

BARMIG Comparative report: Executive summary

The comparative report is based on six national reports which analysed the labour market presence of "third country national" (TCN) migrant workers in Croatia, Czechia, Estonia, Hungary, Poland and Slovakia. The conducted research focused on how and with what capacities trade unions and employer organisations in the six countries responded to increased employment of TCN migrant workers in four traditional sectors – health care, construction, hospitality and retail services, and metal manufacturing, as well as in personal transport services provided as part of the digitised economy (i.e. platform work).

Especially since 2016 all the six CEE countries have experienced acute labour shortages, due to the opening of labour markets in Western EU Member States and other demographic factors. As a reaction, TCN migrant workers from neighbouring non-EU Member States, especially from Ukraine, Serbia, Bosnia and Belarus, were increasingly employed in construction, services and the metal sector in all the countries. The presence of TCN migrant workers varied in the personal transport segment of the platform driven economy, while they were rarely employed in health care in the analysed Central Eastern European countries.

While the Covid-19 crisis halted the trend of increased labour market presence of TCNs in the above-mentioned Central and Eastern European (CEE) EU Member States, this effect was only temporary. Thus, the share of TCNs in CEE labour markets is further rising. Since 2018 employment of TCNs from non-European countries not bordering the EU Member States has also been on the rise. Media analyses conducted in 6 languages in the six countries highlighted that the media associated migrant workers with labour shortages, but social partner involvement and integration of migrant workers rarely appeared in public discussions.

As a general rule, regulations on TCN employment are restrictive in all the studied countries: employment relationships with migrant workers could be established only after a lengthy administrative procedure. However, under conditions of acute labour shortages such rigid regulations were relaxed with an increasing number of exceptions, including special programmes targeting professionals or temporary labour-intensive work arrangements for an increasing number of non-EU countries. New governmental decrees, bilateral contracts with non-EU countries and amendments to existing regulations thereof go against the spirit of the strict rule. Employment of TCN migrant workers is concentrated on securing seasonal, short-term and temporary employment schemes, in which the role of transnational posting and the role of intermediaries, particularly temp work agencies, increased in all the countries, but with significant variation. Temporary employment went hand in hand with shallow labour market integration of migrant workers. In the countries in which migrant workers were to be employed under conditions of protecting local wage

levels, as in Estonia and Czechia, transnational posting challenged the institutional arrangement. In other countries, migrant workers were predominantly employed as temporary agency workers, especially in Hungary, Poland and Slovakia. Croatia represents a partial exception, as both of these forms were present, but not to such a degree as in other countries.

Social dialogue forums on the national level in most countries were traditionally put in the role to discuss relevant employment regulations. Trade unions were the only actors that typically used available national social dialogue forums to exert influence, if possible, but in some cases, as in Slovakia, but especially Poland and Hungary, these forums did not operate regularly. Employer organisations in general had more capacities than trade unions, which they also used to lobby or launch initiatives to amend and liberalise the restrictive regulations.

Collective bargaining has not addressed interests and needs of TCN migrant workers and their integration in the labour market so far. In platform economy, in the absence of classic employers and trade unions, collective bargaining is not detected. In other sectors, collective bargaining in all the countries is decentralised to company and establishment levels, and in some countries the sectoral level also has a coordinating role. Sectoral bargaining occurs in Croatia, Slovakia and Czechia, but it happens sporadically also in Hungary in some sectors, as in construction and tourism, although with a very narrow agenda.

There are important initiatives: employer practices and initiatives of individual employers in Hungarian tourism, sectoral contracting practices in the construction sector in Croatia and Slovakia, and sector-specific contracting practices in the health sector in Poland and Czechia on the establishment level. In both health care and automotives, trade unions in all the countries had a default strategy of representing all the employed, thus migrant workers were not excluded. However, whereas unions were open to migrant workers, there were no special services developed to meet the needs of migrant workers. More concrete positive cases were recorded in Czech automotives, Estonian health care, and Croatian tourism.

The national reports were equivocal in recommending 5 steps to national authorities and social partners in all the six countries in addressing labour market integration of migrant workers.

1. increase state support for social dialogue, organise regular discussions among social partners addressing the situation of migrant workers
2. increase support for capacities of social partners, especially trade unions
3. strengthen the implementation of labour law to include all employees, with special sensitivity to the employment and working conditions of migrant workers and other vulnerable groups, and thus enforce fair competition in terms of labour use practices of employers, and prevent social dumping
4. develop comprehensive policies and actions in support of social rights of migrants

5. regularly monitor and assess the situation of migrant workers in national labour markets.

The Russian aggression and war, and the resulting wave of refugees from Ukraine, as well as the unfolding crisis only increased the importance of these recommendations.