Basic information

2020/2007(INI) INI - Own-initiative procedure	Procedure completed
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 **Subject** 2.30 Free movement of workers 2.40 Free movement of services, freedom to provide 4.15.04 Workforce, occupational mobility, job conversion, working conditions 4.15.12 Workers protection and rights, labour law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	KANEV Radan (EPP)	12/02/2020
	Shadow rapporteur HOMS GINEL Alicia (S&D) VEDRENNE Marie-Pierre (Renew) MATTHIEU Sara (Greens /EFA) RAFALSKA Elżbieta (ECR) JAMET France (ID)	

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection (Associated committee)	LØKKEGAARD Morten (Renew)	18/02/2020
AGRI Agriculture and Rural Development	TOMAŠIĆ Ruža (ECR)	14/01/2020

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	SCHMIT Nicolas

Key events

Date	Event	Reference	Summary
16/01/2020	Committee referral announced in Parliament		
16/01/2020	Referral to associated committees announced in Parliament		
25/03/2021	Vote in committee		
29/03/2021	Committee report tabled for plenary	A9-0066/2021	
17/05/2021	Debate in Parliament		
20/05/2021	Decision by Parliament	T9-0249/2021	Summary

Technical information	
Procedure reference	2020/2007(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/9/01672

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE660.195	09/11/2020	
Committee opinion	AGRI	PE648.630	07/12/2020	
Amendments tabled in committee		PE662.032	18/12/2020	
Committee opinion	IMCO	PE657.157	11/01/2021	
Committee report tabled for plenary, single reading		A9-0066/2021	29/03/2021	
Text adopted by Parliament, single reading		T9-0249/2021	20/05/2021	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2021)507	22/09/2021	

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

2020/2007(INI) - 20/05/2021 - Text adopted by Parliament, single reading

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.