Promoting workers' mobility within the European Union

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The Committee on Employment and Social Affairs adopted an own-initiative report by Traian UNGUREANU (EPP, RO) on promoting workers' mobility within the European Union in response to a Commission communication on the question.

Living and working in a different Member State is one of the Union's fundamental freedoms -, a basic component of Union citizenship and recognised by the Treaties. Yet statistics show that still too few people take advantage of this right despite the specific initiatives taken to support workers' mobility. Workers can face difficulties and challenges when seeking employment in a Member State that is not their own and the current workers' mobility rate is not sufficient to enhance labour market efficiency in the European Union with only 2.3% of people in the EU residing in a Member State other than the state of which they are citizens.

Despite EU legal acts and programmes aimed at promoting free movement of workers, there are **barriers** to the full implementation of this fundamental freedom (e.g. social, linguistic, cultural**,** legal and administrative barriers, poor return policies that do not meet the needs of migrant workers, lack of recognition of mobility experience, difficulties concerning the employment of spouses or partners, and a delayed process for the recognition of diplomasand professional qualifications). Although Members welcome the Commission's communication, which describes and explains the current state of play, they regret the lack of concrete measures or solutionsto the problems of mobility.

Members therefore call on the Commission to:

- extend and improve the scope of projects aiming at increasing **women's labour mobility**;
- further promote labour mobility by presenting a **long-term, comprehensive, multidisciplinary, mobility strategy** to ban all existing legal, administrative and practical barriers to free movement of workers;
- enhance the mobility of the workforce by planning and promoting further **strategies to provide simplified information** concerning the rights of migrant workers and the benefits of mobility.

Members call on the Member States to:

- remove obstacles to workers' mobility by offering women who follow their husbands or partners to another Member State appropriate services to facilitate their integration into their new social and cultural environment;
- create mechanisms of cooperation aimed at preventing the devastating effects on families, especially on children, caused by the separation from their parents and the distance between them.

Administrative simplification and legalaspects: the Committee urges the Commission to promote the **streamlining of administrative practices and administrative cooperation** so as to allow synergies between national authorities. It encourages Member States to create more effective channels of communication between migrant workers and the corresponding State services, so that workers have full access to information regarding their rights and obligations and stresses that 'workers' rights' can be better implemented if and when an EU migrant is employed in a legally paid activity in a host Member State.

It calls on the Commission to fully exercise its prerogatives under the Treaties, by continuous and comprehensive monitoring of the implementation of Directive 2004/38/EC, which affects the exercise of free movement of workers including, if necessary, the exercise of its right to initiate infringement procedures against non-compliant Member States.

The Committee also calls on the Member States to review their provisions regulating the transitional periods for access to their labour markets. It welcomes the recent decision of some Member States to fully open their labour markets to some of the Member States that joined the EU in 2004. It deplores the recent legislative proposals in other Member States intended to undermine the rights of workers from the Member States that joined the EU in 2004 and 2007 and calls on the Commission to investigate whether such policies infringe EU law.

Members call on the Commission to:

- strengthen the current legal framework on recognition of professional qualifications set out in Directive 2005/36/EC;
- revise Council Regulation (EC) No 1612/68 on freedom of movement for workers within the Community in order to take into account the proposals made by the European Parliament in this resolution;
- ensure that Member States apply the 'Brussels I'-regulation (Council Regulation (EC) No 44/2001) regarding jurisdiction recognition and enforcement of judgements in civil and commercial matters;
- ensure that Member States implement Directive 2004/38/EC without any discrimination, including on grounds of sexual orientation.

Links with other policies: Members consider that action must be coordinated, especially in the fields of completion of the internal market, coordination of social security systems, supplementary pension rights, protection of workers, cross-border health care, education and vocational training, tax measures such as those designed to avoid double taxation, and anti-discrimination.

They call on the Commission and the Member States to make sure that free movement is never exploited with a view to unequal treatment, wage and social dumping. They congratulate the Commission to linking workers' mobility with the Europe 2020 Strategy and take the view that this is of crucial importance to boost welfare within the EU through sound and sustainable job creation.

Members consider that enabling migrant workers to enjoy **portable social security rights** is essential in ensuring that they effectively benefit from the prerogatives they have acquired.

In their view, **SMEs can act as a trigger for economic recovery** and development, being the primary source for job creation. They thus reiterate the need for an EU commitment to supporting and developing SMEs, particularly through active labour policies and vocational education and training programmes.

Measures to promote free movement: Members stress that efficient controls are an essential element to guarantee equal treatment and a level playing field. They call on the Member States to increase **labour inspection** and give labour inspections sufficient resources. They encourage the Commission to pursue its initiatives aimed at promoting the **geographical mobility of young people** through learning mobility schemes. They welcome the Commission’s plan to establish a regular systematic assessment of long-**term supply and demand in the EU labour markets** up to 2020 and strongly advise the coordination of labour and educational policies between Member States with a view to meeting the targets set in the EU 2020 Strategy regarding job creation and avoiding future indirect barriers that may hinder the exercise of the right of free movement.

Employment services and information of workers: Members call for developing EURES' institutional capabilities and its reinforcement of the one-stop instrument to facilitate mobility of workers and their

families. They call on the Commission and Member States to take the necessary steps to make cooperation between EURES and the corresponding national public authorities more productive and effective.

They urge strengthening the implementation of the Council Directive 91/533/EEC on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (so-called "Information Directive").

They invite Member States to monitor the activities of recruitment agencies more strictly in order to ensure that the rights of mobile workers are not violated or their expectations disappointed. They call on the Commission and Member States to monitor the situation of agencies and organisations offering jobs to workers from other Member States and to detect potential illegal or black market employment, or agencies or organisations providing fictitious jobs.

Gathering skills and knowledge to become more competitive: Members take the view that active labour market policies and in particular vocational training and life-long learning, must be reinforced as they can contribute to increasing labour mobility, facilitate transitions in times of structural unemployment, and allowing workers to adapt to labour market changes.

They call on the Commission and the Member States to cooperate on achieving higher comparability of school and University curriculaand education systems in the EU, through **simplified mutual recognition of diplomas**.

Lastly, they encourage Member States to boost the participation of SMEs in **lifelong learning** by providing incentives for their respective employees and employers with particular emphasis on **learning languages** and the **new technologies**.