

# European Platform tackling undeclared work

Platform seminar: Tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices  
Online seminar, 16 March 2021

The Platform seminar discussed tackling undeclared work among seasonal workers, with a specific focus on the impact of the COVID-19 pandemic. The event brought together 52 participants from 23 countries, representing labour inspectorates and other enforcement authorities, ministries of labour, as well as European and national level social partners, representatives from Eurofound, the European Agency for Occupational Safety and Health (EU OSHA), the European Commission and the European Labour Authority (ELA).

Participants reflected on (1) developments, trends and policy approaches in relation to tackling undeclared work among seasonal workers; and discussed (2) methods and tools for the prevention and deterrence of undeclared work among seasonal workers. The following key messages were identified:

## Developments and trends on undeclared work among seasonal workers

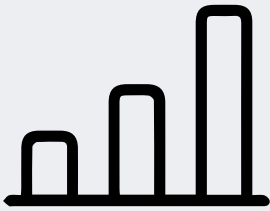


- ▶ An upcoming study on intra-EU seasonal workers estimates that there are over 200 000 undeclared seasonal workers in agriculture, accommodation and food services in the EU.
- ▶ Seasonal workers can be (1) residents of an EU Member State who undertake work of a seasonal nature for a specific period of time (typically a season, less than a year) in their own Member State or in another Member State or (2) third country nationals who undertake work of a seasonal nature for 'not less than five months and not more than nine months in any 12-month period'.<sup>1</sup> They work in economic sectors characterised by seasonality in workforce demand, namely agriculture, tourism, hotel, restaurant and catering (HORECA), and food processing.
- ▶ A broad geographical division can be observed between Central and Eastern European Member States as 'sending' countries and Western European countries as 'receiving' countries. Furthermore, some countries rely on workers from third countries (such as Moroccan workers in Spain or Serbian workers in Slovakia and the growing number of seasonal workers from Ukraine).

<sup>1</sup> According to Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.  
Available at: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32014L0036>

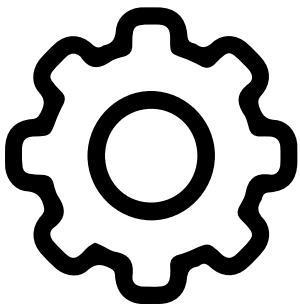


## Developments and trends on undeclared work among seasonal workers continued



- ▶ The most common undeclared practices among seasonal workers relate to unregistered work, under-reported working hours, underpayment, withholding wages or improper deductions from wages for food, transport or accommodation. Seasonal workers are particularly susceptible to undeclared work, occupational health and safety issues and poor living conditions. These vulnerabilities have intensified in the context of the COVID-19 pandemic, whilst seasonal workers have proven essential, in particular in the agri-food sector.
- ▶ With over 10 million farms in the EU, some of them small-scale and/or in very remote settings, undeclared work in the agricultural sector is hard to detect and inspect.

## National tools and approaches to tackle undeclared work among seasonal workers during COVID-19



New initiatives have been undertaken to tackle undeclared work among seasonal workers during the recent health pandemic:

- ▶ New strategies have been developed using multi-stakeholder approaches. For instance, in Italy, the first National Plan to tackle labour exploitation in agriculture was adopted in 2020, involving national and local institutions, representatives of the social partners and civil society organisations. In the Netherlands, a taskforce was created to protect seasonal workers, comprised of six ministries, the labour inspectorate, the public prosecutor's office and regions.
- ▶ Recent actions to protect the health and safety of seasonal workers include the French guidelines to safeguard workers and a new plan by the Labour Inspectorate in Spain to address different types of infringement in the agriculture sector.
- ▶ Social partners have also established. For example, an online interactive risk assessment tool<sup>2</sup> for healthy workplaces has been developed by GEOPA-COPA, EFFAT and EU-OSHA.

<sup>2</sup> <https://oiraproject.eu/en/what-oiraproject>



## Tackling undeclared work among seasonal workers using deterrence measures



- ▶ Participants highlighted that common deterrence measures are fines (their effectiveness to reduce undeclared work however depends on their enforcement), joint liability schemes, announced and unannounced inspections.
- ▶ Workplace inspections are often challenged by limited access to premises, concerns around the safety of inspectors (especially in the context of the pandemic) and language barriers. Furthermore, inspections in agriculture can be costly (for example to locate workers in remote settings or using interpreters).
- ▶ Some inspection methods address remote workplace settings in agriculture, such as using drones or helicopters. These types of inspections must take place in accordance with privacy laws and can be costly. Informing and working with employers across the subcontracting chain should be combined with inspections.

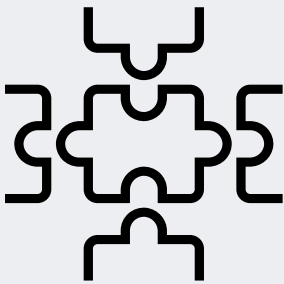
## Tackling undeclared work among seasonal workers using preventative policy measures



- ▶ The pandemic highlighted the importance of preventative measures. Ideally, awareness-raising campaigns disseminate messages related to workers' rights, but also information on how to turn undeclared work into declared work. Awareness-raising campaigns are currently focused on COVID-19 related measures. However, it is crucial to include wider aspects related to labour law or social security fraud.
- ▶ National initiatives have been undertaken to reach out to seasonal workers. For example, in Norway a campaign has been organised through bilateral cooperation between the Norwegian inspectorate and partners in six sending countries, which uses advertisements tailored to seasonal workers and provides information in their native language. Furthermore, farmers are informed in webinars about living standards for seasonal workers. In Denmark, several factsheets have been prepared with information in different languages, covering different sectors.
- ▶ Working with embassies of sending countries also helps to increase workers' awareness of their rights and obligations. For example, the authorities in Slovakia work closely with the Serbian embassy to prepare and disseminate information.



## Recommendations to address undeclared work among seasonal workers at national and EU level



- ▶ The COVID-19 pandemic has significantly changed the work of enforcement bodies and social partners. They are still in the process of adapting their working methods, for example via enhanced online communication or inspections that safeguard the security of workers and inspectors.
- ▶ The pandemic has stressed the need for collaboration between enforcement authorities and social partners. For instance, in Italy, social partners in the agriculture sector (FLAI-CGLI) have set up migrant support offices in some of the sending countries and in some Italian regions. This ensures that workers receive support from unions in their home and host country.
- ▶ The pandemic has highlighted the importance of inter-agency cooperation between public authorities, especially with regards to links between undeclared work and occupational safety and health, working conditions, accommodation, transport and access to sanitary facilities.
- ▶ Due to their vulnerabilities, cross-border seasonal workers need special attention when pursuing deterrence and preventative approaches. This can cover common risk analysis, data mining, joint inspections, or targeted, multilingual information in the native and host country. Moreover, cross-border cooperation is necessary to analyse temporary work agencies or networks of seasonal workers returning year after year to the same workplace. Here, the upcoming campaign by ELA will promote awareness among cross-border seasonal workers and employers. ELA has also developed tools to support joint and concerted inspections.<sup>3</sup>
- ▶ Statistics on the prevalence of seasonal work are often not readily available, so requirements to register intra-EU seasonal workers (such as in the Belgian DIMONA system) can provide more evidence to inform policy approaches. Workforce flows have also been disrupted in 2020, so cross-border cooperation needs to consider 'new types' of workers.
- ▶ More information is needed on how the relationship between seasonal workers and intermediaries such as fraudulent agencies/middlemen affects the prevalence of undeclared work.

<sup>3</sup> <https://www.ela.europa.eu/concerted-and-joint-inspections>

**Further information:** The seminar was an integral part of a larger mutual learning process among Platform members and observers and provided opportunities for exchange and collaboration. The information from the seminar will be fed into a Learning Resource Paper. The input documents and presentations from the workshop will be uploaded to the Platform's collaborative workspace.

