Labour Mobility within the EU: EU Member States’ nationals vs. Third country nationals

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A single European labour market – a fundamental objective

- A pillar of European Union integration is a single labour market

- Maximize returns on factors of production

- Enhances economic growth

*Is there a single European labour market?*
Determinants of labour mobility in the EU?

- Country of destination
  - Segmented structure of the domestic labour markets with low-skilled, low-waged jobs shunned by nationals
  - Demographic change:
    - Ageing population: between 1960 and 2005 the proportion of persons aged 65+ rose from 8.8% to 15.9%
    - External migration has become the main component of demographic growth in the EU

- Country of origin
  - Unemployment and underemployment
  - Low incomes

- Income disparities between origin and destination countries
Mobility Regimes in the EU

There are four different regimes:

1. EU-15 Nationals
2. EU-10 Nationals (2004)
3. Romania and Bulgaria (2007)
4. Third Country Nationals (TCN)

Greater efficiency in the operation of EU labour markets, through free mobility of MS workers, does not obviate labour needs from third countries.
EU-15 nationals and mobility

- The regime for EU-15 members
  - Article 39 of the EC treaty: any EU national has the right to residence and employment in another member state on the same basis as national of that particular state.
  - Schengen Area Agreement – lack of internal borders

- Are European citizens mobile?
  - Cross border mobility: less than 1% of EU citizens of working age live and work in another EU
  - Constraints on portability of social welfare
  - Difficulties in obtaining recognition of qualifications
  - Language – an important barrier to mobility
Mobility of Accession Countries’ Nationals (2004)

- Accession instruments introduced ‘transitional restrictions’
- ‘2+3+2-year arrangement’: obliges EU member states to liberalize labour markets to accession states in May 2006 and fully open in May 2009
- Ireland, UK and Sweden opened their labour markets for accession states
- The policies relating to the free movement of workers from the EU-8 within the EU-15 states could be classified into four categories:
  - Keeping the restrictions in place for at least three more years (i.e. until 2009): Austria and Germany
  - Lifting the restrictions gradually, within the next three years (i.e. until 2009): Belgium, Denmark, France, Luxembourg, the Netherlands
  - Keeping labour markets open / removing restrictions: Finland, Greece, Ireland, Italy, Portugal, Spain, Sweden, United Kingdom
Mobility of Accession Countries’ Nationals (2004)

- Volume of accession states nationals to EU members:
  - 2004: nearly 900,000 arrived in Germany
  - Between 2004 and 2006: around 487,000 registered to work in the UK

- Consequences for accession states:
  - Labour shortages in certain occupations
  - Rising wages
  - Return
EU-15 states reluctant to open labour markets to Romania and Bulgaria

All EU-15 countries with the exception of Sweden and Finland restrict access to their labour markets
Mobility of Third Country Nationals

- Two sub-regimes:
  - For highly-skilled workers
  - For low-skilled workers

- Issues:
  - Access
  - Mobility between European labour markets
  - Family reunion
Objective of the EU: to attract highly skilled migrants so as to realize the objectives of the 2000 Lisbon Strategy

❖ Sectors in demand:
  • Information technology
  • Health
  • Research

❖ Regulations:
  • At the EU level
  • At national levels
Access to EU (Strengthening the Global Approach to Migration, 2008):
- Promoting access of researchers
- Circular migration: dual posts for health professionals, researchers and teachers

Mobility among EU States:
- Blue card proposal:
  - Freedom of movement
  - Immediate family reunification
  - 3 months grace period if employment is lost
Sub-regime for low-skilled workers

Objective of the EU: to promote circular migration meeting demand for low-skilled and return

- Sectors in demand:
  - Agriculture
  - Cleaning and caring jobs
  - Construction
  - Manufacturing

- Regulations:
  - At the EU level
  - At national levels
Access to the EU:

- EU level (The European Pact on Immigration and Asylum and Strengthening the Global Approach to Migration, 2008):
  - Promotes circular migration
  - Discourages mass regularizations

- National level:
  - Temporary work programmes (Spain – Morocco)
  - Occasional regularizations

Mobility within the EU:

- Restricted mobility between Member States’ labour markets
- Family reunion limited
**Irregular migration**

- The pull factor of informal economies
- Stocks: 15 to 20% of the migrant labour population
- Flows:
  - 2005 less than 30,000 arrived at southern sea borders
  - 2006 number of interceptions increased to 50,000
  - 2007 in land borders areas of Greece 43,000 apprehended
  - FRONTEX
  - Coordinate with third countries on border security
  - Address root causes of irregular migration
- Economic and labour market policies are important for reducing informal employment and irregular migration: economic restructuring, raising technological and productivity levels, consolidation of enterprises, analyzing labour market needs, formulating labour migration policy on basis of analysis.
Labour mobility in the ILO Decent Work Agenda

- ILO Conventions on migrant workers
  - Convention 97: Convention concerning Migration for Employment
  - Convention 143: Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers
- The eight fundamental conventions
- Resolution on a fair deal for migrant workers adopted at the 92nd Session of the International Labour, 2004 mentions at the outset the importance of labour mobility
- ILO Multilateral Framework on Labour Migration (2005)
ILO Multilateral Framework on Labour Migration

The most comprehensive international collection of non-binding principles, guidelines, and best practices on labour migration policy available today.

‘Rights-based’: brings together the principles and rights that apply to labour migration and treatment of migrant workers already contained in various international instruments.

5 major themes:
• decent work for all
• international cooperation
• governance and management of migration
• promotion and protection of migrant rights
• migration and development.

The Framework recognizes the crucial role of social partners, social dialogue and tripartism in migration policy.
Conclusions on the Basis of the Decent Work Agenda: Principles for Labour Migration Policies

- Convergence on Decent Work Agenda between the EU and the ILO (EC Communication on promoting decent for All. The EU contribution to the implementation of the decent work agenda in the world, 2006; Strengthening the Global Approach to Migration, 2008)

- Principles of good governance on labour migration:
  - Expanding avenues of legal migration taking into account labour market needs and demographic trends
  - Transparent recruitment processes
  - Equality and non-discrimination
  - Social integration
  - Combating forced labour