

Towards inclusion and equal treatment for all mobile and migrant workers

EFFAT Demands for action

Adopted at the EFFAT Executive Committee on 1 June 2021



Introduction

EFFAT sectors largely depend on the work of mobile and migrant workers¹ who make up a significant proportion of those harvesting our fields, packing and processing our food, as well as those cleaning our houses and allowing the hospitality sector to run. Despite their essential role in our societies, migrant and mobile workers are often victims of discrimination, labour exploitation and racism linked to their migratory status or ethnic background.

The Covid-19 pandemic has cast new light on their challenging living and working conditions: poverty wages, long working hours, lack of social security coverage and deplorable housing are just some of the recurrent hardships many of them face.

The free movement of workers enshrined in the EU treaties should be a cornerstone of the EU integration process. However, for many mobile workers employed in the EFFAT sectors the principle of equal treatment that goes with it unfortunately only exists on paper. The condition of migrant workers is often even more dramatic. They leave their countries and families with the hope of a better future but what they often find upon arrival is discrimination, exploitation and multiple obstacles on the way to integration. This is especially true for undocumented migrant workers, who are not able to report any violations of their rights without risking deportation.

This harsh reality undermines the goals and founding values of the European project.

All mobile and migrant workers, including the undocumented, should enjoy full and equal treatment in terms of individual and collective labour rights, wages, social security and other working conditions. This is the only effective way to create a truly inclusive society for all, while tackling racism and xenophobia.

EFFAT affiliates do essential work to support mobile and migrant workers, as well as refugees and asylum seekers. We fight for their rights and inclusion and stand next to them to raise up their voices.

The [European Parliament resolution on the protection of cross-border and seasonal workers](#) (19 June 2020), the [European Commission Guidelines on Seasonal workers](#) (16 July 2020) and the [Council conclusions on seasonal and mobile workers](#) (12 October 2020) acknowledged many of the challenges mobile and migrant workers face. They also outlined clear actions and commitments that will now have to be effectively implemented by national governments and the EU Institutions without delay.

However, this is no longer the time for guidelines or other soft-law measures. The challenges affecting mobile and migrant workers are not only a problem of compliance and enforcement with existing rights; rather, they are the consequence of the lack of rights and effective tools to tackle labour abuses.

The time has now come to deliver a new EU vision on mobility and migration which is based on social justice, equality, solidarity and the respect for human dignity. EFFAT calls on policy makers to show greater political ambition, also through the adoption of new binding measures that improve working and living conditions of mobile and migrant workers in our sectors. EFFAT's key demands are:

- ▣ Social conditionality of CAP subsidies for a truly sustainable primary sector
- ▣ Common EU standards for effective labour inspections and complaint mechanisms
- ▣ An EU initiative on subcontracting tackling abusive practices and leading to direct employment
- ▣ Regulating labour intermediaries
- ▣ Ensuring full social security coverage for all, also using digital tools
- ▣ Decent and affordable accommodation for all mobile and migrant workers
- ▣ Support for trade union counselling services and a stronger role for ELA
- ▣ A truly inclusive EU migration policy

¹ This document will repeatedly refer to “mobile” and “migrant” workers. “Mobile” workers include all forms of intra-EU (and EEA) labour mobility of EU (and EEA) nationals such as seasonal, cross-border, posted or frontier workers. “Migrant” workers are considered third-country national migrant workers. This definition includes third-country seasonal workers.

1. Social conditionality of CAP subsidies for a truly sustainable primary sector

What are the challenges?

The agriculture sector in Europe is one of the most precarious and challenging sectors of the economy. The sector relies to a large extent on EU seasonal, as well as third country, migrant workers, including many who are undocumented. These workers are essential for the sector to thrive, as demonstrated by the labour shortages at the beginning of the Covid-19 pandemic.

Agriculture in Europe is blighted by poverty wages coupled with long working hours, a high proportion of undeclared work and precarious working conditions, deplorable housing, an extremely high incidence of accidents and illnesses and low participation in education and training programmes. Taken together, these paint a bleak picture with workers often falling prey to widespread exploitation, including gangmaster practices and other forms of modern slavery. This situation encourages social dumping which affects all workers and employers in the sector.

The Common Agriculture Policy (CAP) is one of the most relevant policies at EU level, both in terms of objectives and budget.² It is clear that it could play a crucial role in improving labour standards for all farm workers, including mobile and migrant workers. However, while CAP subsidies are already rightly conditional on respect for environmental standards, public health and animal welfare, compliance with human and labour rights plays absolutely no role in the allocation of funds. Therefore, unsurprisingly, the CAP has thus far completely failed to improve agricultural workers' conditions.

What are EFFAT's demands?

1. EFFAT demands the immediate introduction of social conditionality in the new CAP reform.

CAP payments must become conditional on respect of applicable working and employment conditions and employers' obligations resulting from relevant collective agreements, as well as EU and national social and labour laws and ILO Conventions. As a vast proportion of workers employed in agriculture are mobile and migrant workers, social conditionality must also cover the respect for mobile and migrant workers' rights in its scope.

This is the only way to ensure that a major part of the EU budget, financed by EU taxpayers, contributes to raising labour standards in one of the most precarious sectors of the economy.

Social conditionality is an easily applicable solution that would help in improving working conditions, while tackling unfair competition which affects all farmers and workers in the agriculture sector.

2. Supporting the inclusion of mobile and migrant workers in rural areas through the CAP Rural Development Programmes

This could be done through the implementation of policies concerning services, housing, transport, health and infrastructure, all of which could spur rural development. Moreover, CAP's Second Pillar could also be used to finance training programmes for all agricultural workers, including seasonal and other mobile and migrant workers.

² In total, €343.95 billion (in 2018 constant Euros) will finance CAP actions for the period 2021-2027. This represents close to one third of the total EU budget.

2. Common EU standards for effective labour inspections and complaint mechanisms

What are the challenges?

When companies do not play according to the rules, abuse the possibilities of the single market, use illegal practices and violate applicable working conditions, this always triggers social dumping and unfair competition. To remedy those situations and ensure the enforcement of applicable labour standards, we need effective inspections and well-equipped autonomous enforcement authorities.

However, labour inspections happen too infrequently in the EU to make a significant difference to the employment conditions of the workers we represent. The frequency of labour inspections has decreased even further during the pandemic. Labour enforcement authorities are understaffed and have low levels of resources; this makes inspections less frequent and effective, particularly in the EFFAT sectors whose reality is made up of small and micro enterprises.

Complaint mechanisms are an important tool to target inspections and hold employers accountable, but they remain under-used, particularly by mobile and migrant workers who face major challenges in accessing justice.

In most Member States, enforcement authorities responsible for inspections are also tasked with checking the validity of migrant workers' permits. In some cases, they also pass this information on to immigration authorities. When engagement with labour authorities leads to immigration enforcement, it prevents migrant workers from reporting abuses and undermines the role of enforcement authorities.

Controls on the working conditions of domestic workers are particularly difficult, as the work is largely undeclared and carried out in private households.

What are EFFAT's demands?

1. An EU Directive setting minimum standards on labour inspections and complaint mechanisms.

This Directive should build on the ILO Convention No. 81. It should regulate the functioning of national enforcement authorities responsible for labour inspections, as well as their powers and obligations. It should cover both national as well as cross-border situations, complementing the role of the European Labour Authority (ELA).

Various aspects should be covered, such as entry to workplaces without notice, examinations, interviews with workers and employers, access to documents (including digital access). The Directive should also aim at strengthening digital data exchange and cross-checking between enforcement authorities responsible for inspections in different fields. The initiative must respect the autonomy of social partners, particularly when they are entrusted with the control and enforcement of wages and other working conditions.

Finally, it should allow victims, as well as third parties, including trade unions, to file complaints and address practical barriers that make complaint mechanisms ineffective or inaccessible, in particular for mobile and migrant workers.

2. Member States should strengthen labour inspections and complaint mechanisms.

The staff of enforcement agencies has to increase in number and they should be properly trained, including training on European legislation and cross-border situations. They should be supported to provide accessible information to workers – including mobile and migrant workers – on their rights and where to go for support and redress.

3. The European Labour Authority (ELA) should be given greater powers, in particular with respect to joint and concerted inspections and the fight against undeclared work.

3. An EU initiative on subcontracting tackling abusive practices and leading to direct employment

What are the challenges?

Although carried out at the clients' facilities, some of the core activities in our sectors are often executed by workers employed by subcontractors. These workers carry out their daily tasks alongside direct labour, under the authority of the user undertaking. Subcontractors may also operate as bogus cooperatives with workers sometimes employed as self-employed. The use of subcontracting allows employers to avoid liability and circumvent applicable working conditions and collective labour agreements, causing social dumping within the same company, but also at sectoral and cross-border level.

Workers employed across the subcontracting chain are more likely to suffer poverty wages, a lack of proper social security coverage and long working hours, as well as wage deductions for accommodation (often overcrowded and in unsanitary conditions), transport and working tools.

At national level, subcontracting chain liability systems differ significantly in terms of sectors covered, the matters they deal with (e.g., wages, social security contributions), and liability coverage (e.g., only one step in the chain, full chain liability). At EU level, subcontracting liability is only applicable in specific situations (e.g., public procurement, posting of workers, employment of third-country seasonal workers, employer' sanctions directive) and in most is only an option for Member States or limited to one step down the chain. Overcoming this fragmented approach is becoming urgent, also in consideration of the many challenges faced by subcontracted workers during the Covid-19 pandemic.

What are EFFAT's demands?

1. An EU initiative on subcontracting tackling abusive practices and leading to direct employment.

The initiative should focus on two main objectives:

▀ The initiative **must ban subcontracting in certain sectors.**

Subcontracting can be motivated by different arguments: a search for specialism and knowhow not available in-company, the sourcing of specific tasks not part of the core activity, a particular division of labour. However, in some of our sectors (e.g., the meat sector) the industry's core activities, although performed at the clients' facilities, are carried out by subcontracted workers doing exactly the same tasks in the same workplaces as employees directly employed by the client company. The only difference is that those subcontracted workers work longer hours, get much lower wages and suffer poorer employment conditions. In such situations, subcontracting is only used as a way to cut costs and avoid employer' liability and should therefore be banned.

▀ The initiative should institute **a general system of joint and several (full chain) liability**

The current fragmented approach to subcontracting chain liability should be replaced by a general system of joint and several (full chain) liability covering both cross-border and domestic situations. The system should apply in full respect of existing stricter national liability regimes.

The system should cover at least sanctions, back payments and compensation in case of non-respect of the applicable legislation and/or collective agreements. Subcontracting full chain liability should factor in a range of different subject matters including wages, (circumvention and evasion of) social security contributions and taxes, undeclared work, health and safety, and (violation of) the rights to organise and bargain collectively. Such an initiative should also limit the subcontracting liability to a maximum three tiers and **tackle collective bargaining dumping across the subcontracting chain.**

The announced EU initiative on **mandatory human rights and environmental due diligence** should establish **mandatory due diligence obligations** covering companies' activities and their business relationships, including supply, subcontracting chains and franchise systems. **This initiative should be without prejudice to existing and future requirements on joint and several liability at sectoral, national or EU level.**

4. Regulating the role of labour intermediaries

A vast proportion of mobile workers employed in our sectors are usually recruited via placement agencies and other labour intermediaries who charge them a recruiting fee and the cost of travel to reach the country of destination.

The operations of these intermediaries are largely unregulated. Many of these workers are then employed in businesses operating in our sectors through temporary work agencies or subcontracting firms.

To protect workers' rights, minimum requirements and quality standards should be ensured in accordance with ILO Convention C181 on Private Employment Agencies.

Although temporary agency workers should enjoy equal treatment as if directly employed by the user undertaking, evidence in our sectors shows that this is often not the case because of a combination of compliance issues with circumventing business practices.

What are EFFAT's demands?

1. Regulating the role of recruiting, placement agencies and other intermediaries at EU level.

Labour intermediaries in the EU should be strictly regulated.

Their operations should be recorded in a European register and become more transparent. They should be obliged to comply with strong minimum requirements and quality standards. Recruiting costs, as well as travel expenses, must be entirely borne by employers. Labour intermediaries must provide reliable information to workers about their labour, social, and civil rights in the country of destination before departure. They should inform workers about the user-undertaking or temporary work agency, period of employment, principles of remuneration and other aspects of working conditions, including rights and obligations of the parties in the event of termination of work.

They should also inform workers about how to file complaints and access justice, as well as provide them with the contacts of existing trade union counselling services. The information must be provided in the workers' own language or a language they understand and in a clear and transparent manner, regardless of the duration of their contract.

The provision of information should at least respect the minimum standards set by the transparent and predictable working conditions Directive.

Because of the unacceptably high risk of exploitative practices, **intermediaries must be banned when workers are posted in fraud sensitive sectors.**

2. The abuses of the Temporary Agency Work Directive 2008/104 (TAWD) should be addressed.

EFFAT calls for better enforcement and an assessment of the TAWD, specifically related to decent working conditions and full and equal treatment for both mobile and migrant workers on fixed-term employment contracts with a temporary work agency.

The assessment should address obligations to pay wages in accordance with applicable collective agreements and the prohibition of wage deductions. It should examine the need to limit existing derogations and apply a minimum number of working hours per week or month as a floor, a maximum share of agency workers in one user undertaking or workplace and a maximum time period for each assignment. Agencies who do not comply with the TAWD should be sanctioned and banned from operating.

The assessment of the TAWD should draw on the already existing possibility for Member States to improve oversight under Article 21 of the Seasonal Workers Directive 2014/36 by determining that the placement of seasonal workers shall only be carried out by public employment services.

5. Ensuring full social security coverage for all, also using digital tools

What are the challenges?

The Covid-19 crisis has shown the challenges mobile and migrant workers still face in terms of access to social security, enforcement of their rights and safeguards against fraud and abuses. Seasonal and cross-border workers employed in our sectors are often unaware if and where their employer pays social security contributions. In case of illness, they may find out they do not have any sick pay coverage and are forced to go to the workplace even if sick or with illness symptoms. This is unacceptable from both an ethical and public health standpoint, especially during a pandemic.

The national systems allowing for short-term employment contracts without social security coverage constitute a major challenge for seasonal workers in our sectors. These systems apply, for example, in Germany³ and Romania.⁴ Seasonal workers employed under these schemes lack basic social protection and cannot accumulate pension entitlements, even if they have done the same job for years.

Many migrant and mobile workers employed in our sectors, especially farm and domestic workers, are undeclared and therefore do not benefit from any social security coverage.

Social security is a basic human right and a powerful tool against inequality that protects workers if they have to deal with unforeseen issues and allows them to plan their future with hope.

What are EFFAT's demands?

1. The abolition of all periods of employment exempted from social security contributions.

This could also be achieved through an EU binding initiative requiring Member States to ensure all workers are always covered by all branches of social security, no matter how long their employment contract is.⁵

2. New cross-border digital tools and enhanced digital cross-border coordination.⁶

- ▣ The launch of the **European Social Security Pass (ESSP)** should be confirmed and anticipated. The ESSP should include a **European Social Security Number (ESSN)** for all workers in the EU to ease the portability of social security benefits and rights and the cross-border verification of social security coverage. A **European Personal Labour Card (EPLC)** should be integrated into the ESSN.
- ▣ Member States must finalise their national implementation of the **European Exchange of Social Security Information (EESSI)** digitalising the Portable Document A1 in a fraud-proof application.
- ▣ A **European business register to fight letterbox companies** must be created to ensure more transparency and facilitate the exchange and availability of company information at EU-level.

3. A fair revision of Regulation 883/2004 on the coordination of social security.

The final text must bring real improvements and it must not affect national schemes allowing unemployment benefits after short-term periods of seasonal employment (e.g., in agriculture).

4. A protective implementation of the Transparent and Predictable Working Conditions Directive.

The employer must inform the worker about the social security institutions receiving social contributions and any protection relating to social security within one month of the first working day.

5. Supplementary welfare allowances accessible to migrant workers in case they lose their jobs.

This would help migrant workers when they have not been working long enough to qualify for certain entitlements. When applying for the allowance, the migration status should not be affected.

³ In Germany, a recently adopted law has set a social security exemption period of 102 working days.

⁴ The Law *Legea zilierilor* allows employers to recruit "unskilled workers" for 90 days without contract and social contributions.

⁵ This principle is outlined in the Council Recommendation on access to social protection (2019/C387/01).

⁶ See more in the newly released [ETUFs/ETUC paper](#) "New digital tools for enforcing mobile workers' rights".

6. Decent and affordable accommodation

What are the challenges?

Mobile and migrant workers employed in the EFFAT sectors are often forced to share accommodation, which is overcrowded, in unsanitary conditions, of low quality and overpriced.

Evidence shows that housing is often provided by the employer and directly linked to the work contract. This creates a high degree of dependence, with workers at risk of losing their job and accommodation on the very same day, without prior notification. This is especially relevant to migrant domestic workers who live in their employers' premises, since losing their job would lead to homelessness.

When not linked to the employment contract, accommodation is usually shared in order to enable the workers cope with living costs and low wages.

In some countries, mobile and migrant workers in the agriculture sector live segregated in rudimentary shelters built in overcrowded slums without running water, electricity and proper sanitation.⁷

The applicable EU legal framework on cross-border and migrant workers moving across Europe does not cover decent housing. References to housing conditions are included in the applicable rules on posting of workers and the employment of third country national seasonal workers.⁸

The situation of live-in domestic workers is particularly critical as they face specific issues related to housing that should be better regulated and monitored (e.g., private space, deductions, etc.).

Enjoying decent housing conditions is a precondition for achieving personal wellbeing and for contributing to a fair and inclusive society. The pandemic has shown that improving housing conditions for mobile and migrant workers employed in the EFFAT sectors is an urgent priority that must be pursued with determination by national governments and the EU Institutions.

Leaving no one behind also means leaving no one without a decent and affordable home!

What are EFFAT's demands?

4. EFFAT calls for an EU legally binding instrument ensuring decent housing for all mobile and migrant workers.

Accommodation must ensure a decent standard of living according to clear criteria on size, number of tenants, quality, health and safety standards and price. Those standards shall apply to accommodation provided directly or indirectly by the employer, as well as to private accommodation.

Accommodation costs should not reduce the remuneration paid to workers to a level below that of the statutory minimum wages. A maximum price, which needs to take into consideration the net remuneration and the quality of the accommodation, needs to be set. It is essential that the rental contract is decoupled from the employment contract in order to avoid further dependency on the employer. The rent is not to be automatically deducted from the pay. As a minimum, the protection of Directive 2014/36 should be extended to all mobile workers.

⁷ Examples of these informal settlements can be found in Greece (Manolada), Spain (Murcia), Italy (Foggia and Castelvoturno)

⁸ Directive 2014/36/EU addresses the entry and stay of third country nationals for the purpose of employment as seasonal workers. It lays down that third country nationals benefit from accommodation that ensures an adequate standard of living in accordance with national law and/or practices (Article 20). Furthermore, the Directive demands that, where accommodation is arranged by or through the employer:

- the seasonal worker shall not be required to pay rent which is excessive in relation to his or her net remuneration and the quality of the accommodation;
- the rent shall not be automatically deducted from the pay of the seasonal worker;
- the employer shall provide the seasonal worker with a rental contract or equivalent document and the accommodation must meet the general health and safety standards in the Member State concerned.

7. Supporting Trade Union counselling services and a stronger role for ELA

What are the challenges?

The Covid-19 pandemic showed once again that trade unions are often the only reliable information channel on labour and civil rights for seasonal and other mobile and migrant workers.

This is especially true when workers operate in exploitative conditions and face great job insecurity, as is the case in our sectors.

Trade unions support migrant and mobile workers through awareness raising campaigns in the workplace, as well as by reaching out to them in public spaces (dialogue with workers/leaflets disseminated in different languages) and before departure from their countries of origin.

Within their structures, trade unions have staff specifically trained to carry out these sensitive and difficult tasks. EFFAT affiliates have developed specific hotlines, as well as social media groups and apps, to better reach out to mobile and migrant workers facing difficult working conditions.

This work is of great importance and it provides support to national governments and public employment agencies. Despite the relevant work carried out by trade unions, mobile and migrant workers employed in our sectors often lack proper information on their rights before departure and in the country of employment. The recruiting process is mainly carried out in an informal manner through personal contacts or through intermediaries acting in an irregular way.

In order to improve mobile and migrant workers' working and living conditions, trade union counselling services must be better supported. EFFAT fully supports the campaign that ELA is about to start in 2021 to support seasonal workers in the agro-food sector.

What are EFFAT's demands?

1. A dedicated EU budget line to support trade union counselling services

Such a specific budget line does not exist, despite the key role trade union counselling services play to ensure the fair inclusion of mobile and migrant workers in the labour markets. An option could also be to extend the use of already existing budget lines by providing them with more resources.

Projects such as [Fair Mobility](#), the *European Migrant Workers Union (Germany)*, *Ancora in campo*, *STOP Caporalato* (Italy) and many others are just some of the examples of the initiatives and campaigns that EFFAT affiliates have launched to support their counselling services. These structures and initiatives should be supported by EU funding accessible to national and EU social partners.⁹

2. The role of ELA (European Labour Authority) must be strengthened.

ELA should support trade unions and other actors assisting mobile and migrant workers in a more operational manner, such as through information awareness campaigns and through exchanges of good practices. These initiatives should include training sessions for seasonal and other mobile workers about their rights and how to enforce them and report abuse.

ELA should contribute to ensuring better cooperation among different actors (ministries, labour inspectors, employment agencies, embassies, social security institutions, social partners). It should also strengthen bilateral cooperation between sending and receiving countries, fully involving social partners and competent authorities.

⁹ The establishment of EU funding for specialised counselling services is also one of the recommendations included in the [Council conclusions](#) adopted on 12 October 2020 by Member States.

8. A truly inclusive EU migration policy

What are the challenges?

Many migrant workers employed in our sectors endure extremely challenging working and living conditions. These conditions are even worse for undocumented migrant workers.

Many people working irregularly in Europe have travelled with some form of authorisation (e.g., asylum system, tourist visa, travel registration) that has then expired or does not give permission to work. Some undocumented workers have had a residence permit for family reasons or applied for international protection, but had their applications refused.

Work permits that are available for low skilled occupations usually tie the migrant worker to a specific job with a particular employer and are only valid for a short period of time. As work permits are linked to that particular job, they are no longer valid if the job is lost.

Undocumented migrant workers in Europe face restrictions in most aspects of their daily lives and the anxiety of being deported. Most people work but are unable to get declared employment because of their status. Pathways to obtain a residence and work permit when undocumented in a country are limited. This situation can place workers at particular risk of undeclared work, in-work poverty and exploitation.

When undocumented workers demand the respect of basic working conditions, their employers may threaten to report them to immigration services. In some Member States, they are unable to access formal complaint mechanisms without risking deportation as their personal data may be shared and used for immigration enforcement purposes.

Undocumented migrant women are more likely to suffer discrimination and social exclusion, and may be exposed to abuse, violence and harassment.

The conditions of migrant domestic workers are particularly critical.¹⁰ Undeclared activity is more than 50% of total activity in this sector in the EU (30% in Member States that have developed support measures and 70% in the other Member States), which accounts for at least eight million jobs.

What are EFFAT's demands?

1. An EU common asylum policy is urgently needed.

The EU should be recognised as a single territory for the purpose of protection and distribution of asylum seekers. Harmonised protection standards are needed for asylum seekers in all Member States with clear and mandatory mechanisms to relocate asylum seekers and refugees. Reinforced rights on access to work and equal treatment are needed.

2. All migrant workers, including those who are undocumented, must be able to enforce their labour rights without risking immigration enforcement and deportation.

Given the exploitative conditions to which they are often subjected, Member States must ensure that all workers – regardless of their employment or residence status – can effectively access justice and exercise their employment rights before civil courts, employment tribunals, inspection and other relevant complaint mechanisms.¹¹ This also means banning the reporting of undocumented workers to immigration services through labour inspection and establishing policies and protocols in immigration services to protect workers against employer retaliation.

3. Labour migration pathways must be improved for workers across sectors and occupations, including possibilities to apply from within the country.

Most migrant workers in food, agriculture, tourism and domestic work cannot actually get a work permit to do a job (from inside or outside of the country) or, if they get a permit, it is for a specific job dependent on their employer.

¹⁰ More information on the situation of migrant domestic workers in the [Netherlands](#) and the [UK](#).

¹¹ See PICUM: A worker is a worker Report <https://picum.org/aworkerisaworker/>

Permits should be made available to ensure people can change employer, thereby guaranteeing equal treatment.

4. Preventing abuses, exploitation and human trafficking.

Migrants should have the same rights, opportunities and wages as the local workforce. Equality of treatment must be the rule to protect vulnerable workers and the 2014 ILO protocol on forced labour should be applied and enforced without delay. Trafficking of human beings, in which women trafficked for sexual exploitation are the main victims, has to be stopped using all available tools.

5. Social inclusion measures.

Complementary measures to support the inclusion of migrant workers are crucial. These include non-discriminatory policies alongside measures to facilitate the access to education, health care, housing, and **pathways to regularise undocumented workers** present on the European territory.

6. The whole EU social acquis should be interpreted in a way that fully protects all workers, including third-country nationals and undocumented workers.¹²

7. The Seasonal Workers Directive should be revised.

The protection and rights enshrined in the Directive should apply to all migrants already in an EU Member State, including those who are undocumented, ensuring full and equal treatment. Member States should also **provide seasonal workers with pathways to long-term resident status** after consecutive years of seasonal work.

8. ILO Domestic Workers Convention C189 must be swiftly ratified by all Member States.

The EU should support the inclusion of domestic workers in the social acquis, encourage Member States to ratify the ILO Domestic Workers Convention C189 and ensure the application of all employment standards to domestic workers. All Member States should include domestic work in general labour migration schemes.

¹² The EU acquis should protect the rights of all workers as defined under the EU Charter of Fundamental Rights and established case law on recognition of an employment relationship and the ruling of the CJEU in *Tümer*. All these elements point towards the inclusion of undocumented workers.

Conclusions and future actions

EFFAT affiliates do tremendous work for mobile and migrant workers, as well as for refugees and asylum seekers. They try to make them visible and to bring an end to the abusive practices and exploitation. They fight to ensure that their employment and social rights are always respected.

Inclusion and equal treatment for all these workers must become reality. The EFFAT Secretariat will work tirelessly in the upcoming weeks and months to promote the demands included in this paper. Moreover, specific actions will be put in place together with affiliates to strengthen trade union power among mobile and migrant workers and improve their living and working conditions.

- EFFAT will organise a Conference in June 2021 to promote these EFFAT demands. The Conference will also be an opportunity to exchange good practices among affiliates in organising and assisting mobile and migrant workers.
- EFFAT will actively engage in the ELA Campaign on seasonal workers during 2021 to ensure that it can become an effective initiative to strengthen affiliates' work in assisting mobile and migrant workers. EFFAT will try to use the Campaign as leverage to create long-term synergies and strengthen cooperation among social partners and competent authorities, both at national and cross-border levels. EFFAT will advocate to ensure that the commitment of ELA to support workers in our sectors will also continue after the Campaign.
- EFFAT will facilitate (upon request) specific cooperation meetings between affiliates from departure and receiving countries of mobile and migrant workers in order to strengthen synergies, particularly during the harvesting season.
- EFFAT will offer *ad hoc* support for specific campaigns carried out by affiliates to organise mobile and migrant workers.
- EFFAT is committed to building union power in the Domestic work sector with a view to strengthening sectoral collective bargaining and cross border solidarity and cooperation. A full-time Political Secretary for the EFFAT Domestic work sector will shortly be recruited.

EFFAT condemns right-wing extremism and is fully committed to fight every form of racism, discrimination and xenophobia. EFFAT is fully committed to promote and pursue the objectives of the UN Sustainable Development Goals at each and every level.

Finally, EFFAT renews its commitment to promote solidarity, inclusion and social justice in its daily work.