Impacts of EU rules on the free movements of workers and services: intra-EU labour mobility as a tool to match labour market needs and skills

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The European Parliament adopted by 516 votes to 79, with 99 abstentions, a resolution on impacts of EU rules on the free movements of workers and services: intra-EU labour mobility as a tool to match labour market needs and skills.

Noting that there was no need to change the country of destination provision that guides the services directive, Members argued that the free movement of services goes hand in hand with the free and fair mobility of the workforce providing those services, and that respecting the rules on working conditions and health and safety protection of mobile workers benefits the internal market.

Improved protection for mobile workers

The protection of mobile workers' working and living conditions based on the principle of equal treatment must cover the free movement of workers as well as the freedom to provide services. Members expressed concern about the continuing **shortcomings in the protection of mobile workers**, especially cross-border and frontier workers, highlighted by the COVID-19 pandemic.

The resolution stressed that workers should not be disadvantaged in any way by the fact that they have exercised their right to free movement or by EU rules on the freedom to provide services. It highlighted the need to remedy any regulatory gaps at EU and Member State level as soon as possible.

Deploring the current lack of harmonised interpretation of EU law by Member States, in particular the recently amended **Posting of Workers Directive**, Parliament urged the Commission to assist Member States directly throughout the transposition process. It called on Member States to make use of the possibility to apply the provisions on pay and conditions in all collective agreements to all posted workers in the EU, and to ensure the principle of equal pay for equal work in the same place for workers and fair conditions of competition for companies.

The Commission and the Member States were asked, inter alia, to:

- ensure compliance with applicable laws and rules on employment conditions when dealing with third country nationals, who are often more vulnerable to exploitation;

- recognise mobile workers in strategic supply chains for the manufacture of, for example, medical devices as essential or critical;

- examine protection gaps to ensure decent working and living conditions for mobile workers and prevent abusive practices;

- properly implement EU legislation on subcontracting and ensure overall joint and several liability throughout the subcontracting chain to protect workers' rights.

Members stressed that the objectives of the European Pillar of Social Rights, the UN Sustainable Development Goals, the European Green Deal and the Gender Equality Strategy must also be reflected in

the approach to the single market, promoting high social and environmental standards as a prerequisite for productivity increases.

European Labour Authority (ELA)

Parliament called on the Commission to give priority to **making the ELA fully operational** in order to support the implementation, enforcement and monitoring of EU law on labour mobility. The ELA should be provided with sufficient resources to carry out its mission and focus on improving compliance with and implementation of existing EU law to ensure fair and equal competition in the single market.

Members called for the ELA to be given real **powers of labour inspection** in a cross-border context, in cooperation with the competent national authorities. They called on the ELA to improve data collection and set up real-time databases on labour mobility for analysis and risk assessment.

The Commission and the ELA should be able to investigate cases of denial of access to the labour market and of abuse and discrimination based on nationality in relation to working conditions, which became very visible during the COVID-19 crisis. The ELA is invited to develop accessible, transparent and non-discriminatory procedures to enable national social partners to take up cases, and to ensure effective follow-up.

Other recommendations

The Commission was also invited, *inter alia*, to:

- strengthen the capacities of the competent national authorities and the social partners and their cooperation, in order to ensure fair rights-based mobility on the information of workers and employers on their rights and obligations and an effective fight against social security fraud and abusive practices;

- propose a **European framework for combating unfair competition** on labour costs to ensure full compliance with the principles of equal treatment and equal pay and labour costs for equal work in the same place;

- present without delay its proposal for a **digital European Social Security Number (ESSN)**, ensuring compliance with personal data protection rules;

- present a proposal for a directive on work-related stress and musculoskeletal disorders, a proposal for a directive on mental wellbeing in the workplace and an EU strategy on mental health;

- promote and improve existing **mutual recognition** mechanisms and job mobility portals that help facilitate and promote transparent mobility.

Parliament called on Member States to address the problem of **undeclared work**, in particular with regard to seasonal activities, and to ensure adequate coordination in the field of social security, notably in the context of the ongoing revision of Regulation (EC) No 883/2004, as well as the improvement of the portability of rights, in particular with regard to the portability of social security benefits for people with disabilities.