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RESEARCH METHODOLOGY

Topic

***MOBILEurope: Collective bargaining for mobile workers in Europe under the COVID-19
– cases of frontier, seasonal and migrant workers***

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1. Introduction

COVID-19 pandemic has raised many problems and issues regarding various aspects of social life in global terms in recent years. One of the most severely affected spheres has been the sphere of work. Work has always been closely related to major transformations of social system. In the words of Manuel Castells, “the process of work is at the core of social structure” (Castells, 2010: 216). In postmodern societies, technological development has significantly transformed the nature of economic production and work in general. Another important factor in that respect in recent decades has been globalization. Increased economic, political, and social interconnectedness of the world refers to the fact that individuals, groups, and nations become more interdependent (Giddens et al. 2018: 562).

Globalization processes have dramatically increased social transformations, bringing progress in many aspects, but also introducing new uncertainties in comparison to previous times. COVID-19 pandemic (with its global consequences) has been just another proof that we have been living in a global risk society (Beck, 1992). These new (global) risks affect human lives in many areas, including the world of work. Labour market exclusion, insecure employment patterns, reduced labour income, various forms of inequality, poverty and social exclusion as a result of reduced employment possibilities represent examples of these global risks. These risks dramatically increase in a situation of crises, particularly in a global crises such as COVID-19 pandemic.

It is not an overstatement to tell that COVID-19 pandemic “turned the world of work upside down” (United Nations, 2020: 2), since it have had dramatic consequences on work, income, life and overall well-being of workers and their families around the world. Many enterprises closed their business operations, leading to loss of numerous jobs and hours of work. In global terms, millions of workers have lost their jobs and income. These processes have been mainly influenced by structural factors, since workers with previously less secure and less favourable positions suffered harder consequences in the pandemic. Informally employed have faced 60% income loss in the first month of the crisis caused by pandemic. More than 40% of young people have been working in the sectors of economy most heavily affected by the crisis. Finally, women have been also employed in sectors with strong decline in economic activity – services, tourism and hotel industry (United Nations, 2020: 2).

Hardships in the world of work during the crisis primarily refer to the loss of jobs and hours of work, income from work and, consequently, a dramatic increase of insecurity and difficulties for numerous individuals and their families. In 2020 (compared to the pre-crisis year 2019), a global loss of 114 million jobs was recorded. Unlike earlier crises, unfavourable economic conditions led mainly to withdrawal from the labour market, i.e. transition to inactivity of 81 million people (compared to 33 million of those who lost their jobs but did not withdraw from the labour market) (ILO, 2021a: 2). In this crisis, the global labour force



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participation rate fell by 2.2%. For the sake of comparison, we will mention that during the previous global economic crisis (in 2008 and 2009), this drop was only 0.2%.

Expectedly, the consequence of the loss of jobs and working hours has been a global decrease in labour income. In the four-year period before the 2020 pandemic, the real increase in labour income was between 1.6% and 2.2%. In 2020, an 8.3% drop in labour income was recorded. In the first two quarters, that decline continued, but was somewhat milder – 5.3% (ILO, 2021b: 12). Women, young people and workers with lower qualifications have been most vulnerable in that respect. During the pandemic, new differences and inequalities have emerged in the world of work. Popularly (and largely correctly) explained, the basic division was between the privileged (who could work online, from home) and the rest who (if they were lucky enough to keep their jobs) had to travel under conditions of significant restrictions of public transport. The term essential workers was designed to emphasize the importance of certain sectors of the economy and the workers in them (The Plight of Essential Workers during the COVID-19 Pandemic, 2020), but it can also be understood as a form of new inequality in the world of work.

Finally, one category of workers has been particularly threatened during the COVID-19 pandemic – mobile workers. They are in the focus of our analysis. “Mobile workers were among the first to experience some of the negative consequences of the COVID-19 breakout. Some issues they faced had roots in their pre-existing situation, while others were new. They mainly faced challenges related to: 1) (partial) closure of borders; 2) loss of job or job prospects; 3) ineligibility for benefits/social assistance or support; 4) the health and safety situation at the workplace, and 5) living circumstances” (Rasnača, 2020: 1). These challenges have worsened pre-pandemic structural inequalities, such as concentration of mobile workers in low skilled occupations (belonging to the bottom of the income distribution), frequent work engagement under temporary contracts and vulnerability to forced shutdowns since they had been predominantly concentrated in sectors not suitable to online work (Fasani, Mazza, 2020: 1).

2. Key concepts

The notion of mobile workers in our project refers to frontier, seasonal and migrant workers. These types of workers have been defined in different terms, but the priority in this document will be given to commonly agreed directives (or other legal provisions) of the European Union and the United Nations.

A **frontier worker** is defined by Regulation No. 883/2004 of the European Parliament and of the Council of the European Union as “any person pursuing an activity as an employed or self-employed person in a Member State and who resides in another Member State to which he returns as a rule daily or at least once a week” (European Parliament, 2004: 2). In contrast to migrant workers (who leave their country of origin completely in order to live and work in



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a different country), frontier workers have a dual national allegiance, stemming from their place of residence and their place of work. However, the definition of a frontier worker may vary from one field to another (for example, in the case of tax law, right of residence or welfare entitlements) (EurWORK, 2018). Legislative provisions and the Court of Justice of the European Union have consistently affirmed that frontier workers represent indeed EU workers and that their right to free movement should be protected. However, despite the plethora of these instruments, frontier workers have been facing many direct and indirect obstacles in their effective exercise of that right (Jorens et al. 2015: 4).

A **seasonal worker** is defined as “a third-country national who retains his or her principal place of residence in a third country and stays legally and temporarily in the territory of a Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that Member State” (European Parliament; Council of the European Union, 2014: 381). However, the definition must recognise the fact that seasonal work can be carried out by both EU citizens and third-country nationals, taking employment on a seasonal basis in one EU Member State, while retaining their principal place of residence in another EU Member State or third country. Equal treatment is the basic principle for both legal regimes governing EU as well as non-EU seasonal workers. Seasonal Workers Directive applies to non-EU workers who enter an EU Member State to work temporarily in a sector dependent on the passing of the seasons. The Directive grants workers the right to equal treatment with nationals of the host Member State in regards to terms of employment, minimum working age, working conditions, including pay and dismissal, working hours, leave and holidays, as well as occupational health and safety measures.

According to the UN Convention on the Protection of All Migrant Workers and Members of their Families, a **migrant worker** “refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national” (UN General Assembly, 1990: 262). However, this definition is very broad, and, if applied strictly, could include frontier and seasonal workers, too. Therefore, as mentioned earlier, more accurate definition of migrant workers refer only to individuals who left their country of origin completely in order to live and work in a different country. Our research should focus on migrant workers who are third-country nationals, often referred to as “immigrants” in the EU context to differentiate them from EU citizens. These two categories of workers are obviously in a different legal position, since EU citizens are already extensively protected under the free movement framework (d’Auchamp, 2011: 9).

Social dialogue and Collective Bargaining under the COVID-19 is a process between trade unions and employers regulating the terms and conditions of employment. However, there is no agreed definition for collective bargaining across the EU Member States. The main elements used to characterise collective bargaining systems are the following:



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- Collective bargaining coverage – the share of workers covered by collective agreements – which is linked to membership of signatory employer organisations and trade unions, but also to extensions of agreements to other firms and workers in a sector.
- The level of bargaining at which collective agreements are negotiated: firm level, sectoral level or national level. Multilevel bargaining involves a combination of firm and higher level collective bargaining.
- The degree of flexibility for firms to modify the terms set by higher level agreements. This ranges from centralised systems, in which there is little or no room for firms to derogate from sectoral or national-level agreements, to fully decentralised systems, where collective bargaining can take place only at the firm level. Between these two extremes, organised decentralisation allows sectoral agreements to set broad framework conditions but leaves detailed provisions to firm-level negotiations.

A full-fledged definition of **cross-border collective bargaining** and **transnational social dialogue** does not exist in the EU either. Cross-border collective bargaining in Europe resulted from the European Monetary Union and was put in place to avoid a race to the bottom concerning wage costs of different national trade unions in an attempt to increase international competitiveness. Cross-border collective bargaining is interpreted here as a relatively narrow concept describing legally binding agreements on wages and working conditions. In contrast to collective agreements, which are negotiated by national social partners, transnational company agreements, such as international and European framework agreements, which are concluded between single employers, are signed at global or European company level and European Works Councils. Areas of negotiations which are selected for this project (concerning mobile workers) are the following:

- Employment – wages, labour contracts and layoffs.
- Social security and taxation.
- Working conditions – accommodation, health and safety, and sanitary control.
- Mobility issues under the COVID-19 – free movement of workers.

3. Research Objectives

Based on the presented contextual and conceptual framework, MOBILEurope overall goal is to promote analysis and research on industrial relations regarding the position of mobile workers under the COVID-19 pandemic, at EU level as well as in comparative terms (identifying convergences and differences in the industrial relations systems in EU Member States and in Candidate Countries). This research will represent a significant contribution and promotion of exchange of information and experience among the parties actively involved in



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industrial relations, with the aim to further develop and reinforce industrial relations structures in Europe. The final result of cross-border research will be country specific comparative study, which should provide evidence-based data on on-going trends in six EU Member States and Candidate countries with specific and different industrial relations. Conclusions and recommendations of the study will enable further development of theory, research and practice in Europe regarding industrial relations.

Specific objectives

1. To identify impact of crises posed by COVID-19 on frontier, seasonal and migrant workers in terms of employment, working conditions and social protection.
2. To identify role and impact of social dialogue and collective bargaining to mitigate challenges posed by COVID-19 on frontier, seasonal and migrant workers.
3. To elaborate findings and draw conclusions concerning the methods of cooperation of social partners and challenges at national and EU level to guarantee social and economic rights of targeted mobile workers.

Indicators for the specific objectives

- Improved pool of knowledge at national and European level about level and type of challenges experienced by mobile workers posed by COVID-19 crises in EU and Balkan countries.
- Improved knowledge among different social dialogue actors and scientific community at national and EU level about identified and elaborated modalities among countries about collective bargaining coverage, level of bargaining, degree of flexibility, centralisation, and other institutional arrangements undertaken to introduce long, medium and short term support interventions to mobile workers.
- Settled Policy Paper based on research findings.

Target value

- One jointly developed theoretical and methodology framework.
- Quantitative and qualitative data collection through desk analyses, transnational survey (at least 180 respondents), in-depth interviews/focus groups at national and international level (at least 180 respondents/participants).
- At least six national level reports produced.



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- One comparative synthesis report produced.
- One international lunching publication seminar.
- One list of policy brief recommendations adopted.
- At least six national level meetings organized among social partners.

This empirical research is generally focused around three areas:

1. Recognition of the specific economic and social situation of mobile workers, in particular frontier, seasonal and migrant workers, in comparison with the domestic workers within the COVID-19 pandemic.
2. Collective bargaining as a tool for developing solutions and building a dialogue.
3. Cross-sectoral approach where these mobile workers represent workforce in Europe in cross-border areas forming a part of the economy.

4. Methodological Framework

Research questions

The following research questions will be in the focus of the analysis:

- What do we know about employment contracts, lay-offs and reduction of employment of frontier, seasonal and migrant workers during the COVID-19 crises?
- What legal uncertainty they experienced with regard to daily crossing of borders, social security and taxation?
- What do we know about deterioration of conditions of work, including salary levels, health and safety at work or increases in precarious work?
- What do we know about returns to the country of origin and access to national temporary support schemes?
- What political actions (directed by the Government) have been put in place?
- Have social partners been jointly negotiating solutions to the problems arising from the COVID-19 impact?
- What actions are unilaterally put in place by trade unions?



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- What actions have been undertaken by social partners in order to support workers in their homeland and in foreign country?
- What is outcome of the coordination of cross-border collective bargaining?
- Which models of collective agreements at different levels played a role in managing the challenges posed by COVID-19 to frontier, seasonal and migrant workers?
- What indicators are important for improvement of collective bargaining and agreements for mid-term measures?

Sampling and goals of empirical analyses

Two different types of sources will be used for the analysis during the project – secondary sources and empirical evidence collected through the field studies. Secondary sources (literature, laws, government decisions under the COVID-19, etc.) will be used for desk analysis in each country participating in the study, resulting in country-specific analysis of the institutional framework and position of mobile workers under the COVID-19 crises.

The goals of desk analysis are the following:

- To present an overview of literature on the issue of frontier, seasonal and migrant workers and different forms of collective representation of this heterogeneous category of workers.
- To analyse the variety of institutional arrangements and types of employment relations and working conditions under the COVID-19.
- To collect, analyse and compare collective agreements at different levels (national, sectoral and company levels), which played a role in managing the challenges posed by COVID-19 to mobile workers.

Empirical evidence will be collected by complementary use of quantitative and qualitative techniques of data gathering (survey and in-depth interviews/focus groups). Referring to our project, researchers from Spain, Greece, Poland, Portugal, Serbia and North Macedonia will conduct surveys and in-depth interviews/focus groups in their own countries. Respondents should be chosen primarily (but not exclusively) from the following sectors: healthcare and institutional care, construction and infrastructure, IT industry, services, food processing industry and agriculture.

The subsamples will be the following:



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1. **Subsample – mobile workers (survey participants);** a minimum of 30 respondents in each country (preferably 10 from each category – frontier, seasonal and migrant workers). Therefore, a total number of survey respondents is 180 for the whole project.
2. **Subsample – leaders (representatives) and members of trade unions (interview respondents/focus group participants);** number of respondents per country for this subsample is minimum 15 (in total 90). These respondents should be chosen from at least three different sectors.
3. **Subsample – representatives of employers (managers/directors of private and public companies and institutions) (interview respondents/focus group participants);** number of respondents per country for this subsample is minimum 15 (in total 90). These respondents should be chosen from at least three different sectors.

Our study uses a non-random (non-probabilistic) sampling procedure. It is based on decisions resulting from objective data, regarding the knowledge of the structure of the analysed population. Bearing in mind the goals and assumptions of the project, purposeful sampling is the most accurate. It involves selecting such units of analysis (individuals) that will get the most extensive and fullest information on a given topic (“snow-ball” procedure in finding respondents could be very helpful).

A survey on impact of COVID-19 crises on mobile workers will be circulated through an online questionnaire. The main objective is to identify socio-economic characteristics of frontier, seasonal and migrant workers, their work engagement conditions under the COVID-19 in terms of employment and social security, as well as their expectations and perceived needs in that respect. Trade unions and other stakeholders in partner countries will help in reaching the respondents and promotion of an online platform. The period of fulfilling questionnaires will be six months.

Interviews/focus groups will focus on in-depth analysis of employment patterns and working conditions of mobile workers during the crises caused by COVID-19 pandemic from the point of view of trade union leaders/representatives and representatives of employers (managers/directors from public and private sector). Particular attention will be given to process of collective bargaining, with special emphasis on previous, current and future roles and activities of all key actors of social dialogue – representatives of workers (trade unions), representatives of employers (employers’ associations) and representatives of state (institutions, agencies and inspectorates). In-depth interviews altered by small-size focus groups (preferably three focus groups with 10 participants each), depending on partners’ preferences. The period of conducting interviews or organising focus groups will be four months.



Final outcome of the analysis will be six national reports and a final comparative report. National reports will be prepared by researchers from each partner organisations on the grounds of findings and conclusions of desk analyses, survey and in-depth interviews/focus groups. Final comparative report will be prepared by the principal researcher from the University of Belgrade. Main research findings will be discussed and elaborated with national and EU level relevant stakeholders at six national workshops and a conference on the European level. These reports will also include a catalogue of good practices and policy recommendations. Each national workshop will include 20 participants such as academic researchers and experts, social partners, trade union representatives and decision makers involved in labour policies. Policy recommendations of the previous topical reports will be summarized in the final report (an e-publication) and printed.

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