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


Company decision making across borders: the outsourcing challenge
Project Manager: Jan Drahokoupil

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 Drahokoupil

- Outputs


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 / representation 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
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
Thank you very much for your attention!

Comments and questions welcome!

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www.etui.org