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### **Guidelines for national researches**

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



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## Introduction

The research aspect of the project *MOBILEurope: Collective bargaining for mobile workers in Europe under the COVID-19 – cases of frontier, seasonal and migrant workers* consists of three distinct but strongly interrelated parts – desk analysis, quantitative data collection and analysis, and qualitative data collection and analysis.

### Guidelines for desk analysis

Desk analysis is an important part of the project. Its main purpose is to provide a conceptual and contextual framework for the empirical study of collective bargaining for mobile workers in Europe during the COVID-19 pandemic. Desk analysis should have at least five pages (including a relevant list of bibliography).

Three categories of mobile workers have been the main focus of the analysis – frontier workers, seasonal workers, and migrant workers. These categories are defined as follows:

1. **A frontier worker** is a working person in a country of which a person is not a national and who returns as a rule daily or at least once a week to a place of residence in home country (adapted from European Parliament, 2004).
2. **A seasonal worker** is a working person in a country of which a person is not a national and whose work activity depends on seasons, and who returns to a place of residence in home country during “of-season” (adapted from European Parliament; Council of the European Union, 2014: 381).
3. **A migrant worker** is a working person in a country of which a person is not a national and who resides most of the year in a country of employment/host country (adapted from UN General Assembly, 1990: 262).

Other important concepts for this project are **social dialogue** and **collective bargaining**. Although significant differences exist in the European Union (and in Europe in general) in this respect, we can speak of a distinct European model of social dialogue. “European social dialogue refers to discussions, consultations, negotiations and joint actions



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involving organisations representing the two sides of industry (employers and workers). It takes two main forms: 1) a tripartite dialogue involving the public authorities, 2) a bipartite dialogue between the European employers and trade union organisations. This takes place at cross-industry level and within sectoral social dialogue committees” (European Commission, 2023).

Desk analysis should be based on available relevant secondary sources (literature, laws, and other legal decisions under COVID-19, etc.) on national and European levels (referring particularly to directives or other legal provisions of the European Union). Special attention should be given to a comparative analysis of the European and national legal frameworks regarding collective bargaining on the regulation of the work of mobile workers. This is important both to EU countries participating in the project (Spain, Portugal, Poland, and Greece) and EU accession countries (North Macedonia and Serbia).

Desk analysis in each country will result in a country-specific study of the institutional framework and collective bargaining (including good practices) regarding the position of mobile workers during the COVID-19 crisis. Special attention should be paid to the analysis of the implementation of the European Pillar of Social Rights. “The European Pillar of Social Rights sets out 20 key principles and rights essential for fair and well-functioning labour markets and welfare systems in the 21st century. The Pillar is a reference framework to drive reforms at a national level. It serves as a guide for the renewed process of convergence towards better working and living conditions in Europe. The 20 principles and rights enshrined in the Pillar are structured around three categories:

1. Equal opportunities and access to the labour market;
2. Fair working conditions;
3. Social protection and inclusion” (European Commission, 2020).

All of these principles and rights are highly relevant to the position of mobile workers in Europe (especially during the COVID-19 pandemic). Mobile workers are a particularly vulnerable category in the situation of border restrictions and health and security risks. Many of these mobile workers are engaged in essential or critical sectors such as care, construction and infrastructure, transport, logistics and redistribution, food industry, and agriculture. Having this in mind, the European Commission published its Guidelines concerning the



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exercise of the free movement of workers during the COVID-19 outbreak on 30 March 2020. These Guidelines particularly emphasise the need “to permit and facilitate the crossing of frontier workers, in particular, but not only those working in the healthcare and food sector, and other essential services (e.g. child care, elderly care, critical staff for utilities) to ensure continued professional activity” (European Commission, 2020a).

The European Trade Union Confederation (the ETUC) emphasised the positive side of this document – the fact that equal treatment is set out as the overarching principle. However, “the Commission Guidelines nevertheless fall short of sufficiently addressing crucial issues for cross-border workers linked to health and safety, taxation, social security, sick pay, access to decent accommodation, sanitary facilities and health care as well as the status of third-country national posted workers. Similarly, the Commission Factsheet with questions and answers for frontier, posted, and seasonal workers, which intends to complement the Guidelines, do not sufficiently address these problems of legal uncertainty and decent working conditions” (ETUC, 2020). One of the most important goals of desk analysis is to shed light on the discrepancy between legal provisions and the real situation of mobile workers in Europe in said aspects.

### **Guidelines for the survey**

Quantitative data collection will be conducted in the form of a transnational survey. At least 30 mobile workers per country will participate in the survey (180 in total). A survey will be circulated through an online questionnaire. 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. Preferably 10 respondents should be chosen from each category of mobile workers – frontier, seasonal and migrant workers. Respondents (mobile workers) should have been working during the COVID-19 pandemic in the same (host) state as now.

### **Guidelines for interviews/focus groups**



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Qualitative data collection will be carried out through interviews or focus groups with leaders (representatives) and members of trade unions, and representatives of employers (managers/directors of private and public companies and institutions). There are two subsamples for interviews/focus groups:

1. **A subsample of leaders (representatives) and members of trade unions;** the number of respondents per country for this subsample is a minimum of 15 (in total 90). These respondents should be chosen from at least three different sectors.
2. **A subsample of representatives of employers (managers/directors of private and public companies and institutions);** the number of respondents per country for this subsample is a minimum of 15 (in total 90). These respondents should be chosen from at least three different sectors.

Particular attention in qualitative data gathering should be paid to the process of collective bargaining for mobile workers in Europe, 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 public authorities (institutions, agencies, and inspectorates).

### **Final reports**

The 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, the survey, and in-depth interviews/focus groups. These reports should have at least 20 pages.

The final comparative report will be prepared by the principal researcher from the University of Belgrade. It will encompass the main findings and conclusions of the national reports, as well as the comparative analysis of similarities and differences regarding the position of mobile workers during the COVID-19 crisis in six European countries participating in the project. The comparative report will have at least 30 pages, and it will be translated into the national languages of the participating countries.

### **References**



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