stressing their importance for the Greek industrial economic activity, *SVVE* asked for special treatment of those third-country nationals concerning the issuing of their visas and residence permits as well as their family reunification rights (*SVVE* undated I; *SVVE* 2004: 8). Albeit unsuccessfully, *SVVE* asked for policy amendments towards more flexible procedures on the entry, residence and employment of third-country nationals, aiming at meeting immediate labour needs of the Greek industry. It was also promoting the right of family reunification of third-country national students who were exercising their right to part-time employment in Greece (*SVVE* undated II).

V. Conclusions

For the period under consideration in this paper (1990-2005), our analysis of the available primary sources reveals that Greek employers' associations based their policy preferences on a rational, utilitarian view of immigration. They limited their support for immigrants' rights to the aspects of labour market policy that were considered beneficial to the development of economic activity. Immigration policy developments within the EU countries were a source of information in the process of formulation of domestic policy recommendations. However, the contact with EU policy developments was a phenomenon that characterised the Greek industry only. The latter has been familiar with lobbying activities at the EU level whilst it has been engaging in international economic activities, especially in the Balkan region. On the contrary, more inward-oriented economic sectors such as manufacture and farming concentrated their policy positions and argumentation on the domestic sphere. In all cases, employers' associations exercised only a limited influence on Greek immigration policy developments while a universalistic human rights discourse was entirely absent.

Some of our observations and conclusions concerning the Greek employers' associations also hold for Greek Trade Unions, at least for the positions expressed by their leadership at the highest level. In particular, immigration was perceived first and foremost as an issue of labour-market policy. Labour Unions spoke in favour of equal treatment of foreign workers as regards to their access to the labour market and the Greek social security system. Their concerns were first and foremost concentrated in tackling the effects of extensive clandestine immigration,

supporting the ailing social security system, and strengthening their institutional and symbolic resources in domestic policy-making. Within this framework, their positions in favour of the respect for human rights of third-country nationals cannot be seen as the outcome of an internalised universalistic human rights discourse. Rather, they were part and parcel of their wider strategic concerns about the conditions prevailing in the Greek labour market and their own bargaining power in Greek politics.

Both GSEE and the Greek industrialists drew on Greece's EU membership and the EU policy developments in their effort to formulate their policy positions and legitimize their preferences. Within this context, a universalistic human rights discourse was largely absent while the European Union was understood and rationally instrumentalized as a pool for policy paradigms to choose from, as a venue for horizontal policy learning, and as a symbolic resource to draw from in the domestic realm of immigration politics. By contrast, the associations of employers' in the inward-looking sectors of the Greek economy (such as farming and small- and medium-size manufacture) remained largely isolated from European or international developments although they, too, shared the utilitarian view and argumentation on immigration policy issues. Whether these understandings and strategies have prevailed up to the present day is an issue that deserves further research.

Bibliography

Primary Sources

- Documents

Economic and Social Committee of Greece (1997). *Opinion No. 8 on “The process of setting the conditions for the legal residence and employment of aliens in Greece, who are not citizens of the Member States of the European Union” (draft Presidential Decree)*, Athens, 7 March 1997

Economic and Social Committee of Greece (2005). *Opinion No. 133 on “Entry, residence and social integration of third country nationals in the Greek Territory” (Draft Law)*, Athens, 11 July 2005

Federation of Construction Workers and Similar Professions of Greece (1991), Press Release, Athens, 25 October 1991, presented in Petros Linardos-Rylmond (1993), *Αλλοδαποί εργαζόμενοι και αγορά εργασίας στην Ελλάδα* [Foreign Workers and Labor Market in Greece], Athens: INE/GSEE (pp. 42-48)

Federation of Industries of Northern Greece (undated I). Memorandum to the deputy Minister of Foreign Affairs Mr Euripides Stylianides, “Ekdosi adias isodou i ananeosi paramonis sti hora mas se ipikoous triton horon pou einai synergates, stelehi ke ergazomenoi se ellinikes epiheiriseis”, <http://www.sbbe.gr/docs/theseis/ypomnimata/EKΔΟΣΗ%20ΑΔΕΙΑΣ.pdf> <7 July 2008>

Federation of Industries of Northern Greece (undated II). Memorandum, “Apusholisi allodapon triton horon”, <http://www.sbbe.gr/docs/theseis/ypomnimata/ΑΠΑΣΧΟΛΗΣΗ.pdf> <7 July 2008>

Federation of Industries of Northern Greece (2004). Memorandum “Theseis – Protaseis sti synantisi me ton Ypourgo Exoterikon k. Petro Molyviati“, Athens, 17 March 2004, http://www.sbbe.gr/docs/theseis/ypomnimata/17_YΠΕΞ%20-%20ΜΟΛΥΒΙΑΤΗΣ/Υπουμνημα%20ΥΠΕΞ%2017.03.04.pdf <7 July 2008>

General Confederation of Greek Agrarian Associations (1997), *Θέσεις της ΓΕΣΑΣΕ για τη νόμιμη διαμονή και εργασία αλλοδαπών στην Ελλάδα* [Positions of GESASE on the legal residence and employment of foreigners in Greece], Athens, 14 February 1997

General Confederation of Handicrafts and Trade (1996). Letter to the Ministry of Employment on the Employment of Aliens in Greece, Athens, 29 July 1996

GSEE (1991). Letter of the General Confederation of the Greek Workers to the Ministers of Employment and Public Order, Athens, 9 October 1991, in: Petros Linardos-Rylmond (1993), *Αλλοδαποί εργαζόμενοι και αγορά εργασίας στην Ελλάδα* [Foreign Workers and Labor Market in Greece], Athens: INE/GSEE (pp. 37-39)

Labour Institute of the General Confederation of Greek Workers (INE/GSEE) (2005). «Σχετικά με το Σχέδιο Νόμου για τη μεταναστευτική πολιτική» [“Concerning the Draft Law on Immigration Policy”], Memo, June 2005

Linardos-Rylmond, Petros (2000b). «Μετανάστευση και παραμονή αλλοδαπών στην Ελληνική επικράτεια» [“Immigration and residence of aliens in the Greek territory”], Memo, Athens 27 January 2000

Manual and White-Collar Workers’ Centre of Thebes (1992), Memo to INE/GSEE, 24 January 1992, in Petros Linardos-Rylmond (1993), *Αλλοδαποί εργαζόμενοι και αγορά εργασίας στην Ελλάδα* [Foreign Workers and Labor Market in Greece], Athens: INE/GSEE (p. 54-55)

Ministry of Interior (2005). «Ομιλία του Υπουργού Εσωτερικών, Δημόσιας Διοίκησης και Αποκέντρωσης Καθηγητή κ. Προκόπη Παυλόπουλου στη συνάντηση του Γενικού Συμβουλίου του ΣΕΒ» [“Speech of the Minister of Interior, Public Administration and Decentralisation Professor Mr. Prokopis Pavlopoulos at the meeting of the General Council of SEV”], Press Release, Athens, 30 March 2005, http://www.ypes.gr/ypes_po/detail.asp?docid=487 <accessed 22 February 2012>

Workers’ Centre of Corfu (1992), Memo to the Labour Institute of the General Confederation of Greek Workers, in Petros Linardos-Rylmond (1993), *Αλλοδαποί εργαζόμενοι και αγορά εργασίας στην Ελλάδα* [Foreign Workers and Labor Market in Greece], Athens: INE/GSEE (p. 60)

Workers’ Centre of Kavala (1992), Memo, in Petros Linardos-Rylmond (1993), *Αλλοδαποί εργαζόμενοι και αγορά εργασίας στην Ελλάδα* [Foreign Workers and Labor Market in Greece], Athens: INE/GSEE (p. 59)

- *Greek Parliamentary Archives*

Permanent Parliamentary Committee on Public Administration, Public Order and Justice, 11th Period, Period of Summer Interruption of Parliamentary Works, July 6th – 13th, 2005

- *Personal Interviews*

Interview with Mr Petros Linardos-Rylmond, Labour Institute of the General Confederation of Greek Workers (*INE/GSEE*); Athens, 19/1/2005

Interview with Mr Theoharis Tsiokas, Member of Parliament, Panhellenic Socialist Movement (*PASOK*) and sponsor of the 2001 Immigration Act; Thessaloniki, 5/1/2005

Secondary Sources

Bagavos, Hristos & Despina Papadopoulou (2003). *Μεταναστευτικές Τάσεις και Ευρωπαϊκή Μεταναστευτική Πολιτική* [Immigration Tendencies and European Immigration Policy], Athens: INE/GSEE

ELSTAT – Hellenic Statistical Authority (2011). *Η Ελλάδα σε αριθμούς* [Ellas in numbers], Athens, http://www.statistics.gr/portal/page/portal/ESYE/BUCKET/General/ELLAS_IN_NUMBERS_GR.pdf <accessed 13 January 2012>

ESYE – National Statistical Service of Greece (2008). *Statistical Yearbook of Greece*, Athens, http://dlib.statistics.gr/Book/GRESYE_01_0002_00060.pdf <accessed 19 February 2012>

Fakiolas, Rossetos (1997). *Recent Efforts to Regularise Undocumented Immigrants – Greece*, Working Paper No 97/40/EN, Dublin: European Foundation for the Improvement of Living and Working Conditions (April 1997)

Josselin, Daphné & William Wallace (2001). “Non-State Actors in World Politics: a framework”, in: Daphné Josselin & William Wallace (Eds.), *Non-State Actors in World Politics*, Basingstoke & New York: Palgrave (pp. 1-20)

Kapsalis, Apostolos & Petros Linardos-Rylmond, *Μεταναστευτική Πολιτική και Δικαιώματα των Μεταναστών* [Immigration Policy and the Rights of Immigrants], Athens: Labour Institute GSEE-ADEDY (pp.29-44), <http://www.inegsee.gr/ereynes-meletes/meletes/Metanasteytikh-politikh-kai-dikaiwmata-twn-metanastwn.html> <accessed 12 January 2012>

Kapsalis, Apostolos & Dimitris Katsoridas (2004). «Σύνοψη του Νομικού Καθεστώτος Παραμονής και Εργασίας των Μεταναστών Εργαζομένων στην Ελλάδα» [“A Synopsis of the Legal Status of Residence and Employment of Immigrant Workers in Greece”], *Enimerosi* No. 104 (pp. 10 – 14).

Katsoridas, Dimitris A. (1994). *Ξένοι (;) Εργάτες στην Ελλάδα* [Foreign (?) Workers in Greece], Athens: Iamos

Katsoridas, Dimitris, Apostolis Kapsalis & Petros Linardos-Rylmond (2003). *Οι Νέες Προκλήσεις της Ευρωπαϊκής Μεταναστευτικής Πολιτικής* [The New Challenges in the European Immigration Policy], Athens : INE/GSEE

Kritikidis, Giorgos (2004). «Η μετανάστευση στην Ελλάδα» [“Immigration in Greece”], *Enimerosi*, No. 104, Athens: INE/ GSEE-ADEDY (pp. 15 – 35)

Linardos-Rylmond, Petros (1993). *Αλλοδαποί εργαζόμενοι και αγορά εργασίας στην Ελλάδα* [Foreign Workers and Labor Market in Greece], Athens: INE/GSEE

Rombolis, Savvas (2005). «Οικονομία, αγορά εργασίας και μετανάστευση στην Ελλάδα» [“Economy, labour market, and immigration in Greece”], in Apostolos Kapsalis & Petros Linardos-Rylmond, *Μεταναστευτική Πολιτική και Δικαιώματα των Μεταναστών* [Immigration Policy and the Rights of Immigrants], Athens: Labour Institute GSEE-ADEDY (pp.29-44), <http://www.inegsee.gr/ereynes-meletes/meletes/Metanasteytikh-politikh-kai-dikaiwmata-twn-metanastwn.html> <accessed 12 January 2012>

Vernardakis, Christoforos; Konstantinos Mavreas & Vassilis Patronis (2007). «Συνδικάτα και σχέσεις εκπροσώπησης στην Ελλάδα κατά την περίοδο 1990-2004» [“Trade Unions and relations of representation in Greece during the period 1990-2004”], in: *Εργασία και Πολιτική: Συνδικαλισμός και Οργάνωση Συμφερόντων στην Ελλάδα, 1974-2004* [Work and Politics: Unionism and Interest Formation in Greece, 1974-2004], Athens: Sakis Karagiorgas Foundation (pp. 37-53)