

LABOUR AND SOCIAL JUSTICE

# WORKERS WITHOUT BORDERS?

The rights of workers from the Balkans in the EU

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EU citizens and Third Country Nationals are formally in very different situations when it comes to their mobility and rights in the European Union. However, this binary picture looks much more blurred when workers from Southeast Europe are in focus.



The newest, poorest members of the European Union and their neighbouring accession countries in the Western Balkans are not only experiencing a demographic decline, youth exodus and a 'brain drain', but also effectively subsidising the economic growth and lifestyle of richer European countries through investment in education and training of workers who leave their countries of origin, and the subsequent loss of social security contributions.



The report pays particular attention to the situation of mobile workers from the region in Germany, given its economic size and recent visa liberalisation, but also brings in examples and considerations from throughout the EU.

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## PREFACE

Labour migration in Southeast Europe has always been omnipresent. Before the 90s, workers' emigration in ex Yugoslavia was an inherent problem; in the middle of the seventies, 1.1 million workers aged 20 to 45 left Yugoslavia. The main reason for leaving hometowns back in the 1970s was excessive unemployment.

Correspondingly, in the last decade, slow growth and low social-economic standards combined with political stagnation and a general feeling of missing perspectives created a mass disappointment that led to new workers' emigration from the Southeast Europe region towards the EU. The Western Balkans proved to be a permanent source of skilled, educated, and professional workers for EU countries. At the same time, the impact of this brain drain on the societies in Southeast Europe is immense. In 2019 alone, statistics show that 228 000 left the Western Balkans and became residents of EU countries, mainly Germany. The Covid pandemic showed how much the health sector is affected by the loss of qualified personnel. While the case of migration in Western Balkan countries is particularly staggering, emigration affects a large portion of Eastern Europe. EU countries such as Bulgaria, Romania, and the Mediterranean countries are experiencing demographic decline, youth exodus, and brain drain.

Despite these apparent challenges, the social consequences of this exodus currently going on from the countries of Southeast Europe have not been adequately addressed and recognized neither in the countries of origin nor in the EU countries of destination.

While governments in SEE do little to handle migration and limit further brain drain, Western European governments opened corridors for work migration by visa liberalization and providing working permits mainly for well-skilled persons from the Western Balkans. However, little attention is paid to their social protection and social rights after they arrived and the impact of grown mobility in general. This applies particularly to women and vulnerable groups, including highly mobile young workers, freelancers, „digital nomads,“ and social entrepreneurs who are also often not organized by trade unions. NGOs dealing with the issue of migration as well usually don't have topics like working conditions, social security, and living conditions in their focus.

Considering the massive importance of this social challenge, it is surprising how little research has been done so far on the social situation of these “workers without borders” who entered the labour markets in Western Europe. The present study reacts to this gap. Our thanks go to the authors and our partners at European Alternatives.

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## EXECUTIVE SUMMARY

Over the past decade, European Union enlargement, visa liberalisation and specific governmental programs have opened up the biggest European economies to much greater numbers of mobile workers coming from Southeast Europe. The implications of this shift for the countries of origin as well as for individual workers are ambiguous. While individual workers who make the move often report higher rates of pay and sometimes a better quality of life, they are often forced to accept working and living conditions, rates of pay, and contractual relations that are inferior to what is required by the law. The newest, poorest members of the European Union and their neighbouring accession countries in the Western Balkans are not only experiencing a demographic decline, youth exodus and a 'brain drain', but also effectively subsidising the economic growth and lifestyle of richer European countries through investment in education and training of workers who leave their countries of origin, and the subsequent loss of

social security contributions. This report shows that mobile workers from these countries have come to form a distinct group with many common characteristics and employment problems, despite having different legal statuses. The report pays particular attention to the situation of mobile workers from the region in Germany, given its economic size and recent visa liberalisation, but also brings in examples and considerations from throughout the EU. Based on interviews with mobile workers themselves and a wider literature review, we argue that the European Union, governments, and trade unions need to better enforce existing legislation and prevent exploitation, empower workers to understand, access and advance their rights, and ultimately rethink a new economic relationship between the EU and the Southeast Europe region based on more balanced, more sustainable, and more socially just development.

# 1. MOBILITY IN AND INTO THE EUROPEAN UNION

Labour mobility is one of the founding principles of the European Union – initially in the coal and steel industries (Treaty of Paris, 1951), then within the European Economic Community in general (Treaty of Rome, 1957), according to which ‘Freedom of movement for workers shall be secured within the community...’ and ‘such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment’ (Article 48, [1] & [2]). While at first this freedom of movement was limited to taking up employment if no national was available for the job, by 1964 this restriction was lifted and by 1968 freedom of movement for workers was fully implemented within the European community.

## EU-Citizens and ‘Third Country Nationals’

If the rules on freedom of movement of workers do not mention ‘nationals’ of member states when defining their scope and rather refer to ‘workers’ or ‘workers of the member states’, secondary law following the Treaty of Rome which implemented the free movement of workers does not make such an explicit reference (see Article 1 [1] Regulation [EEC] 15/61). This introduced the distinction between workers with the nationality of a member state and ‘Third Country Nationals’ who do not have the nationality of a member state into the European legal order.

As the European Union has ‘deepened’ its integration, the freedom of movement of workers has been enveloped into a wider freedom of movement of persons and a broader conception of European citizenship. In principle, only nationals of EU member states have full rights to move and reside in other member states and seek employment there, have full claim to equal treatment with nationals of host member states and non-discrimination in most spheres of social life, benefit from the prohibition of unjustified restrictions on labour market access, have the right to vote in European elections, are protected by the European Charter on Fundamental Rights, and so on. EU citizens’ stay in other EU countries is not unconditional: those searching for employment for longer than 6 months in another EU country must prove that they continue to actively look for

a job and that it is likely that they will be hired.<sup>1</sup>

The legal status of Third Country Nationals is addressed by the European Union through various directives in secondary law, including the Single Permit Directive (2011/98/EU) defining the procedure for obtaining a single permit to work and stay in the EU, Directive 2003/109/EC regulating the status on non-EU nationals granted long term permits, and EC Regulation 1030/2002 laying down the uniform residence permit procedures.<sup>2</sup> Furthermore, a series of sector-specific Directives have been introduced, such as Directive 2009/50/EC (EU Blue Card; Highly skilled workers), Directive 2014/36/EU (Seasonal workers), Directive 2014/66/EU (Intra-corporate transfers) and Directive 2016/801/EU (Research, studies, training, voluntary service, pupil-exchange schemes or educational projects and au pairing). EU regulation on the mobility of non-EU workers between member states encompasses provisions on ‘first and subsequent establishments’, which means that intra-EU mobility for Third Country Nationals is preconditioned by acquiring long-term residence in the EU country where they first settled (and according to the rules and regulation of that country). This patchwork of directives and lack of a comprehensive common migration policy mean that Third Country Nationals are subject to many more barriers to mobility than member state nationals, and to restrictions on labour market access and other forms of nationality-based discrimination, which vary between member states. Furthermore, there are still no EU-level agreements on social security coordination with third countries, and so social security arrangements depend on bilateral agreements between countries.

## Blurring the Categories in Southeast Europe

As demonstrated above, EU citizens and Third Country Nationals are formally in very different situations when it comes to their mobility and rights in the European Union.

<sup>1</sup> EU. Your Europe. [https://europa.eu/youreurope/citizens/residence/residence-rights/jobseekers/index\\_en.htm#](https://europa.eu/youreurope/citizens/residence/residence-rights/jobseekers/index_en.htm#)

<sup>2</sup> Van der Mei, A.; Robin Oliver, S. Verschuereen. 2018. Analytical report on the legal situation of third-country workers in the EU as compared to EU mobile workers. European Commission, Directorate-General for Employment, Social Affairs and Inclusion. <https://op.europa.eu/en/publication-detail/-/publication/977f2cec-2448-11e9-8d04-01aa75ed71a1>

However, this binary picture looks much more blurred when workers from Southeast Europe are in focus.

With the expansion of the European Union from 2004, restrictions on the free movement of workers from new member states were introduced as part of the ‘transitional arrangements’ that were included in accession agreements with new members. While citizens of the new member states could travel in other European countries for up to 90 days, and could move for studies in another country, moving in order to work – unless under a posted workers scheme – was potentially more difficult. Workers from the eight countries that joined in 2004 faced restrictions on where they could move to work until 2011, when Austria and Germany finally removed their restrictions. Between 2007 and 2014, nine EU countries had ‘transitional measures’ in place to limit the employment of Bulgarian and Romanian workers despite them being EU citizens. After becoming European citizens in 2013, Croatian nationals also needed work permits to work in some member states until 2018 and in Austria until 2020.<sup>3</sup>

While further enlargement of the European Union has stalled almost entirely, during recent years the EU has opened up somewhat to citizens of the ‘Western Balkans 6’ countries. In accordance with this usage, for the purposes of this study, ‘Western Balkans’ is understood to mean Albania, Bosnia and Herzegovina, Kosovo\*<sup>4</sup>, Montenegro, Serbia and North Macedonia. From 2009, citizens of Montenegro, Serbia and North Macedonia have been allowed to travel (but not to work) for up to 90 days visa-free in the European Union, and citizens of Albania, and Bosnia and Herzegovina since 2010. In 2014, North Macedonia joined the Erasmus+ Program of student exchange and Albania, Bosnia and Herzegovina, Serbia and Montenegro signed agreements to participate more fully. Beyond tourism and study, the possibility for people from the non-EU Western Balkans to move for work in the EU has also opened up, with a close to tenfold increase in the number of residence permits issued by EU countries to workers from these 6 countries between 2011-2019.

It is fair to say that despite different legal statuses between EU citizens from Bulgaria, Romania and Croatia, and non-EU citizens from other Western Balkans countries, workers from both groups have all experienced some restrictions on their mobility as workers in the EU in recent years. However, they generally face fewer restrictions than Third Country Nationals from other lower income countries.

The reasons for labour migration from Southeast European countries are very similar. The median hourly earnings in the region are significantly lower than the EU average of 13.18 euros an hour (€2.4 in Bulgaria, €3.74 in Romania, €5.37 in Croatia, €2.8 in Serbia, €1.73 in Albania) and far lower than the average in Germany, at €17.23 (Eurostat 2018). Furthermore, these countries score very badly on Transparency International’s Corruption Perception Index. When asked, workers moving from these countries often express their motivations as a mix of seeking better economic opportunities and the chance to live in what are often viewed as more democratic, more just societies with better social services. People who in the past would have moved from villages to urban areas, now often move directly to global population hubs in Western Europe. These patterns of mobility apply to seasonal workers, people who plan to move only for a couple of years, as well as to people who plan to emigrate permanently.

All of these countries are also experiencing ageing populations, falling birth rates, and significant emigration, in particular of young people. Projected population decline between 1989 and 2050 is over 30% in Romania and Bulgaria, and over 20% in Croatia, Serbia, and Bosnia and Herzegovina.<sup>5</sup> The results of the 2021 census in both Croatia and Bulgaria shocked the public by demonstrating that Croatia had lost 10% of its population in the past decade, and Bulgaria close to 11%. However, these figures were not unexpected for those following the phenomenon closely.

Increased emigration of young workers pulls down the formal unemployment rate (Bulgaria’s fell from over 20 per cent in 2001 to 4 per cent in 2019), and some of these countries have had to encourage inward migration to fill employment gaps, particularly for seasonal work. The exodus of workers and the problems it poses for the economies and politics of these countries is often framed as an unfortunate by-product of poor governance in sending countries and the economic dynamism of receiving countries. However, this report suggests that it is instead the result of a failing and disjointed European labour market mobility model, which has the effect of concentrating wealth, knowledge, know-how and working capacity in centres and largely externalizes the costs of maintaining this onto less developed countries, and above all onto individual workers in the peripheries themselves.<sup>6</sup>

3 Majarek, Birgit Vogt and Stefan Burischek. 2020. “Croatian nationals now have free access to the Austrian labour market.” Lexology, Lus Laboris. <https://www.lexology.com/library/detail.aspx?g=3823dee8-a4c9-4958-a930-25aa725a7114>.

4 This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

5 Judah, Tim. 2019. “Bye-Bye, Balkans: A region in critical demographic decline.” Balkan Insight, <https://balkaninsight.com/2019/10/14/bye-bye-balkans-a-region-in-critical-demographic-decline/>

6 Federico Fubini estimates that East Europeans and West Balkans countries contributed over 200 billion euros via education and training of the young workers who moved there in the period of 2009-2017 (“The roots of European division.” Project Syndicate, 17 May 2019).

## The German Western Balkans Regulation

The 'opening up' of the labour market to the Western Balkans has been particularly marked in Germany, the largest EU member state and most powerful economy in Europe. In the context of what has been called the 'migration crisis' in 2015 and very high levels of asylum claims from Western Balkans countries, Germany introduced the Western Balkans Regulation in an attempt to 're-route' irregular migration to legal channels and as part of a wider political deal with the Western Balkan countries to act as the filters of migration flows, notably by preventing asylum seekers from other parts of the world using the 'Balkans route' to reach the EU.<sup>7</sup> This regulation facilitates citizens of non-EU Western Balkan countries (including Kosovo\*) to come to Germany to work with a temporary visa, conditional only on having a job offer in line with German labour laws and minimum wage, approved by the Germany employment agency. There were no requirements for minimum skill levels or formal qualifications, or for knowledge of the German language. The regulation was initially limited to 5 years (until 31 December 2020), but on the basis of positive evaluations, the German Federal Council (Bundesrat) approved its extension and amendment until 31 December 2023, with a new maximum number of 25,000 Employment Agency consents to be issued per year.<sup>8</sup> The new coalition government in Germany has recently committed to making the Western Balkan Regulation permanent.<sup>9</sup>

In March 2020, in the context of over 1.3 million vacant skilled jobs in the country, Germany also introduced the Skilled Immigration Act.<sup>10</sup> Unlike the EU Blue Card, the Act applies not only to academics with a university degree recognized in Germany but also to workers with qualified professional training recognized in Germany. There is no priority check and no restriction on 'shortage occupations'. Skilled workers can get a residence permit for six months in order to find a job and during that time, they can work up to ten hours a week in the form of probationary work or internship. The prerequisites are good German language skills at the B2 level and enough money to live on. The public justifications for these measures in Germany in terms of demographic ageing and shortages in particular sectors are common to other European countries, even if other EU countries have not yet gone as far as Germany in systematically facilitating the mobility of workers from the Western Balkans.

<sup>7</sup> Bither, J., Ziebarth, A. 2018. Creating Legal Pathways to Reduce Irregular Migration? What We Can Learn from Germany's "Western Balkan Regulation". Migration Strategy Group on International Cooperation and Development.

<sup>8</sup> Uznanski, Julia. 2020. "West Balkan Immigration Regulation extended and amended in Germany." Ius Laboris, <https://iuslaboris.com/insights/west-balkan-immigration-regulation-extended-and-amended-in-germany/>.

<sup>9</sup> See page 33 of the Coalition Agreement [https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag\\_2021-2025.pdf](https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf)

<sup>10</sup> Make it in Germany. Information on the Skilled Immigration Act, <https://www.make-it-in-germany.com/en/visa/skilled-immigration-act/>; Zech, Tanja. 2020. "Skilled personnel welcome." deutschland.de. <https://www.deutschland.de/en/topic/business/the-skilled-labour-immigration-act-working-in-germany>,



## 2. HOW MANY WORKERS MOVE FROM THE BALKANS COUNTRIES TO WORK IN THE EU?

Accurate data regarding people moving between countries is notoriously difficult to establish: countries use different statistical methods to classify entries and departures, and migrants may or may not register for different services, register their residency in the country they arrive in, or tell the country they are leaving they have left. Inside the European Union, this is particularly difficult, since there is no need for citizens moving between EU countries to conduct any procedure beforehand or show a visa. The quality of statistics is better for citizens of Western Balkans countries moving into the EU through regular channels, but the number of people arriving and staying in irregularly is hard to estimate. There is nevertheless a wide consensus that all the countries in this study have experienced very considerable migration to EU countries in recent years, notably of people of working age, and that this trend had been growing until the COVID-19 pandemic began in early 2020.

Using the best statistics available, we can say that in 2010, there were 308,089 Bulgarian citizens registered as living in the EU plus four European Free Trade Association countries, but there may have been many more irregular workers. By 2019, this number had grown to 890,000, potentially including many irregular workers who regularised their situations now had full rights as European citizens to work in other EU countries.<sup>11</sup> According to Eurostat, in 2018, about 23,000 Bulgarians left to live in other EU countries, whereas in 2013 this was roughly 12,500. Romania has had over 100,000 people leave to other European Union countries every year since at least 2013 and in 2018 over 200,000 people left.<sup>12</sup> According to the World Bank, over 20 percent of Romania's working age population was living abroad in 2017.<sup>13</sup> Croatia experienced 30,000 people emigrating to other European Union countries in 2018, whereas in 2013 the official figure was close to 5,000 people.

<sup>11</sup> Judah, Tim. 2020. "Bulgaria's demographic turnaround?" *ERSTE Stiftung Magazine*, <http://magazine.erstestiftung.org/en/bulgarias-demographic-turnaround/>.

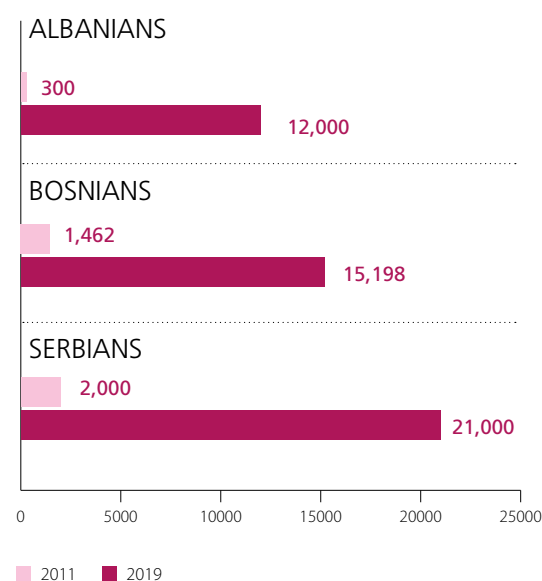
<sup>12</sup> Eurostat. *Demographic change in the EU*. <https://ec.europa.eu/eurostat/news/themes-in-the-spotlight/demographic-change-eu>.

<sup>13</sup> Judah, Tim. 2019. "Romania's Demographic Tailspin Heralds Social Change." *BIRN*, <https://balkaninsight.com/2019/11/28/romania-demographic-tailspin-heralds-social-change/>.

According to Eurostat, in 2018, 225,500 people from the WB6 emigrated legally to the EU (based on the issuance of residence permits). Of these, 92,000, or about 40% moved with a work permit, and the rest moved for family reunion, for education, or for other reasons.<sup>14</sup> These figures were slightly higher in 2019. The outflow was highest in 2018 for Albania, where around 2.2% of the country's population moved to the EU, but Albania had the smallest proportion of emigrants with a work permit (around 17%). Of the 53,000 people leaving Bosnia and Herzegovina (approximately 1.5% of the population) 33,000 had been issued work permits (over 60%), and of the 51,000 Serbians who moved (again roughly 1.5%), over 50% did so on the basis of a work permit.

If Germany has come to be the country issuing the most residence permits to people coming from the Western Balkans 6 (it has often multiplied by at least 10 times: 300 Albanians in 2011, 12,000 in 2019; 1,462 Bosnians in 2011 to 15,198 Bosnians in 2019; 2,000 Serbians in 2011 to 21,000 in 2019, and so on), it is not always the country offering the most work permits.

### Number of residence permits issued by Germany



<sup>14</sup> Eurostat statistics on First permits by reason, length of validity and citizenship (migr\_resfirst) extracted 10.11.21 from Eurostat database

Since 2019, Croatia has started to issue the highest number of work permits to Serbians and Kosovars, in the context of needing seasonal workers where Croatians who used to do this work have gone elsewhere (over 10,000 to Serbians and 6,000 to Kosovars, where it was only hundreds before 2018, and compared to Germany issuing 5,000 in 2018 to Serbians; since 2018 Croatia has also been issuing by far the largest number of work permits to Bosnians). Eurostat data also shows that Hungary, Malta and the Czech Republic give significantly higher numbers of working permits to Serbians, and Italy and Greece to Albanians.

### The Impact of the COVID-19 Pandemic on Migration Patterns

After the start of the COVID-19 crisis, tens or even hundreds of thousands of citizens returned to their homes in Balkan countries. According to media reports and official data, around 200,000 people returned to both Bosnia and Romania, 110,000-150,000 to Bulgaria, 30,000 to Albania, and 24,000 to Croatia. In Serbia, estimates ranged from around 75,000 to an enormous 400,000 suggested by the country's President.<sup>15</sup> Although some of these workers may have decided to remain in their country of origin, it is likely that the vast majority were returning for a temporary period of lockdowns in which they were unable to work, to save on rent and other costs, to see family, or because they were not able to access social security and healthcare outside of their native country. The pandemic has had an effect on the number of people moving for the first time to the EU from outside: a 24% drop in new residence permits issued to non-EU citizens was recorded in 2020 by Eurostat – the first drop since 2013 – likely a combination of fewer people moving for the first time and slower or paused administrative procedures. As of now, there is little reason to think that the pandemic will slow rates of migration or increase rates of returning to native countries in the future.

### The Covid-19 pandemic does have two rather different wider implications which apply to workers from these regions:

- It places many already precarious workers in even more precarious and dangerous situations, whether in agriculture, the food industry, delivery, hospitality or care work, and it has created some political impetus to address the worst of these situations.

- It accelerates the digital transition, with much more work conducted remotely. Some of the workers who returned to the Balkan countries are able to stay and continue to work online, and thus are able to 'work across borders' without physically moving. The digitalization of workplaces is a fundamental challenge to distinctions between national workers, EU-citizen workers, and Third Country Nationals.

### Virtual Workers without Borders

While not physically emigrating, an increasing number of workers are "migrating" digitally by finding jobs in the EU and beyond. This type of self-employment, most commonly associated with the IT sector and creative industries, but also with writing and translation, administration services and other similar tasks that can be conducted online, exemplifies a major shift in the way work is being performed – a change from *having a job to working for clients*. Remote work, either through platforms in online labour markets, or directly for foreign clients, represents a widespread phenomenon in Southeast European countries.

While a large part of the demand for online services in the past came mostly from the USA or the UK, Germany has recently been picking up the pace. The Online Labour Index estimates that Germany is now the sixth biggest employer, and accounts for slightly over 2% of job offerings.<sup>16</sup> On the supply side, the online labour market is dominated by workers from India, Bangladesh and Pakistan, while in Europe, the UK (4%), Russia, Ukraine (both over 2%) and Serbia (1.8%) have the largest share. Other Southeast European countries are close behind.

Data from February 2021, sourced from three main platforms for online work – UpWork, Freelancer and Guru – uncover that North Macedonia has 229.7, Serbia 161.5, Albania 136.7, Montenegro 131, Bosnia and Herzegovina 94.5, Croatia 65.1, and Bulgaria 62 platform workers per one hundred thousand inhabitants.<sup>17</sup>

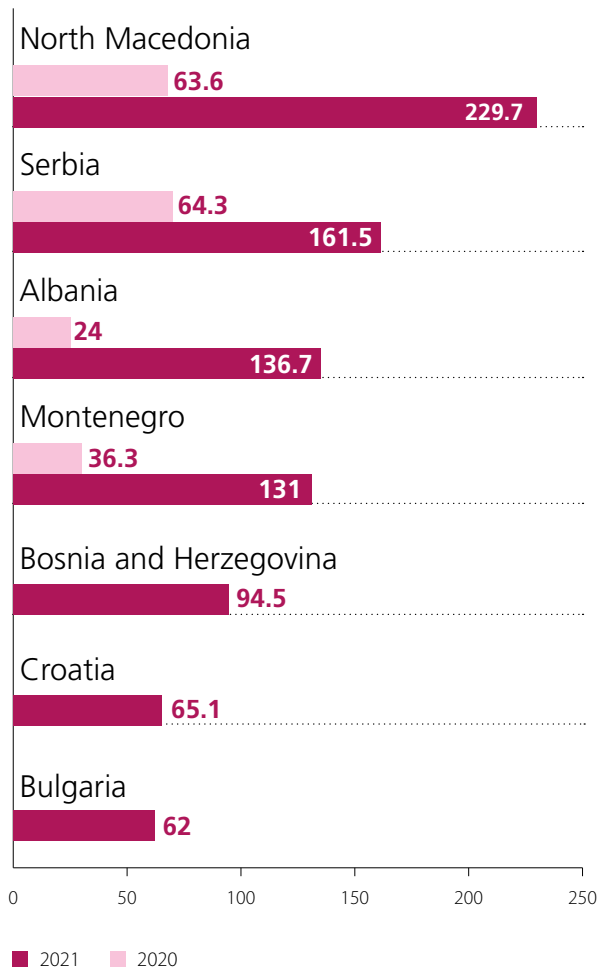
<sup>15</sup> By comparison, Germany reported around 200,000 repatriations. Ćurić, Ana. 2020. "Povratak kući u vreme korona virusa". BIRN, <https://birn.rs/povratak-kuci-u-vreme-koronavirusa/>

<sup>16</sup> Kässi, O. & Lehtonvirta, V. 2018. "Online Labour Index: Measuring the Online Gig Economy for Policy and Research." *Technological Forecasting and Social Change* 137, pp/ 241-248.

<sup>17</sup> Anđelković B., Jakobi, T., Ivanović, V., Kalinić, Z., Bogičević, M., Lundin, S. & Radonjić, Lj. 2020. *Gigmetar*. Belgrade: Centar za istraživanje javnih politika, <https://gigmetar.publicpolicy.rs/region2/>.

This represents a significant increase compared to May 2020 when Serbia had 64.3, North Macedonia 63.6, Montenegro 36.3, and Albania 24.

### Number of online workers per hundred thousand inhabitants



Men both dominate the online market and are better paid. In all of the surveyed countries, the share of men is above 60%, while women's share is lowest in Bosnia and Herzegovina (25.6%) and highest in Albania and Montenegro (40%). In all countries, the average hourly wage is higher for men than for women, with the widest gap in Croatia (23.95 versus 17.78 euros per hour), Montenegro (19.37 versus 14.88 euros per hour), Romania and Bulgaria (21.39 versus 17.17 euros per hour). The gap is smallest in Albania, where the average women's hourly wage is only 1.4 euros lower than men. In terms of occupation, men mainly work in software development, creative services and multimedia, while women are found mainly in creative service and multimedia (in most countries above 30%), and writing and translation.

Surveys have shown that online workers are often in particularly difficult employment situations and lack access to rights. A recent survey in Serbia found that two-thirds of online workers find themselves in hidden employment (their pay is not formally reported): 19% are unemployed, 27% are inactive, 23% have another job in the offline world, and 31% are self-employed. In terms of access to rights and benefits, 20% do not have access to any kind of social rights and benefits, while 26% have health insurance but no access to retirement and unemployment protections.<sup>18</sup> Moreover, even if self-employed, they remain in a significantly worse position than employees, since they have practically no access to paid sick and parental leave, as well as many other rights afforded to standard workers (working hours, paid vacation, etc.).<sup>19</sup>

<sup>18</sup> Anđelković, B., Šapić J., Skočajić M. 2019. *Gig ekonomija u Srbiji: Ko su digitalni radnici i radnice iz Srbije i zašto rade na globalnim platformama?* Belgrade: Centar za istraživanje javnih politika. <https://www.publicpolicy.rs/publikacije/b7772ff6bcdb10f723f1b94dfceff2757bdb19b6.pdf>.

<sup>19</sup> Savanović, A., Lakić A., Timotijević J., Kovačević M. 2021. *Radnici drugog reda: Nestandardni rad u Srbiji*. Belgrade: Zajedničko, [https://zajednicko.org/wp-content/uploads/2021/02/publikacija\\_Radnici-drugog-reda-nestandardni-rad-u-Srbiji.pdf](https://zajednicko.org/wp-content/uploads/2021/02/publikacija_Radnici-drugog-reda-nestandardni-rad-u-Srbiji.pdf)

### 3.

## WHAT IS THE REALITY OF WORK FOR PEOPLE WHO MOVE TO THE EU FROM THE BALKANS?

In order to understand the reality of moving to work in the EU from EU and non-EU Balkans countries, we conducted 26 in-depth interviews with workers.

- 17 interviews were conducted with workers from the Western Balkans 6.
  - > Some of these are nurses, others working in warehouses, trucks, and factories - including at least one person who was working irregularly - some seasonal workers, and some are engineers, film directors, architects, and web developers
- 9 interviews were conducted with Bulgarian citizens
  - > These were employed in care, heavy and light industry, agriculture, and hospitality, at least 2 in an irregular situation.

The people we interviewed are currently or previously were working in Germany, Croatia, Slovenia, Slovakia, Spain, Sweden, and France. These workers enter into a wide variety of contractual arrangements, reflecting the fact that the young, female and mobile workers we interviewed are much more likely to be in non-standards forms of employment than older, male and native workers.<sup>20</sup>

All of the workers we interviewed had experienced some problems related to their rights at work, of different degrees of seriousness. Furthermore, EU citizens and citizens coming from non-EU Western Balkans countries have experienced similar problems at work abroad. In order to compare EU and non-EU workers, we have organized the results of the interviews according to the kind of contract and type of work the person is doing.

#### Temporary Work and Seasonal Work

Although temporary work has always existed, notably for seasonal work, temporary working contracts have become

much more common in Europe over the last 20 years, often promoted as a necessary component of a more flexible economy in times of technological change.<sup>21</sup> Such contracts frequently pose significant problems in terms of access to social security for the worker. For example, in many countries there is a minimum period of employment required before a person is eligible for unemployment benefits. This impacts particularly young workers in their first employment, which is much more likely to be temporary.

In Germany, the 'mini-job' scheme introduced with the Hartz II reforms in 2003 has long been a source of contention both because of the low pay it promotes, and also because mini-jobbers do not usually have pension rights, health insurance or access to unemployment. A scheme that was set up to promote the employment of students or pensioners through marginal employment has increasingly become a scheme for primary employment, notably, but not exclusively, of seasonal workers. Even though workers are entitled to €9.60 an hour, the minimum statutory wage, they are sometimes underpaid, particularly towards the end of the season before they leave to their home countries, thus being robbed of a significant part of their earnings.<sup>22</sup> Such seasonal workers, although economically active in more than one country, may not be making social security contributions in any country. During the pandemic, they have not been entitled to financial support during quarantine/isolation, or unemployment benefits. The precarity of migrant workers leads them to accept jobs in other industries with even more uncertain conditions in order to fill in the gaps between agricultural work.

As non-EU seasonal workers need to apply for a visa, work permit or residence permit to stay and work in a member state, they face additional problems arising from this

<sup>20</sup> ILO. 2016. *Non-standard employment around the world*. Geneva: ILO, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_534326.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_534326.pdf).

<sup>21</sup> Ter Weel, B. 2018. "The Rise of Temporary Work in Europe." *De Economist* 166, pp.397–401.

<sup>22</sup> Faire Mobilität. *Ausgenutzt, betrogen, weggeschickt*. <https://www.faire-mobilitaet.de/++co++80c64824-d912-11eb-b017-001a4a160123>.

requirement. During the recruitment phase, they tend to rely on the mediation of private agencies more than EU workers because they do not have the opportunity to travel freely and find employment on their own. Consequently, they are more exposed to the deceptive practices of these agencies. Moreover, non-EU seasonal workers' visas are often tied to one particular employer, increasing the risk of becoming trapped in exploitative working conditions in order to keep the job as a ground for legal residence in the destination country. Even if they manage to change their employer, they face other difficulties, such as a short timeframe for finding another employer and an adequate contract. For example, a chef we interviewed who worked seasonally in Croatia was not satisfied with the working conditions with his first employer and found a new job with a three-month work visa, but this was less than the six month visa he had with the first employer. His new employer could ask for a visa extension beyond the 3 months, but he would need to do it in the middle of the visa validity period, and that was very difficult because the employer could not predict how good the season would be, especially during the COVID-19 pandemic.

Due to the temporary nature of the stay of non-EU seasonal workers, member states do not need to apply equal treatment for unemployment and family benefits and may limit equal treatment on tax, benefits, education, and vocational training.<sup>23</sup> Member states may also introduce additional safety measures for essential travel to the EU (that includes seasonal workers in agriculture), from COVID high-risk regions.<sup>24</sup>

## Young Workers

A large part of the migration flows of the past decade in Europe is made up of young and well-educated individuals, who have been migrating from Eastern and Southern Europe to the west and northern regions which offer more favourable labour market opportunities.<sup>25</sup> In the six Western Balkan countries, net emigration is particularly high among the youth.<sup>26</sup> EU's visa liberalisation for

Western Balkan countries nationals (except Kosovo\*) has accelerated youth emigration. The main drivers of youth emigration from both EU<sup>27</sup> and non-EU<sup>28</sup> Balkan countries are high unemployment rates,<sup>29</sup> low pay, the backsliding of democracy, and social instability in their home countries. Some emigrate to pursue education abroad or to reunite with their families, while fewer seek out better career opportunities due to a mismatch between educational attainment and career prospects at home.

While plenty of attention has been given to the problems of skill shortages and lack of labour force in home countries, and evaluations of the costs and benefits of this migration for host countries are frequently made, the experience of young people themselves is rarely the centre of attention, with a presupposition that young, fit workers are well equipped to look after themselves.

In reality, young migrants face various disadvantages in finding employment in the EU: the lack of work experience, difficulties in international transferability of skills or qualification recognition and education–occupation mismatches as well as differential and discriminatory treatment, to mention only a few.<sup>30</sup> Consequently, they exhibit important gaps in comparison with native peers in the EU regarding employment, unemployment, contract type, and overqualification.<sup>31</sup> Gender gaps in favour of men in employment and hours worked per week are also obvious among this group.<sup>32</sup> Furthermore, young workers have particular needs and vulnerabilities. These include lack of previous work experience and knowledge, meaning they can be more easily exploited; lack of capital resources forcing them to accept working conditions that workers with some savings could refuse; and lack of personal networks risking isolation of young workers. The combination of these factors is potentially detrimental to the mental health of young workers, as well as their ability to confront difficult situations such as seeking to rectify unclear contractual relationships. Young workers also have particular requirements in terms of parental leave and childcare, and those who emigrate may have difficulty

<sup>23</sup> EurWork. 2021. *Seasonal worker*. Eurofound <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/seasonal-work>.

<sup>24</sup> EC. 2020. *Guidelines on Seasonal Workers in the EU in the Context of the COVID-19 Outbreak*. Brussels: EC. [https://ec.europa.eu/info/sites/default/files/guidelines\\_on\\_seasonal\\_workers\\_in\\_the\\_eu\\_in\\_the\\_context\\_of\\_the\\_covid-19\\_outbreak\\_en.pdf](https://ec.europa.eu/info/sites/default/files/guidelines_on_seasonal_workers_in_the_eu_in_the_context_of_the_covid-19_outbreak_en.pdf).

<sup>25</sup> Akgüç, M., Beblavý, M. 2018. *What happens to young people who move to another country to find work?* Oxford Scholarship Online. <https://oxford.universitypressscholarship.com/view/10.1093/oso/9780190864798.001.0001/oso-9780190864798-chapter-13>.

<sup>26</sup> Leitner, S.M. 2021. "Net Migration and its Skill Composition in the Western Balkan Countries between 2010 and 2019: Results from a Cohort Approach." *Vienna Institute for International Economic Studies, European Training Foundation*.

<sup>27</sup> Glorius, Birgit. 2021. "Social innovation within transnational flows of knowledge: The example of student mobility from Bulgaria." *Popul Space Place*. 27: e2452, p. 5. ; Fischer-Souan, Maricia. 2019. "Between 'Labour Migration' and 'New European Mobilities': Motivations for Migration of Southern and Eastern Europeans in the EU." *Social Inclusion* 7(4), pp.7–17.

<sup>28</sup> Leitner, S.M. 2021. "Net Migration and its Skill Composition in the Western Balkan Countries between 2010 and 2019: Results from a Cohort Approach." *Vienna Institute for International Economic Studies, European Training Foundation*.

<sup>29</sup> Beharic, S, et al. 2021. "One Way Ticket No More: Seven Ideas for a Prosperous Western Balkans." *Southeast Europe in Focus, Emigration from the Western Balkan* 1, pp.15-20.

<sup>30</sup> Sparreboom, T., Tarvid, A. 2017. *Skills mismatch of natives and immigrants in Europe*, Genève: International Labour Organization.

<sup>31</sup> Akgüç, M., Beblavý, M. 2018. *What happens to young people who move to another country to find work?* Oxford Scholarship Online.

<sup>32</sup> Ibid.

claiming these rights and state support in the country they are actually living in.

## Posted Workers

Another frequently observed form of employment among migrant workers in the EU is so-called 'posted work'. Posted workers from inside the EU are often formally employed by a temporary employment agency registered in their home country, while their principal employer is registered in their host country. Countries preparing for accession to the European Union in the Western Balkans have to different degrees introduced provisions in their legal orders to permit the posting of workers, in some cases, such as Serbia, building on previous bilateral agreements with EU countries such as Germany. These provisions are often incomplete or incoherent with other provisions in the legal order, opening up possibilities for abuse by employers and agencies, and many administrative difficulties for workers themselves. Social security coordination for workers posted between EU countries is incomplete, and social security coordination for workers posted from non-EU accession countries to EU countries is even more problematic, largely relying on a patchwork of changing bilateral agreements rather than a systematic EU-wide approach.

Since the 2018 amendments to the EU's Posted Workers Directive, official working times and pay requirements are same for posted workers and regularly employed workers alike. However, these amendments have not yet been harmonized in the legal orders of accession countries, which in the case of Serbia, for example, make no mention of minimum wages, or the possibility of postings longer than 18 months.<sup>33</sup>

Under the amended Posted Worker Directive, if the employment period be shorter than 183 days, income tax is owed to the home country. Social security contributions are also made to a fund in the home country, but only for the first two years of employment. A form called A1 must be presented on demand to host country authorities to prove the payment of these social security contributions abroad and should in principle be given to the employee for their records as well, but in reality, it is often not. After the first two years of employment, the employer is required to make such contributions to a fund in the receiving country.<sup>34</sup> However, in order to contravene this requirement some posting companies register new companies in the sending

country and transfer the workers' contracts to these after two years have elapsed, thus avoiding contributing to the host country fund at all. In case of legal disputes, a worker can take the posting company to court either in their home or host country, but such disputes are often long to be resolved.<sup>35</sup>

Posted workers are particularly vulnerable to exploitative practices of employers concerning social security contributions because of the increased possibility of fraud created by declarations being made in different countries. Three posted care workers from Bulgaria interviewed for this report told us of previous employers who paid insurance only on the basis of a portion of the wages they received in reality, short-changing both the workers themselves and the social security system in Bulgaria.

Some member states even offer reduced social security contributions for posted workers. In others, companies pay contributions on the basis of a much lower wage: in Slovenia for example, companies that post workers abroad pay social security on the basis of 60% of the average wage of all workers in Slovenia. Companies take advantage of the lack of controls over the issuing of A1 certificates to post workers by pretending they are being posted 'from Slovenia', whilst the workers have never previously worked in Slovenia.

A similar inconsistency in Serbian law means that while the *wages* of people posted from Serbia to an EU country must be in line with local wages in that country, the *social security contribution* is based on 70% of the average monthly salary in Serbia. This leaves a significant shortfall for the workers themselves in terms of social security, coverage for accidents and illness and future pensions, and results in the Serbian social security fund itself being short-changed, with consequences for the whole society.

Posted work constitutes an exception to the rule of equal treatment of EU citizens – while it serves in principle to protect wage levels and vacation requirements, it does not grant workers the same access to social security.<sup>36</sup> Posted workers' health insurance does not always cover workplace incidents, for example. A European Health Insurance Card (EHIC) proves that a posted worker is insured in their home country, where that is an EU country. EHIC coverage is not universal - it is only designed to pay for treatments

<sup>33</sup> European Parliament. 2018. *Posting of workers: final vote on equal pay and working conditions*. <https://www.europarl.europa.eu/news/en/press-room/20180524IPR04230/posting-of-workers-final-vote-on-equal-pay-and-working-conditions>.

<sup>34</sup> Your Europe. *Standard forms for social security rights*. [https://europa.eu/youreurope/citizens/work/social-security-forms/index\\_en.htm](https://europa.eu/youreurope/citizens/work/social-security-forms/index_en.htm).

<sup>35</sup> European Parliament. Regulation 1215/2012. *Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters*. 2012. Official Journal of the European Union L 351/1. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1215&from=EN#d1e1193-1-1>.

<sup>36</sup> Apostolova, Raia and Tsvetelina Hristova. 2021. "The post-socialist posted worker. Social reproduction and the geography of class struggles" in Giorgio Grappi (ed.) *Migration and the Contested Politics of Justice*. London: Routledge. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1215&from=EN#d1e1193-1-1>.

that cannot be postponed and to ensure that a person's trip or work abroad is not cut short because of a medical condition. If payment for healthcare in another EU country is required up front, then the patient is reimbursed for these expenses later in her home country. The issue is that the home country's healthcare fund can exercise discretion in deciding what constitutes 'strictly necessary' treatment. Healthcare funds sometimes take years to reimburse workers, who often take out loans in order to be able to afford timely treatment. Workers interviewed for the purposes of this report told us of the obstacles they faced in seeking reimbursement for health expenses caused by workplace accidents: two Bulgarians care workers in Germany complained of partial and significantly delayed (3 years) payments by the fund, and others of never being reimbursed at all.

One of the major issues that posted workers face, brought up repeatedly in the interviews, is the difficulty of being granted paid leave. Many workers were thus forced to exploit the Bulgarian healthcare fund and submit fake sick leave documents in order to take paid vacation in Bulgaria for a month. The Bulgarian posting companies also thereby cut expenses by not having to cover the workers' wage for the first 3 days of sick leave.<sup>37</sup> Thus, since last year workers have been asked to sign addendums to their contracts obliging them to take a month-long unpaid vacation once per year. According to Bulgarian legislation, the company is obliged to pay only the minimum social security and healthcare contributions for a month, but not an actual wage for the duration of workers' unpaid leave. The person we interviewed working for such a company refused to sign this agreement but told us of a number of colleagues who did.

On the contrary, interviewed Bulgarian workers who had *permanent* contracts signed with their de facto employer in Spain and Germany have enjoyed significant social and healthcare benefits. Overtime work is voluntary and is remunerated at the wage rate posited by the law. The two workers in question, a male worker at a steel factory and a waitress, both in their 20s, are entitled to days off and at least 12-hour rest periods between shifts. They are not expected to move across the country for jobs and can actually afford their own accommodation. Both workers were entitled to apply for COVID-19 compensation schemes and unemployment benefits. This is clear evidence of a disparity in rights and protection between posted and directly employed workers, as well as the differences between sectors.

These problems are only greater for posted workers from accession countries, who are not covered by the European

Health Insurance Card and are dependent on incomplete and bureaucratically cumbersome bilateral agreements for social security coordination.

The complicated, cross-border procedures of posted work make the whole regime particularly prone to abuses by employers. The interviews conducted for the purposes of this report revealed that posting companies in the care sector register firms in Germany while still being contracted by bigger local care work companies. One Bulgarian posting company offered a Bulgarian care worker the choice between a German contract with their German firm or a Bulgarian contract as a posted worker with their Bulgarian firm. The German firm offered a 4-hour contract, meaning less social security payments and more cash in hand, while the 8-hour contract with the Bulgarian firm presupposed higher social security contributions to a Bulgarian scheme and less disposable income. The worker in question switches between the two options depending on her present needs.

Outside the EU, media reports in Serbia have highlighted the way that posted worker provisions can be used by people posing as legitimate employers at the border crossings with the EU to 'post' workers into the EU on bogus contracts, which are never registered with the authorities.<sup>38</sup>

## Informal Employment

The most striking cases in terms of exclusion from the scope of labour legislation and lack of access to social infrastructure are those of informally employed migrant workers. There is, however, no official data about the number of people crossing the EU border to work informally.

According to the International Labour Organisation (ILO), the share of informal employment in the EU's total employment stands at 16.8%,<sup>39</sup> with the highest share in Poland (38%), Greece (32.8%), Romania (28.9%) and Spain (27.3%). In Germany, irregular workers make up 10.2% of total employment, of whom 26.7% work independently, while the rest are wage labourers.<sup>40</sup> Informal employment is greater among men - 15.3% versus 13.2% for women. It is most widespread among youth and older populations: 24.7% of employed 15-24 year olds and 38.2% of employed 65+ year olds are working irregularly. In terms of sector, agriculture is the absolute leader with a

<sup>38</sup> Djuric K. and Todorovic G. 2018. *Posting of workers in Eastern Europe (EEPOE) – Country report for Serbia*, Available at: <https://www.euro-centre.org/publications/detail/3412>

<sup>39</sup> ILO. *Overview of the informal economy in the European Union*. [https://www.ilo.org/budapest/WCMS\\_751319/lang--en/index.htm](https://www.ilo.org/budapest/WCMS_751319/lang--en/index.htm)

<sup>40</sup> ILO. *World map: Share of informal economy in total employment*. [https://www.ilo.org/re-Search/informality/map1\\_en.html](https://www.ilo.org/re-Search/informality/map1_en.html)

<sup>37</sup> The remuneration for the rest of the sick leave is covered by Bulgaria's national social security fund.

share of 47.5%, while services come second with 14.2%.<sup>41</sup> Two of the Bulgarian workers we interviewed, a domestic worker in Greece and a care worker in Italy, had never signed any contracts with their employers. The domestic worker cleaned the houses of multiple employers, but had secured her own accommodation, while the care worker lived with her employer and client. They do not contribute to any social security fund. They do, however, cover their healthcare payments in Bulgaria themselves and rely entirely on Bulgaria's healthcare system for treatment. Consequently, they are not entitled to any vacation or days off, nor can they rely on a pension for the years in which they were informally employed. The COVID-19 pandemic compensation schemes in the EU member states did not address the condition of such workers, as they are not even registered as unemployed, or as residents of the receiving countries.

Informal workers from outside the EU are of course in an even more vulnerable position. After having entered on a tourist visa, one respondent from the Western Balkans was banned from entering the EU for three years because he was caught by the police working in the informal sector as a construction worker in France.

## Care Workers

For decades now, many Western European countries such as Germany and Austria have struggled to provide long term care to their growing<sup>42</sup> elderly population.<sup>43</sup> Almost half of the EU's elderly "report difficulties with at least one personal care or household activity" while more than one-third of those report a lack of assistance.<sup>44</sup> Many of the countries, which export care workers to Western Europe, such as Slovakia, Romania and Bulgaria, have faced difficulties providing assistance to their own large elderly population (a share of 55% and more).<sup>45</sup>

Similarly, non-EU Balkan countries struggle to ensure care for their elderly.<sup>46</sup> Labour shortages and rising life expectancy explain the scarcity of care in Western Europe. However, emigration-induced labour shortages,<sup>47</sup> together with underfunded health and social security systems, often unaffordable private care,<sup>48</sup> increases in chronic illnesses,<sup>49</sup> and low wages are among the reasons elderly people in Eastern Europe are increasingly left to their own and their family's devices.

Wealthier EU countries have exploited the vast gap in wages with Balkans states, both in and outside of the EU, to secure the much-needed workers cheaply.<sup>50</sup> Female migrant workers carry the burden of the care crisis in Western Europe.<sup>51</sup> Low wages and the rising costs of living force many Eastern European women to emigrate usually once their children no longer need care, but before their own parents require assistance. Despite the promise of better working conditions outside of workers' countries of origin, the care sector in core countries is gripped by a range of issues from entirely informal employment, through tax and social security fraud, to minor labour law violations. Migrant care workers have complained of increasing stress, isolation, unpaid overtime, and precarious accommodation. Nevertheless, organised care workers have been making increasing gains in recent years with the help of trade unions and human rights organisations, and during the pandemic have begun to receive recognition for their work.<sup>52</sup>

41 ILO. 2018. *Women and men in the informal economy: a statistical picture (third edition)*. Geneva: ILO, [https://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/dcomm/documents/publication/wcms\\_626831.pdf](https://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/dcomm/documents/publication/wcms_626831.pdf)

42 German Federal Statistical Office. *Population projection: Population by age group until 2060*. <https://www.destatis.de/EN/Themes/Society-Environment/Population/Population-Projection/Tables/variant-1-2-3-age-groups.html>.

43 Thomas Gerlinger. 2018. *ESPN Thematic Report on Challenges in Long-Term Care Germany 2018*. European Commission, pp. 10-12; Fink, Marcel and Katarina Valkova. 2018. *ESPN Thematic Report on Challenges in long-term care Austria*. European Commission, p. 11.

44 Eurostat. 2019. *Disability statistics - elderly needs for help or assistance*. [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability\\_statistics\\_-\\_elderly\\_needs\\_for\\_help\\_or\\_assistance#Difficulties\\_in\\_personal\\_care\\_or\\_household\\_activities](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability_statistics_-_elderly_needs_for_help_or_assistance#Difficulties_in_personal_care_or_household_activities)

45 Eurostat. 2019. *Disability statistics - elderly needs for help or assistance*.

46 Stokic, Ljiljana Pejcin and Jurij Bajec. 2018. *ESPN Thematic Report on Challenges in long-term care Serbia 2018*. European Commission, p. 4; Gjorgjević, Dragan. 2018. *ESPN Thematic Report on Challenges in long-term care Former Yugoslav Republic of Macedonia*. European Commission, p. 10.

47 Knight, Ben. 2018. "Schwarzarbeit in der häuslichen Pflege." *Deutsche Welle*. <https://www.dw.com/de/schwarzarbeit-in-der-h%C3%A4uslichen-pflege/a-45020117>.

48 Jusić, Mirna. 2019. *Bosnia and Herzegovina's long-term care challenge*. ESPN Flash Report 2019/38. European Commission, p. 2.

49 Stokic and Bajec. 2018. pp. 5-6.

50 Cordini, Marta and Costanzo Ranci. 2017. 'Legitimising the care market: the social recognition of migrant care workers in Italy.' *Jnl Soc. Pol.* 46(1). p.104.

51 Sowa-Kofta, Agnieszka et al. 2014. 'Long-term care and migrant care work: Addressing workforce shortages while raising questions of European countries.' *Eurohealth* 25(4): 15-8.

52 Uni Europa. 2021. *Beating Back Fire-and-Rehire through Organising*. <https://www.uni-europa.org/news/ beating-back-fire-and-rehire-through-organising/>; ver.di. 2020. *ver.di und Arbeitgeberverband BVAP einigen sich auf Mindestbedingungen für die Altenpflege - Tarifvertrag soll auf die gesamte Pflegebranche erstreckt werden*. <https://www.verdi.de/presse/pressemitteilungen/++co++ed8682e4-f8e9-11ea-b845-001a4a16012a>; Nikolova, Madlen. 2021. "Germany's Exploitative Care Model Is Finally Being Put on Trial." *Jacobin Magazine*. <https://www.jacobinmag.com/2021/03/germany-home-care-workers-trial-eastern-europe>.



## Agency Work

The agricultural sectors of many EU countries such as Spain, the Netherlands, and Germany<sup>53</sup> rely significantly on migrant workers from Southeast Europe, many of whom are recruited through employment agencies inside and outside the EU. Those employed in Spanish agriculture are recruited by agencies in their home countries as part of teams of workers. However, some agencies are simply fronts for Spanish temporary employment agencies.<sup>54</sup>

The situation is very similar in the care sector across EU member states. In the EU, it is often the case that an employment agency acting as a front for a foreign employer, serves as the employer on paper, and contracts carers as posted workers as a way of keeping costs lower (agencies from outside the EU cannot currently 'post' workers in this way).<sup>55</sup> Some of the workers interviewed for this study experienced precisely such arrangements – a Bulgarian agency would cooperate with a German company to recruit CEE nationals, but the contract was often signed with the Bulgarian company. Such agencies rarely find certified care workers and usually hire women with no previous professional experience in this line of work. As the stories of our respondents show, some workers prefer to sign a contract directly with a host country company in order to be entitled to healthcare or social security there, while others prefer to contribute to Bulgarian funds, for example.

Agency work across the EU has been criticised for producing dependency as workers are parts of larger groups, as well as more exploitation and insecurity because of the charging of excessive fees and zero-hour contracts.<sup>56</sup> EU agricultural workers who find employment through recruitment agencies move rather frequently from one EU country to another. One Bulgarian worker we spoke to had worked in farms in Ireland, Czechia and Germany in the span of just two years (and during the pandemic). While she reached out to the recruitment agencies offering work for Irish and Czech farms herself, the agency looking for employees to fill jobs in Germany had recruited her and others at their accommodation in Czechia. Despite promises for higher wages from the last recruitment agency, the respondent

now receives less than she did in Czechia, has the right to only half a day off and cannot count on timely payments.

For workers coming from non-EU Western Balkan countries, agencies are often the only way to find job opportunities in any sector in the EU. Our respondents stated repeatedly that such agencies were highly untrustworthy. As a factory worker in Slovakia recruited by an agency said that "if 70-80 percent of what the agency promised is true, that is good."

Worker protection mechanisms as defined by national authorities in the Western Balkans with regards to agencies seem to be too weak to ensure decent standards of work. In the case of Serbian law for example, provisions regarding labour rights are defined very vaguely, guaranteeing equal treatment of Serbian workers with domestic workers. At the same time, there are no provisions that oblige agencies to take the responsibility for assuring these standards are actually met in practice.<sup>57</sup> This often has negative consequences – many workers end up working in terrible conditions, different from what was agreed in the contract, and often even without a contract at all.<sup>58</sup> Also, the contracts they sign encompass clauses that contradict both domestic labour law and the labour law of the destination country.<sup>59</sup>

Workers are often not familiar with the content of their contracts since they are written in a foreign language, while agencies do not provide them with sufficient support and information on the terms of agreement. This is clearly in contradiction with provisions that state that agencies are responsible for worker protection in the employment process, including the obligation to provide them with information about their contractual rights and obligations. Institutional capacities in supervising agencies seem to be inadequate to protect workers from the risks they encounter during the employment process. Institutional responses in cases where agencies did not fulfil their obligations towards workers in the employment procedures, including the responsibility to provide them with information about the employer, job description and the labour protection mechanisms in the country of destination, seem to be extremely slow.

<sup>53</sup> Open Society European Policy Institute. 2020. *Are Agri-Food Workers Only Exploited in Southern Europe? Case studies on Migrant Labour in Germany, the Netherlands and Sweden*. OSF, p. 14, 18.

<sup>54</sup> Corrado, Alessandra. 2017. *Migrant crop pickers in Italy and Spain*. Berlin: Heinrich-Böll-Stiftung, p. 11.

<sup>55</sup> Maria Bruquetas-Callejo. 2020. "Long-Term Care Crisis in The Netherlands and Migration of Live-in Care Workers: Transnational Trajectories, Coping Strategies and Motivation Mixes." *International Migration* 58 (1), pp. 109-10; Sowa-Kofta et al. 2019. *Long-Term Care and Migrant Care Work: Addressing Workforce Shortages While Raising Questions for European Countries*. *Eurohealth Observer* 25(4), p. 17.

<sup>56</sup> Open Society European Policy Institute. 2020. *Are Agri-Food Workers Only Exploited in Southern Europe? Case studies on Migrant Labour in Germany, the Netherlands and Sweden*. OSF, p. 8, 15.

<sup>57</sup> Reljanović et.al (2019).

<sup>58</sup> "Na službenom putu u Slovačkoj, da bi zaradili srpski minimalac." 2017. *Radnik*. <https://www.radnik.rs/2017/12/na-sluzbenom-putu-u-slovack-oj-da-bi-zaradili-srpski-minimalac/>

<sup>59</sup> From an expert interview with Mario Reljanović, Institute for Comparative Law.

Moreover, cooperation between institutions is lacking. Institutions responsible for supervising employment agencies, especially labour and trade inspectorates, seriously lack capacities to react in a timely and efficient manner. Finally, penalties for agencies not fulfilling their legal responsibilities are not sufficiently motivating to force them to work in accordance with the law.<sup>60</sup>

Agency workers also risk working in the informal economy, as there are many “fake agencies” advertising jobs although they are not officially registered,<sup>61</sup> and putting workers in danger of working in a completely different setting than agreed.<sup>62</sup> Another threat comes from job postings on Facebook and various online portals which make it hard to reveal the real identity of the employer. Analysis of five adverts from a non-specialized online portal conducted in the framework of this research showed that women are especially targeted through this channel as potential workforce in the informal economy.<sup>63</sup>

Almost all of the people we interviewed in lower-pay, lower-status forms of work said their contracts were not properly respected, whether through having to work more hours, take less or no holiday, no breaks during the working day, no sick leave, receiving a lower salary than they should, substandard accommodation, or a combination of these. Despite these often severe problems that the workers we interviewed experienced, almost all were clear that moving to richer EU countries was worth it, above all for the huge salary differences, but also for social security, a sense of fairness and quality of life. Most of those who left Western Balkan countries expressed that they had no intention of returning to their home country (whereas a greater proportion of those coming from EU countries expressed this as a possibility or plan). On the contrary, many of the interviewees expressed a strong desire for more resources to be made available to them to help them integrate (language learning and social occasions away from the workplace). The majority of our interviews confirmed trends reported elsewhere in the literature that women are independently making the decision to migrate for work, rather than simply following a spouse or partner.<sup>64</sup> However, the cost of living in more expensive EU countries

means that particularly at the beginning, workers moving across borders need to pair up to share rooms and other expenses, and so couples often move together.

The overall picture is one of a self-reinforcing system: people move relatively easily from less developed and poorer countries, but not always in a ‘regular way’, often experience poor quality employment, which is nevertheless significantly better paid than what is available in their country of departure, and the country of departure loses out in terms of workforce and reduced tax and social security contributions, thereby reinforcing some of the reasons that pushed people to leave. The worse this cycle gets, individual workers potentially face more pressure and abuses of rights as more predatory employers exploit an exodus.

<sup>60</sup> From an expert interview with an employee at Anti Trafficking Action (ASTRA), an NGO from Belgrade providing support and consultation services regarding the human trafficking, domestic violence and labour migration.

<sup>61</sup> *Radnik*. 2017.

<sup>62</sup> *Ibid.*

<sup>63</sup> One job was advertised by Serbian employment agency that was not registered in the official business register, one was offered by a physical person allegedly working for a German employer looking for a housekeeper to work without a visa, while another job included sex work, though it was advertised as post for a wellness assistant. In three cases, job offers included work on a tourist visa for a period of three months.

<sup>64</sup> Lukić, V. 2018. “Rodni aspekt migracija/ The Gender Aspect of Migration.” *Zbornik Srbije: rod, politike, stanovništvo*. Belgrade: Srpska akademija nauke i umetnosti, Institut društvenih nauka, pp. 142-169.

## 4. WHAT DO TRADE UNIONS DO TO ADDRESS THESE PROBLEMS?

Workers from Southeast European countries are supported in Germany to a large extent by the individual sectoral labour unions of the German Trade Union Confederation (DGB),<sup>65</sup> advisory institutions such as the DGB project Fair Mobility,<sup>66</sup> Fair Integration,<sup>67</sup> Arbeit und Leben e.V.,<sup>68</sup> the European Migrant Workers Union<sup>69</sup> as well as base labour unions such as the Free Workers' Union (FAU).<sup>70</sup> Based on six interviews with high-level representatives of labour unions in Germany, in the following we present the general work programmes of labour unions and their counselling institutions with Western Balkan workers, the specific position of labour unions on German visa liberalisation policy, and finally some best practice recommendations from transnational (union) organising to further improve the situation of workers from the Western Balkans in Germany.

### Labour Union Support for Western Balkan Workers in Germany

In recent years the German labour unions have been trying to adapt to the special situation of mobile workers, introducing measures for this purpose. One of them is Fair Mobility, a project funded by the Federal Ministry of Labour and Social Affairs (BMAS) and the DGB Federal Executive Committee. Its counselling centres and the counsellors working there are among the most important contacts for mobile workers coming from the EU in the country, but no specific similar programme exists for the Western Balkans 6 nationals, who would need to turn to the Fair Integration programme, which covers all non-EU workers, for support. Given the great numbers of Western Balkans workers coming into Germany, and their 'intermediate' status between full-EU citizens and Third Country Nationals, a specific program would surely be appropriate.

Fair Mobility offers mobile workers free initial counselling

and support on labour and social law issues in their mother tongue. It works with information materials in German and foreign languages that have been specially developed to convey labour law content. The counselling mostly takes place by phone or email or on an outreach basis – at workers' accommodation or in front of their workplaces. Through activities in the shelters or workplaces, counsellors also meet people from the other EU countries who receive information on labour law through information materials and in their mother tongue. In some cases, Fair Mobility supports advice seekers by contacting their employers in order to bring about an out-of-court settlement as quickly as possible. In other cases, further support must be organised through labour unions or legal assistance. In this context, the networking of the counselling centres plays a decisive role.

A significant problem associated with mobile workers is the lack of labour union representation. More flexible union membership models would be one way to mobilise more workers. For this reason, the German union for agricultural, construction and environmental workers, IG BAU, has introduced a new membership model<sup>71</sup> specifically targeting mobile and seasonal workers. This non-bureaucratic membership model has been developed on the occasion of the COVID-19 pandemic, so everyone feels welcome to become part of the labour union community. It consists of a one-off payment with full legal protection from day 1 and an automatic end of membership after 12 months for €147.60 for agricultural workers and €187.20 for construction workers (with no reminders for non-payment). Representation in court in cases concerning employment rights and civil rights, support when employers try to make workers responsible for damage to their property or vehicles, as well as free advice and information are the main services members get through their annual membership.

<sup>65</sup> <https://en.dgb.de/>

<sup>66</sup> <https://www.faire-mobilitaet.de/en>

<sup>67</sup> <https://www.faire-integration.de/en/>

<sup>68</sup> <https://www.arbeitundleben.de/>

<sup>69</sup> <http://www.emwu.org/>

<sup>70</sup> <https://www.fau.org/>

<sup>71</sup> <https://igbau.de/en.html>

## The Labour Unions' Position on Germany's Visa Liberalisation Policy

The development of the German labour market is being increasingly shaped by migration from EU and non-EU countries. The Western Balkans regulation has additionally contributed to this. In Germany, the DGB is undertaking advocacy work concerning migration, and its position is clear: bringing immigrants into employment is good, but this development must also be accompanied by fair employment conditions. Fair wages must be paid to all mobile workers and working conditions cannot be less favourable for immigrants. There must be fair wages, better working conditions, adequate health protection, and social security benefits for all workers in the German labour market. As this is not necessarily guaranteed by the Western Balkans regulation, the DGB has been in favour of not extending it. According to Vera Egenberger, policy officer at the migration department at the DGB, the comprehensive Skilled Labour Immigration Law ("Fachkräfteeinwanderungsgesetz") would be a better alternative to ensure such requirements.<sup>72</sup>

Fritz Heil, the Head of the International Affairs, Europe, Migration Department of IG BAU, goes even further, stating in an interview with the authors that the "Western Balkan regulation is an 'exploitation programme', as those workers do not receive German wages in line with collective bargaining agreements rates despite their qualifications and it is limited only to 3 years." He proposes a genuine model including the selection of special employers respecting the rights of workers, collective wages, training opportunities and a perspective for a permanent residence status. Above all, governments must ensure compliance with EU directives and national legislation, including for mobile workers from third countries. More efficient controls could be achieved, he suggests, by digitising the recording of working time. Another problem the counsellors of Fair Mobility regularly encounter is the dependencies that arise from different forms of employment. Workers receive their work visa on the condition that they carry out their work for a specific employer. In the case of an extension or a change of job, renewed approval from the Bundesagentur für Arbeit (BA) is required. This means that simply changing jobs is not so easy. The dependencies of individual workers on the employer that result from this are one reason why counselling centres are contacted. According to one counsellor in our interviews,

*"One person seeking advice contacted us after her employer refused to sign the Declaration of Employment Relationship form. In such situations,*

*workers are deliberately put under pressure. In this case, they were threatened with dismissal, which also means that it becomes more difficult for them to stay in Germany."*

It is also important to offer mobile workers expert advice and to inform them comprehensively about their rights. It would be advisable if mobile workers from Western Balkan states could receive the initial information or an opportunity for initial counselling already in their home country and their mother tongue, as many do not know that they do not have to agree to everything.

*"The high number of mobile workers also means a high mobility of information. We sometimes see that people seeking advice organise themselves to help themselves. Many people seeking advice are organised in Facebook groups. They get initial information there, but often incomplete or inaccurate information is shared, especially when it comes to topics relevant to labour or social law."*

## Transnational Organising Best Practice Recommendations for German Labour Unions

Labour unions internationally campaign for better working and living conditions and demand fair wages. In this context, it is important above all to further strengthen international cooperation. Many labour unions have worked for decades on building solidarity between workers coming from different countries, and developing practises to ensure that *all* workers wherever they come from are adequately protected, can access their rights and can take part in collective bargaining to ensure their interests are advanced.

There is a significant need to share this knowledge of best practices between labour unions and increase collaboration across borders in a Europe where workers move. This includes:

- Ensuring multilingual information on rights and possibilities of participation in union activities;
- Understanding and addressing intersectional forms of discrimination and risk arising from the combination of migration status, class, gender, sexual orientation, race, and cultural background;
- Introducing specific consultation and participation structures inside labour unions and in work councils for migrant workers to address their specific concerns;
- Assessing the specific accommodation needs of mobile workers and whether employer-provided accommodation is adequate;

<sup>72</sup> See also Stellungnahme des Deutschen Gewerkschaftsbundes zur Sechsten Verordnung zur Änderung der Beschäftigungsverordnung (Bundratsdrucksache 490/20) – Westbalkanregelung.

- Enforcing work and health protection measures in the context of the pandemic;
- Ensuring workers know where they are paying social security contributions and have an A1 certificate to prove their rights to social security protection, as well as helping mobile workers address any problems with claiming social security;
- Providing information to workers at the point of recruitment, prior to their arriving in the host country;
- Building solidarity and understanding between workers of different cultures, nationalities and backgrounds;
- Understanding residency requirements and the problems for mobile workers of low paid or temporary work and forms of self-employment when it comes to their residency rights;
- Strengthening the unionisation of young workers and students who are employed increasingly irregularly or in bogus self-employment;
- Advocating for an EU-wide minimum wage and an EU unemployment insurance preventing workers being pitted against each other in the economic race to the bottom;
- Publishing brochures, guidelines, manuals as well as safeguarding policies for both migrant and mobile workers and employers;
- Organising transnational campaigns and strikes against multinational corporations, which have established particularly exploitative working conditions;
- Using strategic litigation to challenge discriminatory work practices and knowledge of relevant European legislation and avenues of redress.

Recently founded labour unions and other forms of workers organisations have developed in newer and highly mobile parts of the economy, including platform work and IT, and have brought important innovations in forms of collective action and organisation. Migrant workers, women, and younger workers, who built intersectional links between various struggles, have also led innovations in trade unionism throughout major European economies. The success of some of these initiatives has been seen in the introduction of laws for better working conditions and pay of platform workers in several European countries including Spain and France, in court cases brought by trade unions in the UK against platform companies, and the EU draft directive on Improving working conditions of people working through digital labour platforms.

## 5. POLICY RECOMMENDATIONS

The opening up of the European Union to workers from the Balkan countries, whether through enlargement in the case of Bulgaria, Romania and Croatia, or through visa liberalisation or other schemes for Western Balkan countries, is ambivalent in its implications for workers themselves. While individual workers who are able to take advantage of mobility opportunities generally find their experience better than what was available in their home economies, they are often forced to accept working and living conditions, rates of pay, and contractual relations that are inferior to what is required by the law. These problems are particularly concentrated in sectors of the economy in Western European countries in which there are very few national workers, such as agriculture and the care sector. Provisions in European directives for non-discrimination on the basis of nationality in sectors where there are very few national workers by definition provide weak protection. Problems are also concentrated in sectors with many short term contracts (such as seasonal work and tourism), in which employers have less incentive to maintain good relations with employees and have a large enough pool of other migrant workers to replace them with.

On the basis of interviews conducted for this report and a wider review of the literature, there is evidence that the European regimes governing the mobility of workers from the Balkans have the effect of creating a precarious class of more easily exploited and underpaid workers, with weaker recourse to legal redress than national workers in their home country, but few incentives to return home given slow rates of economic development, political stasis, and continued emigration, which further exacerbates the problem. In order to respect the dignity and rights of each individual worker, as well as to address the macroeconomic imbalances in economic development by making mobility fairer, European institutions, national governments and trade unions each have a responsibility to do more to remedy the unequal status of workers moving from the Balkans into the EU.

**The European Union should make sure that all workers moving to an EU country receive adequate information about their rights as workers, and have easy access to a complaints mechanism.** Such a

requirement is included formally in some directives of the European Union concerning Third Country National seasonal workers, and is related to the EU directive on transparent and predictable working conditions (2019/1152/EU), but should be systematic for anyone accepting a job offer in another country, and should be enforced under supervision by the European Labour Authority. The EU's own web page of resources regarding rights for people moving into the European Union is woefully incomplete ([https://ec.europa.eu/immigration/node\\_en](https://ec.europa.eu/immigration/node_en)). Public helplines in multiple languages, and legal centres specifically for migrant workers are all valuable, and trade unions must be guaranteed the right to enter into workplaces and places of worker accommodation for the purposes of informing workers of their rights, and as a precondition for the effective exercise of the right of all workers to trade union participation and collective bargaining.

An essential part of all workers moving to the European Union receiving adequate information is **a job contract in a language they understand, featuring information about their employer and the social security fund to which they will contribute.** Enforcement of this legal requirement must be stepped up, in particular with regards to agencies and in the context of posting of workers, by labour inspectors, including **joint operations between national labour inspectorates both inside the EU and between EU countries and Western Balkan countries.**

An **EU-wide regulation on agency work is overdue, notably ensuring that agencies do not charge employees directly or indirectly for their services, and that all costs are covered by employers,** in line with Article 7 of Convention 181 of the International Labour Authority. Although this is part of the national legislation in many countries both inside and outside the EU already, enforcement is lacking and coordinated European action is necessary. Alongside ensuring the adequate legal framework for the agency sector that has grown out of control, subcontracting in general should also be closely controlled, notably by **making contractors legally responsible for the contracting chain** in terms of employee health, safety and rights, and by limiting the subcontracting chain to a couple of tiers in some sectors.

An **EU-wide initiative on decent, affordable and safe housing conditions for workers who are accommodated by their employer is urgent**, and all employers employing mobile workers could be obliged to assist with accommodation needs, for example, by providing the guarantees needed to rent an apartment.

An overdue learning from the COVID-19 crisis is that **gaps in social security coverage for workers, e.g. for seasonal workers or those doing mini-jobs, need to be closed to ensure everyone is protected, particularly mobile workers who may not qualify for other schemes**. The possibilities for ‘social security tourism’ or of social security discounts for companies posting workers must be outlawed, and periods of employment without social security contributions should also be disallowed. A European social security number, issued also to third country nationals working in the EU, would facilitate mobile workers knowing where and when social security contributions are being made by their employers. The EU should complete social security coordination inside the EU member states, and create social security coordination between the EU member states and the Western Balkans countries, allowing the portability of rights and social security credits in both directions (EU to WB6 and WB6 to EU).

Workers coming from the Western Balkans 6 countries are dependent on their first employer in the EU for their rights of residence, which puts them at a disadvantage in their relationship with their employer when it comes to addressing problems with contracts, conditions and pay. **The right to residency in the EU for people who have moved into the EU should be for 6 months conditional on actively looking for a job**, similar to the rights of EU nationals who have moved and are looking for a job. This would allow the possibility of Western Balkans citizens to walk away from unscrupulous employers without risking their right to be in the country immediately. If such a right should be extended to all Third Country Nationals who move into the EU, the Western Balkans citizens could be treated as a special case particularly in countries like Germany, which are facilitating mass movement of workers from the Western Balkans.

Government programs, such as the Triple Win program for nurses and the Western Balkans Regulation, must be regularly monitored and evaluated, not only from a macro-economic perspective but also from a workers rights perspective, with methodological attention paid to providing safe spaces for workers to express any problems or abuses of rights they have experienced, without fear of adverse consequences. The involvement of trade unions and NGOs in these evaluations could be a way of achieving this, as would the monitoring of calls to helplines where such resources exist.

The care sector, in which workers are isolated from one another, in which there is extensive use of informal arrangements and in which there are very substantial risks of abuses, must be the object of a **specific European-wide directive, which brings care workers more meaningfully into legal protection**. This includes regulating the agencies, which recruit and employ care workers, increasing inspections of care homes, and promoting the unionization of the sector. Making diploma recognition easier and more streamlined in the sector, notably before people move, would also address abuses, since many care workers are often obliged to work in unacceptable conditions while waiting for their diplomas to be recognised by member state authorities.

Virtual mobile workers also need a specific set of initiatives, both inside the European Union and those paid by EU based companies in the Western Balkans. **The presumption of employment of workers instead of self-employment is becoming a standard legal obligation for platform industries** such as Uber and Deliveroo in recent legislation adopted in Spain, Italy and in a forthcoming EU directive.<sup>73</sup> This presumption could be extended to all online workers unless the employee opts out or the employer can show that the person should be treated as self-employed. When it comes to workers working for more than one company, **the 2016 social economy law in France could be taken as an inspiration for the creation of employment cooperatives**, where the cooperative acts as the employer of independent workers and small entrepreneurs, also offering space, training, and access to rights as an employed person.

There needs to be an increased understanding both amongst policy makers and amongst trade unionists that migrants, women, and young people have specific vulnerabilities and needs at work. An intersectional approach, which at once addresses individual needs, but also builds solidarity and common cause with the whole workforce, needs to be adopted: an important starting point would be involving such communities much more systematically in advising and deciding on policy.

The integration of mobile workers into their host country, notably in terms of language skills, should not only be the responsibility of workers themselves: employers could be obliged to give employees time off to take up language courses and larger employers to provide integration guidance and opportunities outside of the workplace.

<sup>73</sup> De Stefano, Valerio et al. 2021. “Platform work and the employment relationship – a global overview.” *Regulating for Globalization*. <http://regulatingforglobalization.com/2021/03/31/platform-work-and-the-employment-relationship-a-global-overview/>  
[https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travel/documents/publication/wcms\\_777866.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travel/documents/publication/wcms_777866.pdf).

The collaboration of trade unions between WB6 countries, Romania, Bulgaria, Croatia and other EU countries must be promoted, with membership of trade unions in multiple places for mobile workers becoming the norm, to ensure sharing of experiences and best practices, but also to ensure coordinated and coherent collective action towards employers and advocacy towards the governments and public opinion, since many of the underlying structural problems undermining mobile workers rights can only be addressed in a coordinated way across borders.

Ultimately, the structural problems of uneven and unfair economic development between a European core and its periphery which underlie the individual problems workers from Southeast Europe are facing will only be addressed by a comprehensive paradigm shift in cooperation. Such a paradigm shift in economic relations is unlikely to come uniquely 'from above' through governmental action alone: it will come through workers themselves from the Southeast Europe region and Europe as a whole being empowered to defend and advance their rights at work, each mobile worker a thread that both holds together an important part of this continent-wide network and opens it up to the wider world.



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Government programs, such as the Triple Win program for nurses and the Western Balkans Regulation, must be regularly monitored and evaluated, not only from a macro-economic perspective but also from a workers rights perspective, with methodological attention paid to providing safe spaces for workers to express any problems or abuses of rights they have experienced, without fear of adverse consequences.



Based on interviews with mobile workers themselves and a wider literature review, we argue that the European Union, governments, and trade unions need to better enforce existing legislation and prevent exploitation, empower workers to understand, access and advance their rights, and ultimately rethink a new economic relationship between the EU and the Southeast Europe region based on more balanced, more sustainable, and more socially just development.

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