

Labour mobility and worker protection in the EU

Overview of ETUI research agenda

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A dynamic and diverse research agenda

- different **channels of labour mobility** in the enlarged EU => different regulatory regimes
 - migration
 - posting
 - self-employment (and bogus self-employment)
- broad understanding of **worker protection**:
 - **employment regulations** on wage and non-wage issues => ETUI's Economic, Employment and Social Policy Unit
 - **OSH standards** => ETUI's Working Conditions, Health and Safety Unit (HESA)

Intra-EU labour migration at times of the crisis: does it contribute to better labour allocation in Europe?

Project Manager: Béla Galgóczi

Goals

- to monitor and analyse **trends in east-west EU labour mobility** during the **crisis**
- focus on nationals and EU10 citizens in EU15

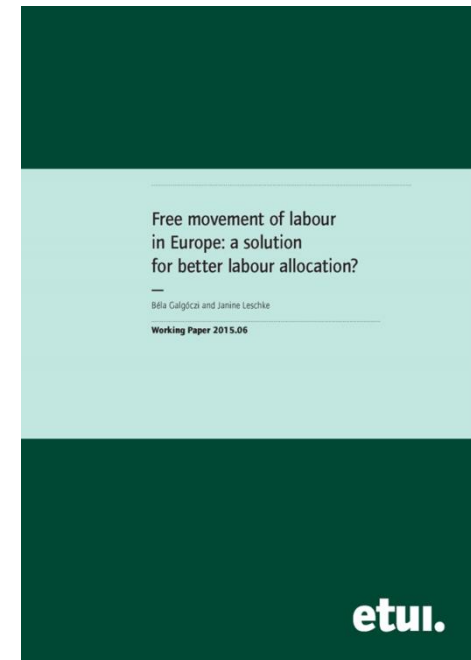
Findings

- **EU10** labour as a **labour market buffer**; higher employment rates, but more affected by the crisis than nationals
 - **sectoral concentration** of EU10 employment
 - high and enduring **overqualification** of EU10 labour
- => free movement of L beneficial, but the main **challenges** are the **underutilisation** of human resources and **abuse/ legal loopholes**

Intra-EU labour migration at times of the crisis: does it contribute to better labour allocation in Europe?

Project Manager: Béla Galgóczi

- Outputs



Social dumping in the enlarged EU: concepts, challenges and policy options

Project Manager: Magdalena Bernaciak

Goals

- to **conceptualise** social dumping **and identify mechanisms** behind it
- focus on 1) intra-EU **migration** and employee **posting**; 2) **manufacturing** sectors; 3) national and EU-level **policy** measures

Findings

- **social dumping** conceptualised as the practice of **undermining or evading existing social regulations**, undertaken by self-interested market participants with the **aim of gaining a competitive advantage**
- **varieties of normative/ regulatory systems** => varieties of social dumping **BUT common mechanism** behind SD practices

Social dumping in the enlarged EU: concepts, challenges and policy options

Project Manager: Magdalena Bernaciak

- dispelling misconceptions about social dumping
 - **not only** about **EU eastern enlargement**, migration or employee posting
 - **not only low-wage** countries are involved
 - **not necessarily** a **cross-border** phenomenon

BUT new incentives and opportunities after **EU eastern enlargement**

- social dumping practices in posting (Lille and Berntsen, 2015)
 - regulatory **evasion**: outright violation of social regulations
 - regulatory **arbitrage**: strategising between different regulatory systems
 - regulatory **conformance**: conforming to the formal norms but manipulating them for cost advantage

Social dumping in the enlarged EU: concepts, challenges and policy options

Project Manager: Magdalena Bernaciak



Bernaciak, M. (2015) (ed.) *Market Expansion and Social Dumping in Europe*. London: Routledge.

Berntsen, L. and Lillie, N. (2015) 'Social dumping at work: uses and abuses of the posted work framework in the EU'. ETUI Policy Brief 7/2015.

Bernaciak, M. (2014) 'Social dumping and EU integration process' ETUI Working paper 2014.06.

Cremers, J. (2014) 'Letter-box companies and abuse of the posting rules: how the primacy of economic freedoms and weak enforcement give rise to social dumping'. ETUI Policy Brief 5/2014.

Krings, T. (2014) 'Varieties of social dumping in an open labour market: the Irish experience of mass immigration and the regulation of employment standards'. ETUI Policy Brief 6/2014.

Company decision making across borders: the outsourcing challenge

Project Manager: Jan Drahoukoupil

Goals

- to analyse **outsourcing trends** in the EU, its **impact on working conditions** and union **organising strategies** in outsourcing-prone areas

Findings related to posting

- subcontracting to transnational service providers often used to **contest host-country regulations** and exploit differences btw regulatory systems
- cross-border law **enforcement difficult**
- organising posted workers: key role of: union **accessibility, pro-active approach, trust** and **coalition-building** BUT perhaps **transnational** forms of **organising** needed (Danaj and Sippola, 2015)

Company decision making across borders: the outsourcing challenge

Project Manager: Jan Drahekoupil

- Outputs

Drahekoupil, J. (2015) (ed.) The outsourcing challenge.

Organizing workers across fragmented production networks. Brussels: ETUI.

Danaj, S. and Sippola, M. (2015) 'Organising hyper-mobile transnational construction workers'. ETUI Policy Brief 11/2015.



Upcoming project

Posting in the EU: an interdisciplinary study

Project Managers: Magdalena Bernaciak and Zane Rasnača

- analysis of **posting-related case law** in 10 EU member states; focus on cases brought by **workers, companies and trade unions**
- project goals:
 - to map out **problems** that emerge **in the application of the posting regulations** for workers and posting companies **in different political economic/ industrial relations settings**
 - bottom up approach => formulation of **policy/ regulatory recommendations**
- time frame: April 2017- September 2018

ETUI health and safety, working condition unit (HESA)

- Areas of interest
 - EU policies, EU legislation
 - prevention systems
 - worker representation in H&S
 - work organisation/ precarious work
 - psychosocial risks - stress, violence
 - MSD
 - chemicals, asbestos, nanotechnologies
 - work equipment safety / CEN
 - enlargement



HESA - modes of operation and outputs

- **research** and publications
- crucial role of **networking**
- **knowledge transfer** / workshops/ conferences
- coordination / representaiton in **EU tripartite bodies**
- **expert input** to **ETUC** work
- information and **communication**:
 - website: www.etui.org/Topics/Health-Safety
 - publications: HESA Mail; HESA Newsletter; Hesa Mag



HESA project on migrant workers

Hidden Face of Migration

Double Standards at the Workplaces



PART I Development of migration influx in Europe

Background to the economic migration in Europe

How the EU deals with migration

Return Directive

The ETUC reaction to the EU approach

PART II Migration within the framework of H&S at work

Issues arising from migrants' vulnerability

Racism and xenophobia make matters worse

Trade union questionnaire to establish a clear picture of the real situation

PART III Insufficient statistical data

Collecting data on accidents of migrant workers in the EU

Overview of statistics

PART IV Organizing the migrants

Migrants are often the least protected

Examples of trade union initiatives

Role of government and social partners

PART V Summary

An alarming situation that needs to be tackled immediately

Call for action

Fact sheet 15 Enforcement

Watchdogs need to take action!

Issues

- Who is a responsible authority
- Particularly unsafe work of MW
- Inspections where MW are employed
- Working conditions and contracts
- LI cannot replace the role of police
- Loss of confidence of workers

Solutions

- Cooperation agreements
- Joint inspections
- More time for such inspections
- Promoting migrant H&S Reps
- Regional H&S Reps
- TU identifying bad employers

Examples of good practice

- DK - TU support LI by monitoring
- NO - Strengthening LI
- NO - Directorate of Immigration web
- UK - HSE and TUC websites
- CZ - Cooperation agreement



EXAMPLE OF A FACT SHEET

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Thank you very much for your attention!

Comments and questions welcome!

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www.etui.org