

COMPARATIVE REPORT

Topic

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

JUNE 2024



Content

Introduction.....	3
Key Concepts of the Study	4
Desk Analyses	6
Survey: Results and Discussion	12
Interviews/Focus Groups: Results and Discussion	22
Main Conclusions	31
Main Recommendations	32

INTRODUCTION

The concept of the global risk society (Beck, 1992) is perhaps the most apt term in the social sciences to describe the social order of recent decades. This concept emphasises above all the man-made risks resulting from the effects of modern industry and modernisation in general. These risks have increased dramatically as a result of the globalisation processes of recent decades (in the period known as postmodernity or late modernity). These new (global) risks affect people's lives in many areas, including the world of work. Exclusion from the labour market, insecure employment, lower incomes, various forms of inequality, poverty and social exclusion as a result of fewer employment opportunities are examples of these global risks. These risks increase dramatically in a crisis situation, especially in a global crisis such as the COVID-19 pandemic.

According to the United Nations (2020: 2), the COVID-19 pandemic “has turned the world of work upside down, as it has had a dramatic impact on the work, income, lives and general well-being of workers and their families around the world. Many companies have ceased business operations, resulting in the loss of numerous jobs and working hours. Globally, millions of workers have lost their jobs and incomes. These processes were mainly influenced by structural factors, as workers with previously less secure and less favourable positions were hit harder by the pandemic. Informal workers suffered a 60% loss of income in the first month of the crisis caused by the pandemic. More than 40% of young people worked in the economic sectors most affected by the crisis. And finally, women were also employed in the sectors where economic activity fell sharply – services, tourism and the hotel industry (United Nations, 2020: 2).

One category of workers has been particularly vulnerable during the COVID-19 pandemic – mobile workers, who are the focus of our analysis. “Mobile workers were among the first to feel some of the negative consequences of the COVID-19 outbreak. Some of the problems they faced were rooted in their pre-existing situation, while others were new. They mainly faced challenges related to: 1) the (partial) closure of borders, 2) loss of job or employment prospects, 3) loss of entitlement to benefits/welfare or support, 4) health and safety situation at work, and 5) living conditions” (Rasnača, 2020: 1). These challenges have exacerbated structural inequalities from before the pandemic, such as the concentration of mobile workers in low-skilled occupations (those at the bottom of the income distribution), frequent employment under temporary contracts and vulnerability to forced closures as they were predominantly employed in sectors that do not lend themselves to online work (Fasani, Mazza, 2020: 1).

KEY CONCEPTS OF THE STUDY

In our project, the term “mobile workers” refers to frontier workers, seasonal workers and migrant workers. These types of workers have been defined differently, but this document prioritises the commonly agreed guidelines (or other legal provisions) of the European Union and the United Nations.

A **frontier worker** is defined in Regulation No 883/2004 of the European Parliament and of the Council of the European Union as “any person who pursues an activity as an employed or self-employed person in one Member State and resides in another Member State to which he returns as a rule daily or at least once a week” (European Parliament, Council of the European Union, 2004: 2). In contrast to migrant workers (who leave their country of origin entirely to live and work in another country), frontier workers have a dual national affiliation resulting from their place of residence and their place of work. However, the definition of a frontier worker can vary from one area to another (e.g. in terms of tax law, right of residence or entitlement to social benefits) (EurWORK, 2018). Legislators and the Court of Justice of the European Union have repeatedly affirmed that frontier workers are indeed EU workers and that their right to free movement should be protected. However, despite the wealth of these instruments, frontier workers face many direct and indirect obstacles to actually exercising this 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 take into account the fact that seasonal work can be carried out by both EU nationals and third-country nationals who take up seasonal employment in an EU Member State but maintain their main residence in another EU Member State or a third country. Equal treatment is the basic principle for both legal regulations, which apply to both EU and non-EU seasonal workers. The Seasonal Workers Directive applies to non-EU workers who enter an EU Member State to work temporarily in a sector that is dependent on the seasons. The Directive grants workers the right to equal treatment with nationals of the host Member State in terms of employment conditions, minimum age, working conditions, including pay and dismissal, working hours, holidays and leave, and health and safety measures at work.

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 also

include frontier and seasonal workers. Therefore, as mentioned above, the more precise definition of migrant workers refers only to persons who have left their country of origin completely to live and work in another country. Our research should focus on labour migrants who are third-country nationals, often referred to as “immigrants” in the EU context to distinguish them from EU citizens. These two categories of workers are obviously in a different legal situation, as EU citizens are already fully protected by the framework of free movement (d’Auchamp, 2011: 9).

Social dialogue and **collective bargaining** are a process between trade unions and employers to regulate employment conditions. However, there is no standardised definition of collective bargaining in the EU Member States. The main elements used to characterise collective bargaining systems are the following:

- Collective bargaining coverage;
- The level of bargaining at which collective agreements are negotiated;
- The degree of flexibility for firms to modify the terms set by higher level agreements.

There is no comprehensive definition of **cross-border collective bargaining** and **transnational social dialogue** in the EU either. Cross-border collective bargaining is interpreted here as a relatively narrow concept that describes legally binding agreements on wages and working conditions. In contrast to collective agreements negotiated by national social partners, transnational company agreements, such as international and European framework agreements concluded between individual employers, are signed at global or European company level and by European works councils. The areas of negotiation selected for this project (in relation to mobile workers) are the following:

- Employment – wages, labour contracts and dismissals.
- Social security and taxes.
- Working conditions – accommodation, health and safety and health checks.
- Mobility issues in the context of COVID-19 – free movement of workers.

DESK ANALYSES

The main purpose of the desk analyses is to provide a brief description of the national context of collective bargaining for mobile workers during the COVID-19 pandemic in the countries involved in the project. These analyses are based on available relevant secondary sources (literature, laws and other legal decisions related to COVID-19, etc.) at national and European level (the latter referring in particular to directives or other legal provisions of the European Union).

Particular attention was paid to a comparative analysis of the European and national legal framework in relation to collective bargaining to regulate the work of mobile workers. This is important both for the EU countries involved in the project (Spain, Portugal, Poland and Greece) and for the EU accession countries (North Macedonia and Serbia). In this respect, however, there are significant differences between the above-mentioned EU countries and the EU accession countries. In Spain, Portugal, Poland and Greece, the relevant directives have largely been incorporated into the national legal framework, while North Macedonia and Serbia are far behind in this respect. The specific national contexts are briefly described on the following pages.

Spain

Spain is the fourth most populous country in the EU with more than 47 million inhabitants, 85% of whom are Spanish nationals. Since the beginning of 2022, Spain has seen an increase in the number of foreigners. Foreigners come to Spain mainly from Romania, Italy and Germany and, in the case of non-EU citizens, from Morocco, Colombia and the United Kingdom. Of the total labour force in Spain (July 2023 data), 20,891,884.62 people, foreigners account for 13%, or 2,695,239.71 people, and of these: 33% are EU citizens, 887,531.33 and 67% are non-EU citizens, 1,807,708.38.

Due to its geographical location, Spain has borders with two EU member states: France to the north and Portugal to the west; and three non-EU countries: Andorra to the north and to the south with Gibraltar, a colony of the United Kingdom, and with Morocco (from the cities of Ceuta and Melilla). As far as seasonal workers in Spain are concerned, they belong to two major productive sectors: the tourism sector and its associated services (hotels, restaurants, sports, leisure, cultural activities, etc.) and the agricultural sector with its various forms of employment: Fruit (with the exception of red fruit in mid-April, which is concentrated in the north-west of the peninsula) and vegetables (with the exception of asparagus, broccoli and artichokes, which are concentrated in the Navarre region) and important crops (with the exception of fodder); or from August, as in the case of the grape harvest. Both sectors form a heterogeneous and mobile labour force that is

difficult to classify into a well-defined statistical category, making it difficult to quantify the number of workers, although the Labour Force Survey (LFS) puts it at around 150,000 people.

Although both sectors use seasonal labour, the service sector linked to tourism meets its needs with Spanish workers, while the agricultural sector largely relies on foreign labour. Working conditions in agriculture are worse than in the service sector, with seasonal labour dominating: Precariousness (with a lack of labour contracts and exploitative situations in the case of agriculture); the high physical and psychological demands resulting from peak work periods (and demand from clients in the service sector); long working days and high work rhythms; the lack of decent working conditions (wages, working hours, breaks between shifts, overcrowding in accommodation, etc.); increased health and safety accidents at work; increased health and safety accidents at work (musculoskeletal disorders, accidents at work, infections and mental health risks due to difficulties in maintaining a regular emotional and family life, mood disorders (anxiety, depression), high consumption of psychoactive substances (alcohol, cannabis, cocaine).

The model of industrial relations in Spain is a dual model, consisting of a double representation of workers in their companies: the unitary representation, the works councils, and the trade union representation, which represents the union members. Having established this regulation of labour relations in Spain, it is necessary to point out two situations that define the participation of workers, regardless of their nationality and with the only condition that they have an employment contract to carry out their work. Firstly, the fact that all companies with more than six employees have a works council with the aforementioned powers. Secondly, the fact that all employees are subject to a contract that applies to them (in the absence of such a contract, there is the Workers' Statute as a minimum standard for regulating these working conditions)

Portugal

In general, the situation of migrants in Portugal is as follows:

- The number of immigrants living in Portugal has increased steadily in recent years;
- In 2020, there was another increase in the foreign resident population, by more than 12% compared to 2019;
- The top 5 nationalities with the most immigrants in 2020 were Brazil, the United Kingdom, Cape Verde, Romania and Ukraine.

Immigrants are mainly concentrated in the urban areas on the Portuguese coast and therefore have a greater influence on the total number of inhabitants in the Algarve. Without immigrants, some economic sectors and activities would collapse, especially in sectors such as tourism and

construction. The labour force participation rate of foreigners is higher than that of natives (Portugal ranks 4th in the EU27). However, foreigners are still more represented in the base occupational groups (i.e. accommodation, catering and similar and administrative economic activities and support services), do not use their skills in the functions they perform, only one third of foreigners have a permanent employment contract (compared to 69.8% of Portuguese workers in 2020) and tend to have a higher average monthly duration of normal working hours.

Poland

According to a lawyer from the NSZZ Solidarność trade union, who deals primarily with collective bargaining and labour disputes, Poland is the country with the lowest rate of employees covered by collective agreements in the European Union, ranking 27th. It can therefore be assumed that the level of collective bargaining for mobile workers is close to zero. And the collective agreements that do exist do not contain any provisions that address the specific needs of migrant workers.

This is confirmed by the words of an expert from the organisation Employers of Poland (Pracodawcy Rzeczypospolitej Polskiej) who, when asked about collective bargaining in relation to mobile workers, pointed out that there is no specific legislation for this group of workers. She added that people with civil law contracts have the right to join trade unions and bargain like any other employee or contractor in Poland, but that mobile workers do not exercise this right for various reasons (discussed later in the report).

It should also be emphasised that the rights of employees in Poland are regulated by normative acts – the Act of 26 June 1974 on the Labour Code and the Act of 20 April 2004 on the Promotion of Employment and Labour Market Institutions - and that the benefits to which they are entitled depend on the type of contract signed. Thus, mobile workers (migrants) have the same rights and working conditions as Polish workers employed under similar types of contracts (employment contract, mandate contract, less frequently, contract for specific work). The same applied during the COVID-19 pandemic.

In Poland, a work permit for foreigners is issued for a specific position with a specific employer and forms the basis for an application for a right of residence. Residence cards are issued by provincial offices. However, according to the Supreme Audit Office (2019), these are lengthy procedures, which means that before the pandemic, foreign workers were dependent on their employers not only for work but also for legal residence. After the state of emergency was declared during the epidemic, the provincial offices responsible for issuing residence permits no longer received applicants in person. This made access to the procedures practically impossible. The offices resumed their work at the end of May, but some did not receive clients again until the

end of July. It was still possible to send documents by post, but in some offices the waiting time for the first meeting to initiate the procedure took several months (Cope et al., 2021: 13).

Before the pandemic, in 2018, a new type of contract – the harvesting assistance contract – was introduced, which met the expectations of the Polish fruit and vegetable industry by facilitating the legal employment of third-country nationals in the face of a huge labour shortage in the domestic labour market. Although a harvesting contract relates to the performance of certain activities for the farmer and thus constitutes employment in the economic sense, it is not a type of labour contract. The terms of the contract do not guarantee the right to health and safety at work (e.g. minimum wage, right to daily and weekly rest periods, right to health and safety at work and holidays, or standards for maximum manual lifting, use of chemical agents and personal protective equipment).

Following the outbreak of the COVID-19 pandemic, in the context of the spread of the SARS-CoV-2 virus, guidelines were issued for agricultural producers employing foreigners for seasonal work, allowing exemptions from the general quarantine rules in order to maintain agricultural production. However, these measures could not be fully implemented in practise. Foreigners working and living on farms did not have the opportunity to isolate themselves from other workers. However, the overall aim was to ensure the continuity of agricultural labour, which was considered to be of higher value than people's health and lives.

Greece

According to estimates from 2022, around 757,000 immigrants currently live in Greece, making up around 7% of the total population. Much less is known about frontier and seasonal workers in Greece, although we can assume that collective representation of frontier and seasonal workers in Greece is almost non-existent. While there is an extensive legal and institutional framework for these immigrant groups in Greece, their heterogeneous characteristics and possibly their lack of coordination lead to rather individualised labour relations and contractual models. In addition, a large number of immigrants in Greece work in atypical labour relations, and frontier and seasonal workers in the primary sector of the economy often work without legal protection.

Maroukis (2016) also argues that temporary migrant workers are disproportionately employed in informal, temporary and insecure jobs in small and medium-sized enterprises. Until the last decade, there was no specific legal framework for seasonal and frontier workers in Greece, apart from the relevant EU regulations. In general, labour law and migration laws in Greece also cover the groups of frontier and seasonal workers. While the Legislative Content Act (AD 90/1.5.2020) exempted foreign nationals from visa requirements in the context of seasonal workers, the subsequent Law 4690/30.05.2020 allowed the automatic extension of the validity of work permits

for another six months after the expiry of the permit. In 2021, a digital visa was introduced to attract seasonal workers from other countries, aimed primarily at highly skilled labour groups.

Industrial relations and labour regulations apply to all members of the workforce and the national collective agreement also covers frontier and seasonal workers where applicable (National Coordination Office EURES Greece, 2021). The COVID-19 pandemic and related government policies impacted documented migrant workers in various ways. The lockdowns stopped the mobility of these workers and the entry into the country to perform seasonal labour. In addition, the sudden halt in economic activity had a severe impact on their sources of income, and many of them suffered significant loss of income due to the loss of work. National policy measures taken to provide a safety net for these workers included the extension and/or renewal of residence permits (Sommaribas, Nienaber, 2021).

North Macedonia

In recent years, the Republic of North Macedonia has “exported” more and more labour, which means that a significant part of the working-age population is actually employed abroad, either temporarily or permanently. Frontier workers essentially convey the sense of the open market within the European Union, which generally allows the free movement of labour from one-member state to another. From this perspective, frontier workers are of paramount importance and their protection deserves special attention. During the COVID-19 pandemic, they have undoubtedly faced a variety of challenges, mainly due to the closure of borders within the countries of the European Union itself.

In the past, but also more recently, the Republic of North Macedonia has had frequent contact with migrants from other countries, mainly due to its location along the migration route from their countries of origin, mostly African countries, to Europe. However, there are only a relatively small number of labour migrants who actually stay in the Republic of North Macedonia to work. It is certain that seasonal labourers are the most numerous compared to other categories. Indeed, a significant number of Macedonian workers constantly travel to neighbouring countries in search of seasonal work, but also to EU member states in general, which tend to be more developed in terms of tourism and therefore in need of additional labour, and they also move to European Union member states. Although this is much less common, certain sectors that require seasonal workers have to rely on foreign labour due to the migration of workers.

Trade unions have great difficulty in identifying mobile workers. This is mainly due to the fact that they are often employed without a proper contract, i.e. illegally, which is why their involvement in trade unions, if such unions exist at all at employer or industry level, is practically impossible. Mobile workers are generally employed in the catering, tourism, construction and

agricultural sectors, i.e. in the private sector. Needless to say, collective bargaining in the Republic of North Macedonia is extremely inadequate, considering that the general collective agreement does not contain any provisions regarding mobile workers, nor does it contain any provisions regarding the employment and labour of foreigners. The above-mentioned collective agreement was concluded more than 10 years ago, which makes the fact that it does not contain any provisions regarding these categories of workers somewhat understandable, as they were practically a non-existent category of workers at that time.

Serbia

For decades, Serbia was (and still is) above all a country of emigrating workers. The high emigration rate combined with the decline in population figures may explain why Serbia has recently become a preferred destination for mobile workers. In addition to Article 17 of the Constitution of the Republic of Serbia (2006), the employment of foreign nationals in the Republic of Serbia is regulated in detail by laws and regulations, in particular the Law on Employment of Foreign Nationals (2014) and the Rulebook on Work Permits (2018). In recent years, the number of work permits issued to foreign nationals in Serbia has increased significantly. In the first half of 2023, 24,785 work permits were issued, which is 1,000 more than in the whole of 2021. In 2022, Serbia issued 35,168 work permits to foreigners. Most foreign workers come to Serbia from China, Russia, Turkey, India, Cuba, Belarus, Ukraine and Nepal, followed by workers from the neighbouring countries of Montenegro, Bosnia and Herzegovina and North Macedonia.

When it comes to collective bargaining for mobile workers in Serbia, it can be assumed that it is essentially non-existent (for a variety of reasons). Even for domestic workers, collective bargaining is practically non-existent in Serbia (especially in the private sector). Employers significantly restrict the activities (and even the formation) of trade unions, and the main reason for this state of affairs lies in the extremely unfavourable (for workers) amendments to the Labour Law from 2014, which irrevocably curbed collective bargaining (Kožul, 2023).

Mobile workers are protected to a certain extent by the mechanism of issuing work permits for the employment of foreign nationals, as these work permits are only issued to those employers who comply with labour law and immigration regulations. At the beginning of the pandemic, the Government of the Republic of Serbia adopted a decision on the extension of work permits for foreign citizens during the state of emergency (Decision on the Validity of Work Permits for Foreign Citizens during the State of Emergency, 2020). Thus, formally and legally, the situation regarding the employment of persons who are not Serbian citizens has not changed. Empirical research conducted as part of this project will show the actual situation of mobile workers during the COVID-19 pandemic.

SURVEY: RESULTS AND DISCUSSION

Introduction

In general, the results of the survey confirmed that there are major differences in the status and work-related rights of mobile workers in the countries involved in the project. This applies to the period before, during and after the COVID-19 pandemic. These national differences are presented on the following pages.

Spain

The general profile of respondents in Spain is as follows. The majority of them are female (59%), 52% of them belong to the age category 45 to 54 years. Regarding their family situation, 48% are married, live with their partner (86%) and have 2 children (41%) who live with their partner. Overall, 41% have a post-secondary qualification. The most common field of work is the health sector (45% of respondents work in this field), followed by the service sector with 17%. It is somewhat surprising that 93% of people are members of a trade union (the highest figure compared to the other countries involved in the study). Most employment contracts before the COVID-19 pandemic were open-ended and affected 86% of respondents. Currently, the proportion of permanent employment contracts is still slightly higher than during the pandemic at almost 90%. From this, we can conclude that there are no differences between the two periods and that the employment situation has not changed.

Most respondents, 41%, did not know their working conditions when they signed the contract ("they just signed it"). Only 24% of those who said that these conditions were explained to them in a way they could not understand. The remaining 34% stated that the terms were explained to them in general terms. With regard to the provision of professional services, the terms and conditions were in line with the employment contract in 62% of cases, while they were not in line with the contract in 41 of cases. 28% admitted that their terms and conditions and those of the contract "partially matched".

The proportion of those who say that the pandemic has not affected their working conditions (35%) and those who say that they have suffered a partial suspension of work (34%) is similar. 2% had to stop work completely and the remaining 17% had to extend their working hours during the pandemic. Working hours were only affected in the healthcare sector during the pandemic: 40% of respondents worked more than 40 hours and 33% more than 50 hours. In terms of social security and the provision of services, only the health sector reported difficulties in taking leave (holidays and daily and weekly breaks) during the pandemic. In terms of financial support, 97% of respondents stated that they had not received any support.

Finally, in this area, 38% of respondents said they had been informed about health in the workplace and a further 38% said they had been "partially informed". Only 4% said they had not

received any information and 14% said they had been poorly informed. In the area of health protection through personal protective equipment (PPE), 41% said they had received it and 31% said they had received "some", while 10% said they had not received any PPE. From these last two figures, it can be concluded that, in general, information about COVID-19 has been provided and workers have been provided with at least some PPE. Finally, respondents emphasised that the biggest problem encountered during COVID-19 was related to healthcare. 94 of respondents cited this, albeit to varying degrees: 31% cited general problems, while 63% cited partial problems. The second biggest problem was transport, cited by 45%, while 31% had no problems at all in this area.

The most important source of information for employees regarding their rights is the trade union in 90% of cases, followed by the internet and public institutions with 17% each. Transferring this aspect of information to the information they received about their rights during COVID-19, 52% stated that they received this information from the trade unions and 8% from the employer. In contrast, 31% of respondents stated that they did not receive any information about their rights during the pandemic. Of those surveyed, 59% said they were well informed and 28% said they were only partially informed, compared to 11% who said they were "poorly informed" and 4% who said they had no information at all. Information is the best help that unions can offer migrant workers with 83 of responses, followed by support and representation with 62% and fair treatment and access to collective bargaining with 48% and 45% respectively.

Portugal

Migrant workers accounted for the overwhelming majority (97%) of responses in Portugal. Half of the workers who responded to the survey stated that they had a fixed-term employment contract during the pandemic. Only 20% were self-employed. Not much has changed in this situation, apart from the significant increase in cases with permanent employment contracts (23%) and a corresponding decrease in self-employed workers, which rose to 13%. The majority stated that the content of the employment contract was explained in general terms (43%) or in detail (33%).

In general, working conditions are fully in line with the terms of the employment contract, as 57% of respondents stated. The vast majority have been working for more than 7 years (35%). We have 31% of respondents who are up to 3 years old and 34% of those who are between 4 and 6 years old. The vast majority have been working for more than 7 years (35%). We have 31% of respondents who are up to 3 years old and 34% of those who are between 4 and 6 years old. It was also found that for the majority of employees, the COVID-19 pandemic has not affected the functioning of their work organisation in any way (47%). Only for a few (27%) did the work organisation come to a standstill for a certain period of time. The majority of fixed-term employment contracts were not changed (41%). However, it should be emphasised that in 23% of cases the employment contract was terminated. During the pandemic, 60% of respondents worked 40 hours per week. Some (10%) worked 48 hours, and others worked 60 hours.

Currently 50% work 40 hours a week. It was also found that around 13% work 50 hours per week. In 40% of cases, working hours and income remain the same during the pandemic. In another 40%, working hours and/or income decreased and 13% were categorised as unemployed. In 77% of cases, there were no problems with social security. Only in 7% of cases were there problems with the granting of paid leave days.

Currently, the situation regarding social security issues at the respondents' workplace has not changed significantly. In terms of information on labour rights, the majority (63%) state that they are informed or even fully informed (20%). Regarding information on labour rights, the majority (63%) say they are informed or even fully informed (20%). In terms of country of origin, the majority of respondents are from Brazil (27%) and Guinea-Bissau (20%). Most are in the age group between 35 and 44 years (33%) and then in the age group immediately below (25-34 years), i.e. 30%. Interestingly, the vast majority have a university degree (57%). Of the total number of respondents, 37% were women. Half of the respondents are married and 64% of them live with their spouse in Portugal, where they also live with their children (44%). It is also interesting to note that the majority (63%) are not members of a trade union and have no intention of joining one.

Poland

In Poland, the English version of the questionnaire was used, together with versions in Ukrainian and Russian. The vast majority of questionnaires were completed by labour migrants (i.e. people living in Poland on a long-term basis). A total of 30 foreigners completed the questionnaire, half of whom were women. Almost half of the respondents were between 25 and 34 years old, while almost a quarter were between 35 and 45 years old. 13% of respondents were between 45-54 years old and the remaining 3 were in the 55+ age group.

Four people (Ukrainian citizens) were frontier workers (reached through private contacts) and 26 people were migrant workers. All 4 questionnaires were completed by men of Ukrainian nationality, one worked in a Polish healthcare facility and 3 were international transport drivers employed by Ukrainian transport companies. From their responses, it can be concluded that the COVID-19 pandemic has not changed the nature of their contract, their working hours or their wages.

Regarding migrant workers, in this pool of 26 questionnaires, 8 respondents were from Ukraine, 4 from other EU countries (2 from Spain and 1 each from the Netherlands and Portugal) and 14 were third country nationals (4 from the US, 2 from India and 1 each from Afghanistan, Chile, Costa Rica, Mauritius, Mexico, Peru, Turkey and the UK). Only one man (from Portugal) stated that he was a member of a trade union. On the other hand, 12 people ticked “I am not a trade union member, but would like to become one”.

When asked in which sector of the economy they work:

- 8 respondents stated the IT industry;
- 4 respondents stated the food industry;
- 2 respondents stated the service sector;
- 2 respondents indicated construction and infrastructure;
- one respondent indicated the health and care sector;
- the remaining 9 respondents gave a different answer.

Half of the respondents stated that the COVID-19 pandemic has not affected the operation of their workplace, 5 people stated that their organisation has expanded its activities during the pandemic. 6 people reported that the organisations they worked for suspended their activities for a limited period of time. However, only one person had a negative impact in the form of redundancies, and only three people reported a reduction in their working hours and income due to the pandemic. For the vast majority, their situation did not change, while 5 people received a salary increase. 3 people also experienced an improvement in their working conditions – their fixed-term contracts were converted into permanent contracts. Based on these responses, the results of the survey can in no way be considered representative.

In view of the above, it was interesting to ask how respondents thought trade unions could help foreigners on the Polish labour market.

The following answers were given:

1. Provide information and support on workers' rights and safety at work (7 claims);
2. Promoting fair treatment and equal opportunities for migrant workers (4 claims);
3. Working with the community to support the social and economic integration of migrant workers (1 claim);
4. Negotiating with employers on behalf of migrant workers for better wages and working conditions (1 information);
5. Providing legal assistance and representation to migrant workers who are discriminated against or exploited (6 claims);
6. Creating networks and communities of migrant workers to support each other and provide resources (3 claims);
7. Other (8 responses, of which 4 people indicated that they would like to tick all of the above).

One person also stated that in practise they had never received any contact or support from the unions on any of the above points. This suggests that there is a potential for organising foreigners in the Polish labour market, one would just need to find effective information channels to facilitate their access to trade union structures.

Greece

The final number of participants in the survey in Greece was thirty-one. Of these, 41.9% stated that they were posted seasonal workers. The second largest group was made up of migrant and frontier workers, who together accounted for 25.8%. The other categories had comparatively lower percentages. Focusing on the primary occupations of the posted workers surveyed, it is clear that 29% worked in the construction and infrastructure sector and in the service sector. This is closely followed by the food and beverage sector with 19.4% of respondents. Subsequent categories, including IT, had more modest percentages.

A majority of respondents, 29%, stated that they did not have a formal employment contract during the COVID-19 pandemic. In terms of current employment status, a clear majority, 36.7%, stated that they had a fixed-term employment contract. It is worth noting the recognisable trend that the number of people with fixed-term employment contracts increased after the COVID-19 pandemic, while the number of people without an employment contract fell by 19.

A significant majority of posted workers, 80.6%, stated that they received an explanation before signing their contract. Only a small proportion, 3.2%, stated otherwise, and the remaining

respondents did not have a formal employment contract. Of those who did have a contract, 77.4% confirmed that their working conditions were in line with the terms set out in their employment contract. Respondents indicated different periods of time during which they had been posted, with the most frequently chosen periods being one year, two years, four years and five months.

The vast majority of employees (83.9%) stated that their employment contract had not changed during the COVID-19 pandemic. However, a smaller percentage, 16.1%, stated that their contracts had been terminated. In terms of weekly working hours during the pandemic, responses varied, with the most common range being between forty and forty-five hours per week. A subsequent survey on current weekly working hours revealed that the majority of respondents reported forty to forty-five hours per week.

In terms of the impact on working conditions, 64.5% of respondents stated that they had not experienced a reduction in working hours and salary during the pandemic. Conversely, 29% confirmed that they had faced such cuts, while the rest reported plant closures during this time. When asked about problems related to social security at work during the pandemic, 36.4% responded negatively, while 24.2% had experienced problems with taking paid leave. In addition, 9.1% had problems with health insurance, pension insurance and taking paid sick leave. 30.2% of respondents stated that they had no problems with social protection at work. 16.3 % had problems with taking paid leave, 11.6 % with paid time off, 9.3 % with pension insurance and 4.7 % with health insurance.

When asked about their knowledge of their rights as employees, 41.9% said they were partially informed, 32.3% said they were fully informed, 22.6% said they were minimally informed and only 3.2% said they were not informed at all about their rights as employees. Posted workers primarily rely on several key sources to obtain information about their rights. Key channels include the internet, government agencies, information from their employers and advice from trade unions.

In terms of health and safety issues in the workplace during the pandemic, 64.5% of respondents reported that there were no problems, 32.3% acknowledged problems, and the remaining respondents mentioned the closure of workplaces during the critical period. Regarding the information and training provided by employers to prevent the spread of the COVID-19 virus, 35.5% received some information, 32.3% received important information and 16.1% received no information. When asked about the provision of appropriate protective equipment by employers, 51.6% responded in the affirmative, while 29% stated that this was not the case.

When asked how trade unions can help migrant workers, most responses from the latter group emphasised that trade unions can provide valuable support by providing information and assistance regarding workers' rights and safety at work. In addition, respondents emphasised the importance of trade unions advocating for fair treatment and equal opportunities for migrant

workers and negotiating with employers to achieve better wages and working conditions for migrant workers.

North Macedonia

The participants in the survey in North Macedonia come from different sectors and although their number is not representative, they have nevertheless led us to certain conclusions. Six respondents stated that they were seasonal workers, five respondents stated that they were cross-border workers, four respondents stated that they were migrant workers, while the remaining five workers were domestic workers. They work in the following sectors: health and social work (five respondents); construction and infrastructure (also 5); service sector (4); IT sector (2); and 1 each in the following sectors: public institutions; finance; local self-government; education.

Of the total of 20 respondents, 8 stated that they had a fixed-term employment contract during the COVID-19 pandemic, 9 stated that they had an open-ended employment contract, while 3 respondents stated that they did not have a formal employment contract at the time. 6 respondents stated that the content of their employment contract had been explained to them in detail, 9 respondents had signed the employment contract without the content being explained to them, 4 respondents stated that they had received a general description of their employment contract, while 1 respondent said that he/she had not received a formal employment contract. Regarding the changes brought about by the COVID-19 pandemic, 5 respondents answered that their work organisation had stopped its activities for a certain period of time, 10 respondents thought that the COVID-19 pandemic had no impact on the functioning of their work organisation, 4 respondents answered that their work organisation had even expanded its activities during the COVID-19 pandemic.

Respondents were also asked whether there had been a reduction in working hours and salary during the COVID-19 pandemic, to which they all responded differently. 3 respondents indicated that their working hours had been reduced but salary had remained the same, 2 respondents indicated that their salary had been increased, 7 respondents reported that both their working hours and salary had remained the same, 6 respondents said that both their working hours and salary had been reduced, while only one respondent answered that their working hours had remained the same but salary had been reduced. Regarding possible problems related to social security at work during the COVID-19 pandemic, 9 respondents stated that they had no problems, 6 respondents had problems with getting paid sick leave or health and pension insurance approved, 4 respondents had problems with getting paid days off approved, while one respondent had difficulties with getting paid leave approved.

5 respondents stated that their health and safety was seriously at risk during the COVID-19 pandemic, 6 respondents felt that their health and safety was somewhat at risk during the

COVID-19 pandemic, 8 respondents stated that their health and safety at work was not at risk during the COVID-19 pandemic, while only one respondent stated that his/her work organisation had ceased operations during the most critical phase of the COVID-19 pandemic. When asked if they had access to financial support during the pandemic, 15 respondents answered NO, while the remaining 5 had received some kind of financial support from their country.

Regarding the possible (or rather desirable) ways in which trade unions can help mobile workers, 13 respondents believe that the union can help by providing support and information on workers' rights and safety at work, offering legal assistance and representing migrant workers facing discrimination or exploitation, and advocating for fair treatment and equal opportunities for all. 2 respondents stated that they believe the union can help by creating networks and communities of migrant workers, 3 respondents believe that the union should advocate for better wages and working conditions through collective bargaining and negotiations with employers, while one respondent believes that the union's role should focus on working with the local community to support the social and economic integration of migrant workers.

The majority of respondents (12) stated that they belonged to the 35 to 44 age group. In terms of education level, the vast majority (17) had completed either secondary school or university. Rather surprisingly, $\frac{3}{4}$ of them indicated that they are union members, 3 said that they are not union members but would like to become one, while one respondent said that he/she is not a union member and does not plan to become one. And finally, the ratio is 10 male to 10 female respondents.

Serbia

The total number of respondents in Serbia is 44, most of whom are migrant workers, 54% (22), followed by cross-border workers, 25% (10), and almost as many seasonal workers, 21% (9). A much higher percentage of respondents were male, 68% (28), compared to 29% of female respondents (12) and one respondent who identified as non-binary. The age distribution is interesting, as those aged 25 and under and 35-45 are in the minority at 7% (3) each, while the majority of respondents are between 25 and 34 years old, 55% (22), and between 45 and 54 years old, 32% (13). The structure of the respondents in terms of qualification level is relatively uniform, as half of the sample consists of respondents with higher education (51%) and the other half of respondents with completed secondary education (49%). The country of origin of more than half of the respondents (61%) is one of the neighbouring countries, while the remaining respondents are predominantly from Russia, Africa (Zambia, Zimbabwe, Tunisia), Turkey and only one person from the EU (France).

About one third of the respondents, 34% (14), have a permanent employment contract, 46% (19) have a fixed-term contract, about 7% (3) are self-employed, while 12% (5) have no formal

employment contract. Most of them are employed in the service sector, 39% (16), in construction, 20% (8), in the food industry, 17% (7), in the IT sector, 15% (6), while the remaining respondents are employed in agriculture and other sectors. Only 10% (4) of respondents in the sample are members of a trade union, while 28% (11) are not members (but would like to be if given the opportunity), while 63% (25) are neither members of a trade union nor intend to be. During the COVID-19 pandemic, 38% of respondents had a permanent employment contract, while 30% of respondents had a fixed-term employment contract. 8% of respondents were self-employed, while 25% of respondents did not have a formal employment contract. People with a lower level of qualification were less likely to be employed on a permanent basis (26%) and were more likely to be laid off without an employment contract during the COVID-19 crisis (37% compared to 15% for those with a higher level of qualification). The majority of those working without a labour contract belong to the category of cross-border and seasonal workers, the minority to the category of migrant workers. The only difference is in terms of gender, as only men are represented in the category of employees working without a labour contract. The age of the respondents is not related to the degree of job security.

During the pandemic, one in ten respondents saw their working hours reduced while their salary remained unchanged, while around less than a quarter experienced both reduced working hours and a reduced salary. Around 7% of respondents state that their working hours have remained the same but their income has been reduced. More than half of respondents state that both their working hours and salary have remained unchanged during the pandemic, while one in twenty highlight the fact that his/her salary has increased while the volume of work has remained unchanged. Overall, one in three employees suffered a loss of income during the pandemic, which definitely affected their quality of life and even their livelihood. The risks were particularly pronounced if they lived in a foreign country, where informal support networks are underdeveloped and the possibility of receiving institutional support is lower due to a lack of information and legal and language barriers.

When it comes to health and safety in the workplace, a significant number of respondents feel at risk during the pandemic (more than a quarter - 27%). Two thirds (66%) say that their health and safety at work was not at risk during the period in question, while 7% say that their companies had temporarily suspended operations. Seasonal workers were also particularly at risk in this sense. Approximately less than half of respondents (44%) believe that employers have provided extensive information and training to prevent the spread of COVID-19 in the workplace, while another third (34%) believe that they have provided some information and training. However, 15% of respondents state that employers have not provided any information or training. Considering that more than half of respondents received no or inadequate information and training on pandemic risks, it can be concluded that a significant number of them were at risk.

When asked how unions support migrant workers, respondents chose the following options. The majority of them (68%) believe that trade unions should provide information and support in relation to workers' rights and safety at work. The second most frequently chosen option is the provision of legal assistance and representation (advocacy) for migrant workers who are discriminated against or exploited (13%). Almost one in ten respondents (8%) support trade union advocacy for fair treatment and equality, while one in twenty respondents (5%) cite the establishment of migrant worker networks and communities for mutual support and provision of resources. The number citing working with the community to support the social and economic integration of migrant workers as the main activity of trade union organisations was low (3%), as was the number citing negotiating with employers to achieve better pay and working conditions (3%).

INTERVIEWS/FOCUS GROUPS: RESULTS AND DISCUSSION

Introduction

Similar to the previous parts of the research (desk analyses and national surveys), the qualitative study highlights the fact that there are major differences in the position of mobile workers in different countries (in this case from the perspective of representatives of trade unions, employers, employers' organisations and institutions).

Spain

A total of 30 interviews were conducted in Spain, distributed as follows: 10 people in a focus group organised on 20 December 2023 and a further 20 individual interviews. 50% of the interviewees were women and 50% men, so that a gender balance was achieved. In terms of their "category", 11% are union leaders and 89% are union members. As for the economic sectors, they are the same as those already mentioned in the analysis phase of the surveys, with the health sector (61% of respondents) and the services sector (28%) being the most important.

Overall, there is a widespread lack of knowledge about the recruitment systems for mobile workers. For example, only 55% at general level and 44% at sectoral level know that the system is a written labour contract. Regarding the differences in rights between mobile workers and local workers (which was much discussed in the focus group), 70% considered that there are none, as both are covered by the same collective labour agreement according to their sector and general Spanish legislation. However, 15% stated that the conditions for local workers are better.

When asked in which sectors of activity the worst conditions for mobile workers prevail, 35% responded that this was the case in agriculture, cleaning and social and healthcare services. With regard to the challenges faced by mobile workers during their posting, a wide range of issues were raised in the debates, which we have categorised according to the number of opinions received:

- Fixed-term contracts and poorer working conditions, 35%;
- Insecure jobs, 20%;
- Unknown or poorly understood legal framework, 15%;
- Lack of specific support, 5%.

Regarding collective bargaining, only 25% of COVID-19 respondents stated that they were aware of the legal provisions for mobile workers and 80% of them thought that they were not effective. However, the majority of respondents, 60%, stated that they were not aware of these regulations at both national and European level. Job insecurity (25%) and lack of mobility due to border

closures (25%) are the main trends related to the provision of services by mobile workers during the pandemic. Lack of coverage and information (25% of respondents), legal loopholes (25%) and the need to work to obtain certain rights (15%) were cited as the biggest legal uncertainties during the pandemic.

In general, respondents agreed that the most important measures taken for mobile workers during COVID-19 were improving working conditions through collective bargaining (35%), improving information on workers' rights (15%) and improving social protection (15%). The unions' responses to these measures were that they were implemented through collective bargaining (40%) and through some form of mobilisation (20%).

In the same section, with regard to the contribution of trade unions to supporting mobile workers, the opinions were as follows:

- Through agreements and supportive petitions from these workers, 40%;
- By providing better information on rights and laws, 35%;
- By lobbying employers and governments, 15%;
- Through more and better action at central EU level, 10%.

The majority (50%) of respondents stated that they were not aware of the existence of collective bargaining for mobile workers. 25% of respondents mentioned the inclusion of job guarantees for these groups. In terms of medium-term measures to improve collective bargaining for mobile workers, the most popular opinions were the inclusion of more and better information for these workers in their labour contracts (45%) and the inclusion of social rights to improve working conditions (40%).

Portugal

In Portugal, two focus groups were organised with the workers' committees and members of the management of two large companies in the automotive sector in Portugal: AutoEuropa and Faurecia. The first focus group took place on 11 January 2024 at the premises of AutoEuropa, which belongs to the Volkswagen Group. It is one of the Group's largest factories at international level and employs around 5 thousand people. In recent years, the Volkswagen T-Roc model has been produced there. The group consisted of two representatives from the employee committee, four representatives from the communications department, a team leader and a representative from the HR department.

The main conclusions regarding mobile workers were as follows:

1. According to Rogério Nogueira, a representative of the AutoEuropa Workers' Committee, there are 500 trade union members among 4800 employees. The most strongly represented

union is the CGTP-affiliated SITE SUL, followed by the UGT- affiliated SINDEL and a small union called STASA (Sindicato dos Trabalhadores do Sector Automóvel), among others.

2. The unionisation rate will be between 8 and 9% and is homogeneous in the different sections of the current production line.
3. The representative of AutoEuropa's Workers' Committee, Rogério Nogueira, said that the company currently employs around 30 workers across Latin America, Africa and Southwest Asia.
4. Currently, the number of those welcomed to Portugal is much smaller and most of those who have come to Portugal have been engineers from Germany.
5. The Director of Human Resources at AutoEuropa explained that AutoEuropa is a medium sized plant run in co-operation with the Workers' Committee.
6. The Director of HR at AutoEuropa also explained that the co-management is good and involves a dialogue about changes in process innovation on the line. It is an average relationship in the context of VW Group employee committees (KV). The business case is prepared by the management and then discussed with the KV on aspects such as training, digitalisation and others.

The second focus group was held on 11 January 2024 at Forvia Faurecia. The group comprised 4 representatives of the Workers' Committee, 2 representatives of the plant management and 3 researchers from the European project.

The main conclusions regarding the position of mobile workers were the following:

1. According to the Director of Productivity and Digitalisation, Anselmo Rodrigues, Faurecia had a permanent employee in Madrid who was posted from the factory in Palmela. However, the director explained that he visited and checked on him every 15 days to control the conditions of the hotel and the food and to see if he was “behaving appropriately”.
2. This director predicts that for the new VW client in Pamplona it will be necessary to create a more permanent structure. This team should include elements that have been withdrawn from the Palmela plant.
3. According to a representative of the Faurecia works council, Daniel Bernardino, there are 441 workers, 146 women and 49 temporary workers. The average wage is 1365 euros.

Poland

Based on interviews with trade union activists and employer representatives, a number of sectors can be identified in which it is easier for foreigners to find employment. These sectors are: Transport, agriculture and food industry, hotel industry, construction, domestic services (cleaning

and care), IT industry. The main competitive advantage of foreign workers is their greater flexibility and availability in terms of time, which was emphasised in interviews with representatives of temporary employment agencies:

They were more receptive, they were more willing to move, even over great distances. In a sense, they came here to earn money, so they lived where there was work, not the other way round. (Interview p. 13)

Workers and activists of the National Committee of NSZZ Solidarność in the transport and hotel industry unanimously stated in interviews that large companies and multinationals employ foreigners on the same basis as Polish workers and comply with health and safety requirements. The problem lies with small, private companies, which sometimes try to take advantage of foreigners' ignorance by, for example, employing them below the applicable rates, failing to comply with formal obligations such as registering contracts with ZUS and, as a result, not paying contributions or being in arrears. However, trade unionists point out that this lack of knowledge is a universal and cross-border problem.

Construction and domestic services were cited by respondents as the sectors where employment without a formal contract still occurs (although this does not apply to large construction companies who cannot afford to violate labour rights and health and safety standards) and where foreign workers are sometimes exploited by dishonest employers. This was also the reason why a group of Ukrainian domestic workers got together in 2019 and later founded the Committee of Domestic Workers (Komisja Pracownic i Pracowników Domowych) at the trade union Workers' Initiative (Inicjatywa Pracownicza). In its two years of activity, the committee has successfully intervened in several cases of mistreatment of care workers, mainly related to non-payment of wages. In addition, the members organise regular meetings to inform care workers about their rights.

One particular industry in this context is the IT sector, which tends to attract highly qualified labour. The interviews also show that Polish employers highly value the skills of IT specialists from neighbouring countries (Ukraine, Belarus). Their additional advantage is a work culture like the Polish one, which does not bring any additional challenges for the employer in terms of team management. In this sector, foreign employees can expect the same working conditions as Polish employees.

Most migrants are employed on the basis of civil law contracts (mandate contracts). If they are employed under a labour contract, it is usually a fixed-term contract or a probationary contract. It is also important to remember that for seasonal workers who intend to return to their home country, the main motivation is the salary, which is higher in the case of a civil law contract. In addition, they may not be fully aware of the different types of contracts and the benefits that a fixed-term contract, for example, could offer them. In terms of compliance with workers' rights (State Labour Inspection 2021, 2022), the most common violations of workers' rights were:

1. Failure to comply with health and safety rules or regulations;

2. Failure to pay wages or other benefits at the agreed time, unjustified underpayment or deductions;
3. Violation of working time regulations or regulations on employee rights in connection with parenthood and the employment of young people.

According to the information from the interviews, the trade unions have so far organised the following activities for foreign workers:

- Organisation of regular information and integration meetings;
- Publication of information in local languages on websites and social media (Facebook, Telegram);
- Operation of information centres offering advice and guidance, also in Ukrainian and Russian;
- Offering Polish and English language courses;
- Implementation of a certification programme for employment agencies (together with Konfederacja Lewiatan);
- Intervening with employers on behalf of employees;
- Filing complaints with the state labour inspectorate.

Experts from the employment agencies also pointed out that the employment structure of foreigners is changing and that new challenges are emerging. For many years, the labour market was dominated by citizens of Ukraine and Belarus. Today, more and more foreigners are being recruited from geographically and culturally distant countries such as Indonesia, Colombia, the Philippines, Cuba, Georgia and Kazakhstan.

Greece

The thirty-five interviews were conducted in Greece in two ways, ten of them were face-to-face/individual interviews and the rest took place as an online focus group. According to the interviewees, mobile workers in Greece often find employment in seasonal sectors such as agriculture and tourism. In both cases, these are primarily seasonal industries such as agriculture, tourism and agro-processing, as well as year-round employment in industry and construction. Employment relationships are generally temporary and part-time work is common in both categories. According to trade union members and representatives, mobile workers often have problems with legal issues relating to residence status and admission. On the other hand, representatives of employers and institutions stated that labour law generally applies to all workers, regardless of their nationality, and that there are no differences in labour legislation and rights between mobile and domestic workers. The importance of obtaining a work permit was emphasised and it was mentioned that migrant workers may have fewer rights if they are undeclared.

Regarding the specific sectors in which mobile workers in Greece tend to have more or less favourable rights and conditions (compared to local workers), the responses reveal certain trends:

- Construction: In some cases, the construction industry can be associated with difficult working conditions.
- Cleaning services and the hotel industry: Mobile workers may hold positions with lower wages and fewer benefits.
- Catering/food services: Restaurant and food service jobs may offer lower wages and limited benefits.
- Cleaning/housekeeping: Migrant workers may work in cleaning or housekeeping, where working conditions are not always favourable.
- Agricultural workers: Migrant workers may have jobs with lower wages and fewer benefits (e.g. manual labour and not operating machinery such as tractors etc.)

The interviewees pointed out various ways in which trade unions can contribute to improving the situation of mobile workers in Greece:

- Information and education: Trade unions can provide training and information sessions on labour rights, laws and working conditions in the host country to ensure that migrant workers are informed and empowered.
- Legal support: In cases of labour rights violations or breaches of agreements, trade unions play a crucial role in providing legal support to the workers concerned.
- Negotiations and collective agreements: Through negotiations, unions can advocate on behalf of their members, including migrant workers, for higher wages, better working conditions and additional benefits.
- Social protection: Unions provide support in the form of services such as insurance, healthcare and other benefits, contributing to the overall social protection of workers.
- Community empowerment: By fostering a sense of community, unions provide psychosocial support and solidarity and help migrant workers integrate and find support among their peers.
- Supervision: To ensure the protection of workers' rights, promote fair working conditions and address their specific needs.
- Political influence: Unions actively participate in political efforts to improve laws and policies that affect migrant workers, contributing to an overall improvement in their rights and social treatment.

Regarding the particular challenges posed by the COVID-19 pandemic, the Greek participants explained that both the European Union and its Member States (including Greece) have taken measures to address the impact on the labour market. These measures include flexibilities in areas such as working time, job security and unemployment. The general opinion expressed in the responses is that these arrangements are considered effective in addressing the challenges caused

by the pandemic. However, cross-border workers, seasonal workers and migrant workers encountered obstacles during the COVID-19 pandemic such as restricted work activities, increased health risks, limited access to social and medical services and suspension or loss of employment due to economic difficulties. To address these issues, government agencies and labour organisations typically implement policies and programmes aimed at improving worker health and safety, promoting employment and economic stability, and providing social protection. The focus is often on strengthening health and safety protocols for workers in the face of these challenges. Another interviewee responded that the safety and personal protection of mobile workers is being strengthened.

When asked for examples of successful practises to improve the situation of mobile workers, respondents cited practical initiatives:

- Information and training: Successful efforts have been the implementation of training and information measures to raise mobile workers' awareness of their rights, working conditions and bargaining opportunities. Also the inclusion of vocational training.
- Cross-border cooperation: Cross-border cooperation between trade unions and organisations in different countries has led to positive results and strengthened solidarity and the protection of mobile workers' rights.
- Establishment of counselling centres: Notable examples include the establishment of counselling centres in certain regions to provide advice and support to migrant workers on various issues, including legal and social aspects.
- Establishment of reception and information centres.
- Social inclusion programmes.
- Support networks.
- Extension, renewal of contracts, salary increase.

North Macedonia

As part of this project, three focus groups were conducted with a total of 30 participants. Half of the respondents in the focus groups conducted were employee representatives, while the other half were either employers or representatives of employers' organisations. Six respondents stated that they were trade union members, ten respondents were listed as trade union leaders or chairpersons, four respondents were representatives or belonged to an employers' organisation, while ten respondents stated that they were employers.

In general, respondents pointed to the fact that mobile workers usually have fewer rights than domestic workers, especially in terms of lower wages, unpaid contributions, lack of social security and that they are usually not covered by legal provisions that would apply to them if they were union members, for example. The lack of social security and health protection, the lack of

official labour documents, the lack of trade union protection due to lack of trade union membership, the lack of health, social and pension insurance and a language and cultural barrier are some of the challenges pointed out by respondents. Some of the interviewees believe that they had no problems and that they have the same rights as local workers.

In terms of how trade unions can help mobile workers, emphasis was placed on the provision of legal assistance, membership of a trade union, information, education about their rights and the provision of legal assistance, the conclusion of an international memorandum of co-operation with trade unions from other countries and the conclusion of collective agreements and the adoption of new legislative changes. Regarding the measures taken by a trade union/association/institution (if applicable) in recent years (before, during and after the COVID-19 pandemic) in relation to the position of mobile workers and collective bargaining with them, the majority of respondents indicated that no measures were taken. Those respondents who indicated that some action had been taken highlighted demands for working from home, tax credits for companies, the creation of the necessary infrastructure for payments, changes to legal provisions, trade union support and the signing of an agreement on cooperation with other trade unions from other countries.

Regarding the main trends related to health and safety at work, labour contracts, dismissals (including the level of salary) of frontier workers, seasonal workers and migrant workers during the crisis caused by the COVID-19 pandemic, the majority of respondents indicated that the most measures related to safety at work were taken during the pandemic; however, this was also the period when the highest number of workers were dismissed due to a reduced workload. Some of the responses emphasised that they were in favour of COVID-19 being classified as an occupational disease.

Among the most frequently cited legal uncertainties experienced by mobile workers in relation to border crossing, social security and taxation during the COVID-19 pandemic are the closure of borders and the impossibility of leaving the country, leading to illegal border crossing and work in the informal economy, as well as illegal residence in the country, but also dismissals and the instruction of workers to take administrative leave.

Medium-term measures that should be taken by institutions, trade unions, associations and companies that are relevant to promoting collective bargaining and contracts for mobile workers include the following measures recommended by the focus group participants:

- Membership of a trade union and continuous information and consultation of workers;
- Regulation of the status and rights of mobile workers;
- More frequent meetings with chambers of commerce;
- Protection and provision of decent working conditions;
- Regulation of rights and protection under new collective agreements, legislative changes, proposals for amendments and additions, etc.;

- Continuous training and education;
- Facilitate the free movement of labour;
- Stricter control and monitoring;
- Improved social security and health protection.

Serbia

In Serbia, thirty individual interviews (face-to-face) were conducted, 15 with trade union representatives, 13 with employer representatives and 2 with representatives of institutions. The trade union representatives emphasise that the issue of mobile workers in Serbia has only just come to the fore and that none of the parties responsible for regulating their rights and obligations (least of all the state institutions) are sufficiently prepared for immigration in Serbia. Past practise shows that mobile workers have been employed in Serbia in various ways, ranging from completely legal employment to completely unregulated employment that is practically invisible to the institutions.

The large number of informally employed foreigners, especially in the construction and agricultural sectors, where workers often do not have the necessary permits and sometimes even only have tourist visas, is still widespread. Trade union representatives make a clear distinction between the following three types of workers: 1. workers with residence and work permits, 2. posted workers and 3. workers hired through temporary employment agencies. Trade union representatives point out that mobile workers are at great risk of exploitation, which manifests itself in the form of lower wages, payments to accounts other than those of the workers (cash payment), missing or inadequate employment contracts, working conditions (working hours, penalties for breaches of labour discipline) and in extreme cases even extortion, confiscation of passports, misleading information on working conditions, etc.

The trade union representatives consider the importance of information as an important factor that could contribute to improving conditions for mobile workers. For example, brochures in the languages of mobile workers' countries of origin would provide them with important information about their rights in Serbia as well as possible risks they are typically exposed to in Serbia. *“Someone from, say, India or Vietnam, whose unions we have sent invitations to meetings, should give them these brochures in our language and translate them into their language so that they know what they need to know when their workers come to Serbia to work, and they should also get our addresses so that the workers know where to find us...”*

Most employers share the view that mobile workers are neither the better nor the cheaper option compared to local workers, but that they are the only reliable option in the current labour market. *“Because if you organise a construction site, the market is much more volatile today, especially in construction, and the borders are open. Our people can go to Germany. Migrants can't do that.”* Mobile workers face numerous challenges, from not knowing all the rights they have to

possible manipulation by the agencies that organise their work here (e.g. passport confiscation in extreme cases). The second challenge is that domestic employers are not always aware of the ways in which mobile workers can actually exercise their social rights and are therefore unable to support them when needed. Employers note that the language barrier is an important prerequisite for mobile workers to understand the context in which their rights exist and how they can exercise them. Only a handful of respondents are actually familiar with international regulations and standards, particularly specific European directives. A number of respondents are only familiar with labour law as it relates to domestic workers.

Representatives of institutions have an even more nuanced view when it comes to the position of mobile workers and the challenges they typically face. The most common form of employment for mobile workers is through employment agencies, which makes these workers vulnerable due to the nature of unstable and temporary jobs. *“They are not permanently employed and not integrated into the formal public and legal system, and are even overlooked by the regulations on the employment of foreigners on numerous occasions. Informal contracts are usually temporary contracts tied to specific jobs and ad hoc hiring.”* They believe that the practises and laws under which domestic unions operate limit the ability to advocate for a significant portion of mobile workers, as they represent workers who have a labour contract. *“As a rule and according to our regulations, i.e. specifically in the Republic of Serbia, trade unions are not able to represent people who are not employed on a permanent basis and they do not recognise them as potential trade union members.”*

MAIN CONCLUSIONS

1. The status and labour rights of mobile workers in the individual project partner countries vary considerably.
2. Depending on the country analysed, there were greater or lesser differences between the type of contracts signed before and after the pandemic, which in some cases led to the cessation of work activity.
3. At the time of signing the employment contract, there is a high level of ignorance about the terms of the contract. This shows that a high percentage of these contractual terms do not correspond to the terms actually executed.
4. Access to medical care, lack of mobility, difficulties in accessing transport and job insecurity are the biggest problems during the pandemic.
5. During the pandemic, uncertainties arose among mobile workers, such as: lack of protection and information, the existence of legal loopholes and the need to work to obtain certain rights.

6. The health sector was the one that suffered the most unfavourable working conditions during the pandemic: increased working hours, difficulties with leave (holidays and daily and weekly breaks) and various problems in the health sector.
7. The information that mobile workers received about their rights during COVID-19 and about the pandemic itself was largely provided by trade unions, the internet and official organisations.
8. Information is the best help trade unions can offer mobile workers, followed by support and representation to get fair treatment and access to collective bargaining.
9. The best contribution of trade unions to support mobile workers is to reach agreements and support the demands of these workers by putting pressure on employers and governments; and with more and better action at central EU level.
10. It is recognised that the improvement of employment conditions in the collective agreement, the improvement of information on workers' rights and the improvement of social protection are the most important measures adopted during COVID-19 for mobile workers.
11. There is widespread ignorance of the measures that could be implemented in the context of collective bargaining for mobile workers. It is recognised that there is a need to strengthen the information provided to these workers in their employment contracts and to include social rights to improve working conditions in collective agreements.

MAIN RECOMMENDATIONS

1. Given the lack of specific legislation for mobile workers at EU level and the constant challenges faced by these groups of workers, the creation of a specific regulatory framework for the employment conditions of mobile workers (frontier workers, seasonal workers and migrant workers) and the definition of a transnational social dialogue framework to regulate these employment conditions is recommended.
2. Both EU Member States and candidate countries need to improve their national legal frameworks and collective bargaining processes setting out the terms and conditions of employment for mobile workers in order to achieve a better position and better employment rights for mobile workers.
3. The actions of trade unions and works councils in support of migrant workers must be strengthened, through agreements and support for their applications, improving information on rights and legislation, facilitating immediate assistance and individual and collective representation, and enabling fair treatment and access to collective bargaining.
4. Government institutions and independent organisations need to recognise the particular challenges faced by different categories of mobile workers: Frontier workers, seasonal workers and migrant workers, and promote their visibility and integration throughout the country that hosts them.

5. The translation of documents must be guaranteed, especially with regard to the labour rights that a migrant worker must know, in his/her “mother tongue”.
6. The promotion of education and training tools for migrants in their mother tongue is necessary to ensure their better integration into society and to facilitate their employment.
7. The establishment of basic information channels on the living and working conditions of mobile workers is necessary, with particular emphasis on the use of social networks and national websites.
8. The guarantees of the European directives on the posting of workers in the context of the cross-border provision of services must be extended to migrant workers in view of the influx of this type of worker, as must those of collective agreements and national legislation.
9. It is necessary to improve employment conditions through collective bargaining in sectoral collective agreements and to guarantee their application to all migrant workers in their workplace.
10. It is also advisable to create special regulations for migrant workers in sectors with extensive employment and a particular lack of protection, such as the agricultural sector, tourism or the health and care professions, which are booming in view of the ageing population.
11. It is necessary to combat the informal economy of mobile workers and to strengthen labour inspections to detect contractual irregularities and impose severe sanctions on those who do not comply with the rules.
12. Compliance with the fundamental rights enshrined in the Charter should be guaranteed: Dignity, freedom, equality and non-discrimination, solidarity (recognising the right to fair and just working conditions and the right to social security and health protection), citizenship and justice.
13. The comprehensive healthcare that is necessary for all should be provided. The nature of the urgency, the essentials (the examination by a doctor or the provision of the necessary medicines), health care for pregnant women and medical assistance and education for minors in an irregular situation should be determined under the same conditions as for nationals.







This copy is free

“Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.”



Co-funded by
the European Union