

French railways guilty of discrimination against Moroccan workers

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On September 21, the French National Railway Company (SNCF) was convicted in the labour courts of wrongful discrimination against workers of Moroccan origin, most of whom are now retired. The court found that 832 elderly workers were systematically discriminated against “in the execution of the work contract and in the retirement rights”.

The company was ordered to pay compensation of between €150,000 and €230,000 to each worker, which amounts to approximately half the amount demanded by their lawyers. Given the fact that systematic discrimination took place over decades, this compensation can only be described as meagre.

The deadline for the company to appeal the verdict is October 23. If there is no change in the judgment on appeal, the total cost for the SNCF amounts to €150 million. The SNCF has justified its mistreatment of the workers on the grounds of a law providing that foreign nationals (except those from within the European Union) cannot acquire recognition as state rail employees with full career and retirement rights.

The ruling appears to have taken the SNCF by surprise. In a statement following the verdict, it declared, “Our lawyers have taken all the dossiers away and we will examine them case by case”.

While the rail workers were vindicated by the judgment, many expressed bitterness over their mistreatment and the long delay. Retired worker Abdallah Britel was quoted by *Le Monde* as saying, “The young French rail workers that I trained up became my bosses. I remained with the same status as that of a new starter”. Another worker explained, “We trained the new entrants but we remained ancillaries and were told ‘you have rights to nothing’ which breaks your morale”.

The compensation awarded will do little to address

the precarious health situation of many workers and comes too late for those who are no longer alive. To this day, the social security coverage for the affected workers remains well below that of their fellow workers, who have full state employee status. The SNCF contributes only 12 percent of their wage into the retirement fund, compared to 32 percent for the state employees separate fund. This has left many workers with having to work seven more years than their French colleagues before retiring.

The 832 elderly SNCF workers who had been discriminated against belong to a category of workers known in France as “chibanis” after the Maghrebi Arabic word meaning “old man” or “white hair”.

Often described as “invisible” or “forgotten,” these workers generally left Algeria, Morocco and Tunisia as young men in the years following the Second World War. They toiled in the building industry, agriculture and engineering, often undeclared.

The unions, employers, and politicians across the official French political spectrum refer to this period as the “30 glorious years” of economic expansion, which lasted from roughly 1945 to 1975. In reality, the “glory” of this period never touched wide layers of workers, including the “chibanis”.

Many “chibanis” survive isolated and in precarious health, without any rights or security either in France or in their country of origin. By one estimate, there are 850,000 such workers, of which 350,000 are over the age of 65.

The legal case against the SNCF was backed by the Association of Maghreb Workers in France (ATMF). In a statement issued after the judgment it “welcomed this victory which it considers historic against all forms of discrimination. It is a decisive step in the common struggle for equal rights in France and beyond...”

Although the victimized workers enjoyed wide support amongst rail workers in general, they received negligible support from the official unions. At one point, the ATMF demanded to know, “Where are the workers’ trade unions?”

The answer to this question is that the unions were busy selling out and betraying the strikes by rail workers against pension reforms in 2007, in keeping with their treacherous policies throughout the right-wing governments of presidents Sarkozy and Chirac and now the Socialist Party government.

A convention was signed between Morocco and France in 1963 supposedly guaranteeing “equal rights and treatment of nationals”. However, 2,000 Moroccan workers were recruited by the SNCF on private sector contracts instead of state employee contracts, which circumvented their rights. These workers have been systematically overlooked for promotion and training schemes, and meanwhile were left to carry out the most demanding tasks. In 2011, these workers’ pension rights were roughly 50 per cent of first tier French rail workers on permanent state employee contracts.

In its defense, the SNCF has invoked the nationalist legislation brought into effect in the 1950s, which distributed privileges to French nationals at the expense of foreign workers.

It is estimated that 6 million job positions are not open to foreign nationals (excepting the EU) in such sectors as the Post Office, the EDF electricity utility and Air France. Including areas of the private sector, 30 percent of French jobs are out of bounds to immigrant workers.

The RATP Parisian underground railway decided to eliminate its nationality clause in 2002, thus undermining and exposing the SNCF position. In giving equal status to all its workers, the RATP Parisian underground railway announced: “We consider that transport is a factor of integration in cities and we wish that all our workers resemble the travelers that they transport”.

Two unions opposed the RATP change of policy: the CFTC (French Confederation of Christian Workers) and the CGT (General Labour Confederation).

The judgment against the SNCF could have widespread ramifications in the rest of French industry, where discrimination has flourished for years. (See: “How the French government treats older workers from

the colonies”)

The biggest rail union, the Stalinist-run CGT, failed to do anything to adequately address the situation confronting the “chibanis”. Whilst it timidly raised the case in negotiations for equal treatment for the “chibanis” in 2004, the CGT bureaucracy run by the ex-rail worker Bernard Thibault for 14 years never called for general industrial action to defend these workers against state discrimination.

The legal victory of the “chibanis” against the SNCF is long overdue, but in the final analysis it does little to reverse decades of systematic discrimination and mistreatment, and it affects only a small section of similarly situated workers.

Moreover, the decision was handed down under conditions where the employers and the Socialist Party government are tearing up the labour code, preparing the privatization of the railways and driving up the unemployment rate to undermine workers’ wages and living conditions.

Finance Minister Emmanuel Macron made clear last week that the status of public employees was neither “adapted” nor “justifiable.” In other words, the government is signaling that it will pursue a class war policy designed to drive down wages and benefits across the board.



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