Promoting workers' mobility within the European Union

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The European Parliament adopted a resolution 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 Parliament welcomes 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.

Parliament calls on the Member States to **remove obstacles to workers' mobility** by offering persons (the majority of whom are women) who follow their spouses or partners to another Member State appropriate services such as courses to facilitate their integration into their new social and cultural environment, for example language courses and vocational courses.

Other measures are proposed:

- 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;
- promote further strategies to provide **simplified information concerning the rights of migrant workers** and the benefits of mobility for the overall process of development and for the economies of both the EU and its Member State;
- **mitigate at EU level the negative side effects of increased mobility**, leading to brain drain and youth drain;
- 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;

- **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: Parliament 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.

Parliament is concerned by the poor transposition and implementation of current directives on free movement of workers, especially Directive 2004/38/EC with respect to the right of entry and residence for third-country family members, and cumbersome administrative procedures and additional residence documents (work permits, evidence of satisfactory accommodation) inconsistent with Directive 2004/38 /EC. 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.

Member States are called upon to review their provisions regulating the transitional periods for access to their labour markets, which, in the long term, can have negative effects on the fundamental values and rights enshrined in the EU Treaties, such as freedom of movement, non-discrimination and solidarity and equal rights.

Links with other policies: Parliament notes that the right of free movement of workers cannot be viewed in isolation from other rights and basic principles of the EU and that respect for the European social model and the rights guaranteed in the European Convention on Human Rights, as reflected in the EU Charter of Fundamental Rights, will offer the possibility of decent jobs, adequate working conditions, including protection and safety at work, social security rights, equal treatment, reconciliation of family and working life and the freedom to provide services. The importance of equal treatment of workers is stressed, combined with the adequate protection of labour rights, to be in accordance with the rules in force laid down in national legislation and collective agreements in the Member State concerned. Members believe that the principle of 'equal pay for the same work in the same place' in conjunction with **gender equality should apply throughout the EU in order to prevent wage and social dumping**.

The resolution urges the Member States and the Commission to strengthen EU policy on fighting direct and indirect discrimination. Member States are encouraged to increase the attention which authorities responsible for monitoring the labour market devote to protecting the rights of mobile workers, particularly by improving education and raising of awareness in the field of labour law.

Parliament considers that, for the efficient implementation of all policies tackled by the free movement of workers, 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.

Parliament reiterates that, in order to avoid inconsistencies in the area of the EU internal market, for the purpose of employment, Member States must give preference to Union citizens and may give preference to third-country nationals who apply for highly qualified employment. Members stress the importance of rejecting applications for an EU Blue Card in labour market sectors for which the access to workers from other Member States is restricted on the basis of transitional arrangements. Member States should also tackle the issue of false self-employment among mobile workers and give these workers access to rights and protection.

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.

The Commission is called upon to **explore and publish both positive effects and drawbacks derived from labour mobility for the host and home countries and the EU**, from a socio-economic and geographical cohesion point of view, highlighting consequences such as: economical losses, increased undeclared work and abusive working conditions due to unclear legal situation when transitionary measures are in place, lack of awareness of rights among EU citizens and the outcomes due to delayed actions by Member States to integrate EU workers from the 2004 and 2007 integration wave.

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. Parliament urges 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").

It invites 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. It calls 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 curricula and education systems in the EU, through **simplified mutual recognition of diplomas**.

Lastly, Parliament encourages 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**.