



**the SIT  
union of workers**

**Solidarity and unity  
with undocumented  
workers**



**syndicat**

interprofessionnel

de travailleuses et travailleurs

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The Secretariat (SIT-phone reception) is open daily (from Monday to Friday) from 8.30 to 12.00 and 14.00 to 17.30 except Fridays and the eves of holidays (until 17.00)

Weekly consultation for undocumented workers: Mondays and Thursdays, 2-5 pm.

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# > The SIT at the forefront in defending undocumented workers

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► **By its commitment to defending the most precarious workers, the SIT is a key player in Geneva in defending immigrant and undocumented workers.**

According to our information, several hundreds of thousands of persons from Latin America, Asia and Africa are working clandestinely in Switzerland. There are close to 10'000 of them in Geneva. Although they have no access to any social aid, these persons are all workers. They are mostly employed in the most vulnerable sectors, with low wages and little regulation, sectors in which, unfortunately, unions are often not very active.

## **In favour of a collective regularisation**

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► **D**etermined to fight the exploitation of these workers, the SIT has always adopted a **collective action strategy** seeking the collective regularisation of undocumented workers and of the sectors that require such a workforce. The main demand – a collective regularisation based on the principle “**a job = a permit**” – should be understood as the demand for a State of Law for all workers and all economic sectors.

## **Long-term action**

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► **T**here have been many milestones in its action over the years:

**During the 1970s, 1980s and 1990s:** the SIT was able to create a positive balance of power with the cantonal authorities

**[ There are close to 10'000 undocumented workers in Geneva ]**

who, depending on the leeway at hand, tried to regularise many denied asylum seekers. The SIT also successfully pleaded in favour of **seasonal workers** from former Yugoslavia among

others: thousands of people thus obtained a yearly residence permit and the right to family reunification.

**Around the year 2000:** Faced with the ever increasing number of undocumented workers from outside the European Union, in particular from Latin America and the Philippines, the SIT decided to reinforce the team of union secretaries in charge of migration issues and to dedicate specific attention to the domestic economy sector, in which so many undocumented workers were employed.

**In 2000,** wanting to build a united and efficient front towards the cantonal and

federal authorities, the SIT took part in the creation of the Collective for the support of undocumented workers, composed of a number of social, union and political organisations from the canton of Geneva. That same year, the issues surrounding undocumented workers came out of the shadows thanks to a national demonstration in Bern calling for the “collective regularisation of undocumented workers”.

**As of then, hundreds of undocumented workers came to the SIT to ask for help and protection. Since then, the number of undocumented workers who have transited through the SIT can be estimated at 6000.**

### **To face the demand, reinforced means: consultations, procuration, assemblies**

► **A**s of 2002, the SIT called upon its militants to reinforce the structures welcoming undocumented workers. These volunteers take turns in holding two **weekly consultations**. During that same year, the SIT intervened more than 150 times to free undocumented workers held by the police and awaiting expulsion. After negotiations with the judicial authorities and the police, the SIT elaborated a document (“**procuration**”) giving the SIT power of attorney to defend them, and that the undocumented workers are invited to have with them at all times. This personal “procuration” indicates that the person arrested by the police is known to the union; it constitutes an efficient protection and actually

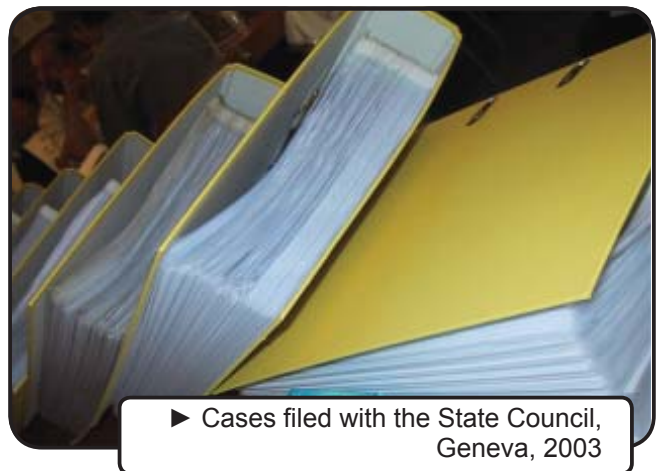
blocks any immediate expulsions.

In 2003, the issue of undocumented workers was strongly publicised following a general assembly organised by the SIT and the Collective for the

**[ In 2003, more than 1500 people took part in an assembly. ]**

support of undocumented workers, in which more than 1500 persons took part. Reunited in this way, these undocumented workers from all over the world

dared to show their faces openly; together, they felt strong. Because the legal possibilities for individual regularisation were so restrictive and uncertain, the undocumented workers decided to translate their request for regularisation in po-



litical terms: with the Collective for the support of undocumented workers, the SIT thus filed 1353 cases with the State Council, demanding their collective regularisation.





► Gathering of undocumented workers, Geneva, 2003

In the course of spring 2004, a general assembly of undocumented workers was organised once again: 1500 persons re-stated their belief in united action and demanded the collective regularisation of their situation. After more than 700 new cases had been filed (in two stages) with the State Council, it finally actually tackled the issue and proposed the creation of a “commission of the wise”. It offered, for the first time, to take into consideration the cases of persons who had been working in Switzerland for several years and who met other criteria such as integration, etc. That same year, the Surveillance Council for the Labour market (CSME) mandated an expert commission to seriously investigate the question of undocumented workers.

### **State council support for collective regularisation**

► In 2005, on the basis of conclusions from the studies undertaken

the preceding year, the Geneva State Council demanded “the exceptional and unique regularisation of undocumented workers in domestic economy” from the federal authorities. It associated the regularisation to an acknowledgement of the domestic economy sector and to a strict

**[ The Geneva State Council distinguishes itself from the rest of Switzerland by taking a stand in favour of regularisation ]**

enforcement of a pre-existing standard contract that set a minimal wage and a maximum number of weekly working hours. Although a collective regularisation could only be granted by the federal authorities, the Geneva State Council distinguished itself from official

Switzerland and displayed remarkable open-mindedness by adopting a position of principle in favour of regularisation.

tion. It acknowledged that the migration policy towards the domestic economic sector was particularly problematic.

## Federal “blind-eye” and increased legislative severity

► Since then, and contrary to the aspirations of the SIT, no solution in favour of undocumented workers has emerged. Legislation and official practice have constantly become harsher: the acceptance, in a popular vote in 2006, of the federal laws on asylum (LAsi) and foreigners (LEtr), and their implementation in 2008, as well as the adoption, in parliament, of a federal law on undeclared work, all indicate a trend towards an increasingly restrictive migration policy. With the exception of the Geneva government, and to a lesser degree, those of other French-speaking cantons, the cantonal and federal authorities officially negate the existence of the issue of undocumented workers.

The situation today is thus a status quo: in Geneva, the situation is neither better nor worse (the State Council maintains its open-minded position and there have been no immediate expulsions without the persons having a right to being heard and defended). A collective regularisa-

**[ A collective regularisation is still not on the agenda in Bern ]**

tion is still not to be expected in Bern, as the federal authorities have not answered Geneva’s demands. Illegal immigration is a taboo question in Bern, even though the Federal Migration Office (ODM) now acknowledges that thousands of people work in Switzerland without permits. The official hypocrisy lives on, against all odds.

Yet the status quo and the refusal to consider collective regularisation have not stopped the SIT and the Collective for the support of undocumented workers from obtaining the individual regularisation, for humanitarian reasons, of a relatively important number of persons.



► Gathering of undocumented workers, Geneva, 2003

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# > The current situation of undocumented workers in Geneva

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## Steps forward:

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After long decades of struggles, the SIT and other organisations have obtained a few positive developments for the daily life of undocumented workers in Geneva.

Among others, the following steps have been taken:

- The children of undocumented workers can undertake their **compulsory schooling** in Geneva: indeed, Switzerland has committed to respecting the International convention on the rights of children, i.e. the right to education for any human being under 18 years of age and free and compulsory access to primary education. Elsewhere in Switzerland, it is still difficult for illegal minors to attend public schools. Geneva also allows access to post-compulsive training;
- Thanks to the introduction of the procuration of the SIT, immediate

[ The children of undocumented workers can carry out compulsory schooling and immediate expulsions have ceased ]

expulsions for breaches of residency regulations have stopped;

- Thanks to the SIT, an administrative assistance has been set up with the “service-cheque”, in order to encourage and facilitate the declaration of domestic economy workers to **social insurances**. Workers declared to the social insurances have a right to disability insurance, accident insurance, retirement pensions, maternity insurance and family benefits;
- The SIT was also able to guarantee **access to the labour court** for all undocumented workers.

## Administrative status quo:

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► Nevertheless, the administrative status quo in which undocumented workers are trapped keeps them in an unacceptably vulnerable situation. Most of them left, or rather fled their place of origin for questions of survival. They came to Switzerland with the hope of a “new start in life” and to send money to their families back home. These hopes are often shattered: their previous training and qualifications are obviously not recognised, and they are confined to living clandestinely. Their jobs and salaries are not adapted to their qualifications.



## Obstacles:

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► **B**eyond the lack of job security and low wages, undocumented workers are faced with many difficulties:

- **Access to health care:** although undocumented workers are submitted to compulsory health insurance – and the SIT systematically intervenes when an insurance broker refuses an affiliation request – many of them are not affiliated to medical insurance because of their low wages. This lack of insurance leads many of them not to see doctors when they need them. Access to health care is all the more difficult that undocumented workers have no access to financial aid. Fortunately, although few of them are aware of this, Geneva has set up a mo-

bile care structure that cares for persons in precarious situations, be they Swiss, foreigners, or undocumented migrants, without any discrimination.

- **Deplorable living conditions:** given how scarce and expensive housing is in Geneva, and that it is impossible to rent flat without a residency permit, undocumented workers often have to sublet outrageously priced flats. Their living and housing conditions are most often unacceptable.

- **Insufficient right to education and training:** while access to compulsory schooling is guaranteed in Geneva, that is still not the case for the right to professional training and apprenticeships. This situation already concerns an important number of students who do not have a sufficient education level to continue studies beyond compulsory schooling.



► Assembly of undocumented workers, Geneva, May 2005



The yearly increase of young people suddenly left to fend for themselves in society, without any activity, has become a major issue in the youth policy of our country.

- **Freedom of movement:** the undocumented workers who have the “procuration” from the SIT and are defended by the union are protected on the territory of Geneva. However, as soon as they leave the canton, the SIT can no longer come to their rescue, which makes them very vulnerable. Moreover, their legal non-existence often makes short-term returns to their home countries impossible, which seriously harms their relationship with family members who were unable to join them. Finally, due to their absence of status, there are countless administrative bothers when seeking documents such as birth certificates or passport renewals.



► Union protest, Geneva, 2007

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## > Our diverse union action

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► **The day-to-day defence of undocumented workers has been a significant example of the SIT’s union action for years. It comprises several aspects:**

1. **Welcome and information:** weekly consultations are a forum for listening, exchange and information, and even training (labour regulations, social insurances, retirement pensions, etc). Once a case has been opened, the aforementioned “procuration” is handed over to the person, testifying that he/she is known to and defended by the SIT.

2. **“Classical” union defence:** although they hold unstable and “illegal” jobs, undocumented workers are still fully workers. The SIT thus intervenes in their defence, both individually and collectively (negotiating collective labour conventions or standard contracts, etc.). The abuse and infractions to labour regulations committed by employers are countless and often give rise to trials in the labour court.

3. **Collective actions:** on a regular basis, we reunite these “shadow workers” in assemblies to reinforce the ties between them and to inform them about their rights and their belonging to the same collective movement.

4. **Investigation work:** with their agreement, and committing ourselves to an absolute protection of the data, we

try to collect as much information as possible about the undocumented workers. We have set up a unique database listing the work sector, wages, and living conditions of the undocumented workers. We can thus demonstrate for example that the vast majority of illegal workers in Geneva are employed in the domestic economy sector.

**5. Public acts of denunciation:** on the basis of the information gathered in the union consultations and in defending the undocumented workers, we denounce the inhuman situations in which the undocumented workers are confined because of the xenophobic laws in Switzerland.

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## > Against policies of exclusion and discrimination

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### A few leads for the future

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► It is critical to put an end to the hypocrisy surrounding the issue of undocumented workers. These persons hold jobs that Switzerland obviously needs. Just like any other worker, they deserve decent living and working con-

ditions. Other cantons, cities and regions in Switzerland must now join this battle and form a united front, capable of weighing on the federal authorities in favour of the collective regularisation of undocumented workers. Our union struggle for the collective regularisation of undocumented workers is not an act of charity, but of justice. It is an important part of our commitment in favour of equal rights for all workers.

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### Respect, tolerance and equal rights

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► A policy of exclusion and discrimination against a group of our society is a breach of fundamental rights. Unfortunately to this day, the official policy in Switzerland tends to push aside some groups of the population and to create an unequal society. These unacceptable policies should be countered at all cost.

This is our own struggle for an open society, based on equal rights for all of us and respectful of our fundamental rights.

This is our struggle against xenophobia, in favour of greater social justice, in favour of a society in which all individuals can live in legality and freedom, in respect, tolerance and unity.

**>>> In this struggle the SIT calls upon all associations, unions, collective and militant organisations to organise undocumented workers in order to ensure their collective defence and to demand their collective regularisation.**

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## Useful information:

### **Collectif de soutien aux sans-papiers de Genève**

25, route des Acacias, 1227 Genève

tél: 022 301 63 33

collectifsanspapiers@ccsi.ch

www.sans-papiers.ch

### **Observatoire romand du droit d'asile et des étrangers**

Case postale 270, 1211 Genève 8

tél: 022 310 57 30

info@odae-romand.ch

<http://odae-romand.ch/observatoire/>

### **Observatoire suisse du droit d'asile et des étrangers**

Maulbeerstrasse 14

3011 Berne

tél: 031 381 45 40

info@beobachtungsstelle.ch

www.beobachtungsstelle.ch

## Further reading:

- ▶ <http://www.sit-syndicat.ch> >dossiers>sans-papiers
- ▶ Rapport de la Commission d'experts pour les travailleurs sans-papiers à l'attention du Conseil d'État, janvier 2005
- ▶ Analyse du secteur clandestin de l'économie domestique à Genève, Observatoire universitaire de l'emploi, Genève, janvier 2005
- ▶ Brochures du SIT  
Contre la précarité, régularisons les sans-papiers, avril 2002  
Régularisons les sans-papiers et le secteur de l'économie domestique, septembre 2004

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## the SIT

► The SIT - inter-professional union of workers - based in Geneva (Switzerland), is a union organisation defending the interests of workers without distinction of profession, nationality, status, age or gender, by the reinforcement of solidarity and collective action.

Because of its deeply inter-professional character based on solidarity and its rooting in the most precarious workplaces, the SIT has been involved in all the battles around immigration and asylum policies for decades. The key ideas guiding the SIT in its battles are the following: defending the dignity of every person living and working in our country, be they Swiss or immigrants, citizens of the European Union or from the rest of the world; fighting for the unity and equal rights of all workers.

**defends the interests of workers by  
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collective action**