



European Platform
tackling undeclared work

Tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices

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INTRODUCTION

On 16 March 2021, the European Platform tackling undeclared work organised an online seminar on *Tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices*. The seminar 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).

This learning resource paper describes the outcomes of the seminar and builds upon earlier Platform reports on tackling undeclared work in the agricultural¹ and tourism² sectors, as well as the report on labour exploitation of third-country national workers from January 2021.³ The first section presents developments and trends of undeclared work that seasonal workers engage in, and the relevant EU legislation and initiatives in this domain. The second section reviews the different types of policies and measures targeting undeclared work among seasonal workers, as well as the role and views of the social partners. The third section contains key learning outcomes and ideas for further actions to address undeclared work among seasonal workers at national and EU level.

Key findings

The key findings of the seminar are presented below:

- The **COVID-19 pandemic** stressed the critical importance of seasonal work in some key economic sectors. It also highlighted that seasonal workers are more vulnerable to undeclared work and related precarious working and living conditions and occupational safety and health risks.
- 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'. They work in economic sectors characterised by seasonality in workforce demand, namely agriculture, tourism, hotel, restaurant and catering (HORECA), and food processing. Although there are different assessments, a recent study on intra-EU seasonal workers estimates that there are over **200 000 undeclared seasonal workers** (EU citizens) in agriculture, accommodation and food services in the EU.⁴
- A **key driver** of undeclared work and the use of cash payments among seasonal workers is the employers' motivation to save costs in sectors that face price pressures, unfair trading practices (such as short-notice order cancellations, retroactive changes to contracts, and late payments)⁵ and the need for flexible workforce. Seasonal workers usually work short-term for their employers, which often prevents them from building up mutual trust and loyalty. Temporary work agencies and informal labour intermediation can discourage seasonal workers from signing permanent seasonal work contracts directly with the employers. In addition, the level of unionisation is extremely low among seasonal workers, who in turn are

¹ European Platform undeclared work, (2019). Tackling undeclared work in the agricultural sector: a learning resource. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20885&langId=en>

² European Platform undeclared work, (2020). Tackling undeclared work in the tourism sector. Available at: <https://ec.europa.eu/social/BlobServlet?docId=22868&langId=en>

³ European Platform undeclared work, (2021). Counteracting undeclared work and labour exploitation of third-country national workers. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23573&langId=en>

⁴ European Platform undeclared work, (16 March 2021). Presentation by DG EMPL at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices. Study 'Intra-EU mobility of seasonal workers' available at: <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8400&>

⁵ European Platform undeclared work, (2019). Tackling undeclared work in the agricultural sector: a learning resource. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20885&langId=en>

often unaware of their rights and regulations in the host country. Furthermore, the large number of agricultural farms (over 10 million farms in the EU) presents a challenge for enforcement authorities, as not all of them can be covered by control measures⁶.

- Undeclared work among seasonal workers relates to either **fully undeclared work**, with no proper written contracts (also including irregularly staying third-country nationals), **under-declared work** (including under-reported working hours or wages) or other forms of **labour law violations and social fraud** such as paying lower pay rates than the actual minimum remuneration for the country or improper deductions from wages for food, transport or accommodation).
- EU countries undertook various policy measures to **counter the negative effects of COVID-19 on seasonal work**, such as automatic extension of seasonal work permits or health and safety guidelines. EU institutions also acted swiftly in response to the pandemic. The European Commission issued guidelines on seasonal workers in the EU in the context of the Covid-19 outbreak⁷, the European Parliament published a resolution on the protection of cross-border and seasonal workers,⁸ and the Council issued a Recommendation⁹ on 30 June 2020 noting that essential travel should be allowed for specific categories, including seasonal workers in agriculture.
- The COVID-19 pandemic has significantly changed the work of enforcement bodies and social partners. **New strategies** and initiatives have developed to tackle undeclared work among seasonal workers during this health crisis. These are based on the cooperation among representatives of labour, social security and tax authorities, police, prosecutors' offices and social partners. Enforcement bodies also modified their working methods, for example via enhanced online communication or inspections that safeguard the security of workers and inspectors.
- Common **deterrence measures** are fines (their effectiveness to reduce undeclared work however depends on their enforcement), joint liability schemes and inspections (announced and unannounced). Workplace inspections are however challenged by limited access to premises and concerns around the safety of inspectors and workers during COVID-19. 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. Therefore, information and working with employers across the subcontracting chain should be combined with inspections.
- The pandemic also highlighted the importance of **preventative measures**, informing about workers' rights (as well as health and safety measures). Good examples of awareness-raising campaigns aimed at disseminating multi-lingual messages on how to turn undeclared work into declared work. Preventative approaches also include specific work contracts for seasonal work, simplified procedures, employee sharing, tax deductions and compliance lists.
- The **social partners** have a substantial role in tackling undeclared work among seasonal workers. They carry out awareness raising campaigns, negotiate collective agreements and support risk analyses and inspections by providing data on companies, and interpretation services.

⁶ European Platform undeclared work, (16 March 2021). Presentation by EFFAT at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

⁷ European Commission, (16 July 2020). Communication from the Commission. Guidelines on Seasonal Workers in the EU in the Context of the Covid-19 Outbreak.

⁸ European Parliament, (19 June 2020). Resolution on European protection of cross-border and seasonal workers in the context of the Covid-19 crisis. Available at:

[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2020/2664\(RSP\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2020/2664(RSP)&l=en)

⁹ Council Recommendation (EU) 2020/912 of 30 June 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction.

- Key **learning outcomes** are that national governments and the EU should strengthen inter-agency and cross-border cooperation, for example by supporting workers both in their home and host country and by developing joint inspection procedures targeted at seasonal work. In addition, registration systems for intra-EU seasonal workers, as well as common risk analysis, can help to target preventative and deterrence measures better.

1 DEVELOPMENTS AND TRENDS ON UNDECLARED WORK AMONG SEASONAL WORKERS

Key questions:

- What are the types of seasonal workers? In what type of undeclared work do they engage in? What risks do seasonal workers face?
- What is the state of play in terms of workflows, geographical divide, and sectors?
- Which are the relevant EU legislation and recent initiatives in this area?

1.1 Seasonal work and the prevalence of undeclared work

Seasonal work is not always defined in national law across countries in the EU. It is often regulated in secondary legislation, in guidelines or instructions issued by public bodies, in collective agreements or in court rulings. Therefore, Member States do not have a unified approach towards seasonal work regarding the periods of stay or the maximum number of allowed working days in a calendar year. National regulations also differ in terms of sectors in which seasonal work is carried out. For example, Italy limits seasonal work to the agricultural sector, while in Luxembourg seasonal work includes jobs in agriculture, tourism, aviation and transportation.¹⁰

While there is **no standardised definition** of seasonal work among mobile workers at EU level¹¹, seasonal work of third-country nationals in the EU is defined in the Seasonal Workers Directive (see below).

Whereas many seasonal workers are residents of the Member State where they perform seasonal work, there are also significant flows of seasonal workers moving within the EU or coming from third countries. For the purposes of this paper, 'seasonal workers' are understood as:

- **Residents¹² 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 that Member State¹³ or in one or more other Member States,¹⁴ and
- **Residents of third countries** who undertake work of a seasonal nature in one or more EU Member States for 'not less than five months and not more than nine months in any 12-month period'.¹⁵

¹⁰ MoveS, (28 September 2020). Summary Report: The situation of seasonal workers in selected Member States

¹¹ Seasonal workers were defined in Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community, Article 1(c) (see next footnote). However, Regulation 1408/71 was replaced by Regulation 883/2004 which does not any longer have a definition of seasonal workers.

¹² The terms 'residents' is used rather than 'citizens' because if the term 'citizens' is used, we may miss certain situations, as citizens can be resident in countries of which they are not a citizen/national.

¹³ In this situation, the seasonal worker is not a 'mobile' or 'migrant' seasonal worker, as s/he performs the seasonal work in the country of residence.

¹⁴ Regulation (EEC) No 1408/71 (repealed) defined 'seasonal worker' as any worker who goes to the territory of a Member State other than the one in which he is resident to do work there of a seasonal nature for an undertaking or an employer of that State for a period which may on no account exceed eight months, and who stays in the territory of the said State for the duration of his work; work of a seasonal nature shall be taken to mean work which, being dependent on the succession of the seasons, automatically recurs each year.

¹⁵ 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>

Due to their short stay in the host country, mobile seasonal workers are more exposed to labour market changes, face language and cultural barriers and are often unaware of their rights and obligations. This in turn reduces employers' motivation to invest in the employment relationship and precludes the workers' integration into the host country. In addition, the level of unionisation among seasonal workers is extremely low. All these factors increase the **risk of undeclared work** among seasonal workers.

Temporary work agencies provide flexible workforce and are particularly widespread (as a proportion of total employment) in Slovenia, Slovakia, Spain, the Netherlands and Malta. **Fraudulent temporary employment agencies**, that can be unregistered and unlicensed, aim to omit declaration to the public authorities. For example, some fraudulent agencies regularly change their company status or names of owners in order to evade regulations. In some countries (e.g. Germany, Belgium, Norway, etc.), undeclared work facilitated by fraudulent temporary work agencies tends to be more often accepted by vulnerable groups (some younger workers and workers with lower education).¹⁶

Next to fraudulent temporary work agencies, there are also other forms of **informal labour intermediation**, such as via private networks (groups from the same ethnic background, geographical area or communities, friends or wider family members), or social media channels and online platforms (e.g. in Belgium and Spain). Especially in agriculture, 'middlemen' employing manual workers, often under exploitive conditions, remain prevalent. For instance, in the Italian 'caporalato' system, a mediator illegally provides jobs to workers, taking a percentage of their earnings¹⁷.

The types of **undeclared work** among EU and non-EU seasonal workers may include:

- **Fully undeclared work, with no proper written contracts**¹⁸ (observed for example in one in four workers in tourism).¹⁹ This can also cover third-country nationals who stay and work irregularly in the country, resulting in no registration for social security.²⁰ In several countries, the deadline for compulsory declaration of recruitment in agriculture is at the same time or immediately after the start of the work, which means employers can claim to inspectors that undeclared workers have just started their work;²¹
- **Under-declared work**, associated with other forms of **social fraud**, including:
 - **Partially declared working hours** (typical for seasonal work in all sectors) **or wages**;²²
 - Signing of a contract with legal omissions or with **lower pay** rates than the actual minimum remuneration;²³
 - Receiving **wages below the minimum social insurance** threshold which prevents seasonal workers from qualifying for social protection schemes (such as pensions);²⁴ or

¹⁶ European Platform undeclared work, (2021). Tools and approaches to tackle fraudulent temporary agency work, prompting undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23628&langId=en>

¹⁷ European Platform undeclared work, (2016). Member State Factsheets and Synthesis Report. Available at: <https://ec.europa.eu/social/BlobServlet?docId=18860>

¹⁸ European Platform undeclared work, (24 January 2019). Executive summary of the Platform seminar: "Tackling undeclared work in the agricultural sector, with a focus upon seasonal workers and horticulture".

¹⁹ Eurostat, (2019). Tourism industries - employment. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php/Tourism_industries_-_employment and European Platform undeclared work, (2020). Tackling undeclared work in the tourism sector. Available at: <https://ec.europa.eu/social/BlobServlet?docId=22868&langId=en>

²⁰ MoveS, (28 September 2020). Summary Report: The situation of seasonal workers in selected Member States.

²¹ European Platform undeclared work, (16 March 2021). Presentation by Sweden at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

²² Ibid.

²³ European Platform undeclared work, (24 January 2019). Executive summary of the Platform seminar: "Tackling undeclared work in the agricultural sector, with a focus upon seasonal workers and horticulture".

²⁴ Ibid.

- **Deducting rent** from the net wage of the worker, which is illegal, provided that Article 20 of Directive 2014/36/EU is properly transposed in national legislation.²⁵
- **Fraudulent posting** of migrant/mobile seasonal workers in agriculture, construction, transport and tourism.²⁶
- **Bogus self-employment**, which exists, but is not the predominant type of undeclared work among seasonal workers.²⁷

A **key driver** of undeclared work among seasonal workers is the employers' motivation to save costs in sectors that face price pressures, unfair trading practices (such as short-notice order cancellations, retroactive changes to contracts, and late payments)²⁸ and the need for flexible workforce. Thus, employers who violate the rules gain an advantage over compliant employers.²⁹

At the same time, seasonal work is hard to inspect and monitor. For example, the large number of agricultural farms (over 10 million farms in the EU), many of them small-scale and in remote locations, challenges monitoring and inspections.

1.2 State of play: Seasonal workforce and sectors

EU Member States rely on seasonal workers from EU and non-EU countries to fill **workforce shortages**. Seasonal work occurs mostly in the **agriculture and tourism sectors** which require workforce in specific periods of the year. An upcoming study on intra-EU seasonal workers shows that there are 650 000 to 850 000 seasonal workers (EU citizens, working on fixed-term assignments in another Member State in agriculture, accommodation or food services).³⁰

At the same time, the pandemic has highlighted that seasonal workers face heightened risk of under- and undeclared work, as well as precarious living and working conditions such as inappropriate housing or crowded transportation, and limited or no access to sanitary, hygiene or social distancing measures. The precise level of undeclared work in seasonal sectors is difficult to measure; different results occur due to different measurement methods, data sources and estimations. The above-mentioned Commission study estimates that there are over 135 000 undeclared seasonal workers in agriculture, accommodation and food services in eight countries analysed (Austria, Belgium, Czech Republic, Germany, Spain, France, Italy and the Netherlands), and over **200 000 undeclared seasonal workers (EU citizens)** in the same sectors for the whole EU.³¹ The International Labour Organization (ILO) reported that some 61.2 % of the EU agricultural labour force were engaged in informal employment in 2019, compared with 11.5 % of the manufacturing workforce.³² Data from 2018 further showed that 14 % of

²⁵ European Parliament, (19 June 2020). Bold measures needed to protect cross-border and seasonal workers in EU, MEPs say. Available at: <https://www.europarl.europa.eu/news/en/press-room/20200615IPR81233/bold-measures-needed-to-protect-cross-border-and-seasonal-workers-meps-say>

²⁶ Eurofound, (2016). Exploring the fraudulent contracting of work in the European Union. Luxembourg: Publications Office of the European Union; and European Platform undeclared work, (2021). Counteracting undeclared work and labour exploitation of third-country national workers. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23573&langId=en>

²⁷ Ibid.

²⁸ European Parliament, (19 June 2020). Bold measures needed to protect cross-border and seasonal workers in EU, MEPs say. Available at: <https://www.europarl.europa.eu/news/en/press-room/20200615IPR81233/bold-measures-needed-to-protect-cross-border-and-seasonal-workers-meps-say>

²⁹ Eurofound, (2016). Exploring the fraudulent contracting of work in the European Union. Luxembourg: Publications Office of the European Union; and European Platform undeclared work, (2021). Counteracting undeclared work and labour exploitation of third-country national workers. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23573&langId=en>

³⁰ European Platform undeclared work, (16 March 2021). Presentation by DG EMPL at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

³¹ European Platform undeclared work, (16 March 2021). Presentation by DG EMPL at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

³² ILO calculations based on EU Statistics on Income and Living (SILC) data (Pintado Nunes, 2019) in European Platform undeclared work (2019). Tackling undeclared work in the agricultural sector: a learning resource.

the employees in accommodation and food services were in unregistered employment, compared with 5 % of employees in the EU economy overall.³³

The European Federation of Trade Unions in the Food, Agriculture and Tourism (EFFAT) estimates that there are 10 million dependent employees³⁴ working in agriculture – which includes 4 million cross-border workers. About 90 % of them - **about 3.6 million - are seasonal workers**. 40 % of agricultural workers are EU citizens from other Member States or third-country nationals (2/3 and 1/3 respectively).³⁵ EFFAT also stated that the number of undeclared seasonal workers is high in Mediterranean countries and low in Scandinavian countries.³⁶

There is a clear **geographical divide** between Central and Eastern European countries as 'sending' countries and Western European countries as 'receiving' countries of EU nationals.³⁷ Moreover, many seasonal workers 'return' to a specific employer each season which also brings the possibility of targeting policy measures better. In 2020, due to COVID-related travel restrictions, EU countries had to rely on workers from within the EU. For example, in Sweden berry picking has been traditionally performed by third-country nationals from Asia. In 2020, however, the Swedish Work Environment Authority observed an increase of (undeclared) workers from the EU. Still, research argues that, due to the demand of a flexible workforce, third-country nationals will remain important in the provision of seasonal work.³⁸

1.3 EU legislation and recent initiatives

A comprehensive EU acquis applies to (mobile and third-country) seasonal workers in the fields of working and living conditions, social security and information exchange.³⁹ **Article 45 TFEU and Regulation (EU) No 492/2011**⁴⁰ sets out that EU citizens have the right to look for employment, including seasonal employment, in another Member State and receive the same treatment as nationals. In particular, EU workers who exercise free movement have the right to be assisted by the host Member State's national bodies to promote equal treatment, to go to court in case of discrimination by reason of nationality, and to be supported by trade unions and other entities in any judicial and/or administrative procedure according to **Directive 2014/54/EU**.

Workers' rights are further specified in regulations relevant to either different types of workers (e.g. posted workers or third-country nationals), or the legal area concerned (e.g. social security systems' coordination). The rights of posted workers (including EU seasonal workers employed in one Member State and sent by their employer or via a temporary work agency to work in another Member State) are protected by **Directive 96/71/EC**.⁴¹

³³ Williams and Horodnic (2018) in European Platform undeclared work, (2020). Tackling undeclared work in the tourism sector.

³⁴ In some Member States, a person is an "employee" if they perform "dependent work". "Dependent work" is work performed in a relationship of employer superiority and employee subordination, carried out in the name of the employer, according to instructions of the employer (definition based on the Czech Labour Code, but also applicable to other Member States). For more information: European Platform undeclared work, (2020). Tackling undeclared work in the air transport sector, with a special focus on bogus self-employment of aircrews: a learning resource. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23097&langId=en>

³⁵ European Platform undeclared work, (2019). Tackling undeclared work in the agricultural sector: a learning resource and European Platform undeclared work, (2021). Counteracting undeclared work and labour exploitation of third-country national workers. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23573&langId=en>

³⁶ European Platform undeclared work, (16 March 2021). Presentation by EFFAT at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices

³⁷ MoveS, (28 September 2020). Summary Report: The situation of seasonal workers in selected Member States

³⁸ Lücke Matthias, Kiel Institute for the World Economy, (June 2020). COVID-19: Impact on International Migration: Upheaval in the Short Run but Few Lasting Effects. Available at: https://www.medam-migration.eu/fileadmin/Dateiverwaltung/MEDAM-Webseite/Publications/Policy_Papers/wipo_26/wipo_26_COVID-19_and_migration.pdf

³⁹ Guidelines on Seasonal Workers in the EU in the context of the Covid-19 outbreak [C(2020) 4813 final].

⁴⁰ Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union.

⁴¹ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.

A more recent Directive, which Member States had to transpose by 30 July 2020,⁴² ensures equal pay and working conditions between posted and local workers. Furthermore, Member States need to ensure effective mechanisms for posted seasonal workers that enable them to lodge complaints against their employers directly in the Member State where they are or were posted. Trade unions or other third parties are encouraged to provide support in setting up such effective complaint mechanisms, as well as in assisting the initiation of legal proceedings (**Directive 2014/67/EU**⁴³).

Directive 2008/104/EC on Temporary Agency Work aims for equal treatment of persons hired by a temporary work agency, while the **Seasonal Workers Directive 2014/36/EU**⁴⁴ sets out the conditions for admission of third-country seasonal workers and their rights in the EU. The latter include a valid work contract and equal treatment of seasonal workers with the nationals of the Member State in which they work, in some key areas (agriculture, horticulture and tourism⁴⁵).

In terms of social security aspects related to seasonal work, seasonal workers, like all EU workers, should be covered by the social security system of one Member State at any given time (as set in **Regulation (EC) No 883/2004**⁴⁶).

In addition, seasonal workers and their employers need information about their rights and obligations. Workers, including seasonal workers, must receive the information on essential aspects of their employment relationship in writing within seven calendar days counted as from the start of the employment relationship (Directive 91/533⁴⁷ which is being replaced by **Directive EU 2019/1152**⁴⁸).

In recent months, EU institutions have undertaken additional actions to address the risks seasonal workers face. In that context, the **Commission Guidelines on Seasonal Workers** in the EU⁴⁹ adopted on 16 July 2020 provide guidance to national authorities, labour inspectorates and social partners to guarantee the rights, health and safety of seasonal workers, and to ensure that seasonal workers are aware of their rights. The Commission has invited the European Labour Authority (ELA) to coordinate an awareness-raising campaign targeted to sectors more exposed to seasonal work and to work closely with its European Employment Services (EURES) counterparts, which is taken on board in the Work Programme of the European Labour Authority 2021⁵⁰ and the ELA Draft Single Programming Document 2022-2024.⁵¹

2 DETERRENCE AND PREVENTATIVE POLICY APPROACHES

Key questions:

⁴² Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services.

⁴³ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC.

⁴⁴ 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.

⁴⁵ Recital (13) of the Directive.

⁴⁶ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland).

⁴⁷ Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

⁴⁸ Directive EU 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union

⁴⁹ European Commission (16 July 2020). Communication from the Commission. Guidelines on Seasonal Workers in the EU in the Context of the Covid-19 Outbreak. Available at: https://ec.europa.eu/info/sites/info/files/guidelines_on_seasonal_workers_in_the_eu_in_the_context_of_the_covid-19_outbreak_en.pdf

⁵⁰ European Labour Authority, (2020). Work Programme of the European Labour Authority 2021. Available at: https://www.ela.europa.eu/sites/default/files/2020-12/ELA_Work_programme_report_2021_final.pdf

⁵¹ European Labour Authority, (2020). ELA Draft Single Programming Document 2022-2024. Available at: https://www.ela.europa.eu/sites/default/files/2021-01/Draft-SPD-2022-2024_0.pdf

- Which are the concrete deterrence and preventative policy approaches, directed at seasonal workers?
- How can different government bodies and social partners cooperate in applying a combination of direct and indirect measures, including across borders?

Impact of COVID-19

EU countries undertook various measures to **address and manage workforce flows during the COVID-19** pandemic. In order to ensure sufficient workforce supply, the Council Recommendation⁵² on 30 June 2020 notes that essential travel should be allowed for specific categories, including seasonal workers in agriculture. Some countries extended or renewed seasonal work permits and suspended waiting periods for asylum seekers (e.g. Finland, Belgium⁵³, Spain⁵⁴). Others improved monitoring of workflows, for example, employers in Belgium were obliged not only to register their seasonal staff (with name, place of residence, etc.), but also to ensure workers register with the Public Health Passenger Locator Form when entering Belgium.⁵⁵

In this context, concerns about the **health and safety of workers** have been raised. The European Employers' Group of Professional Agricultural Organizations (Geopa-Copa) signed a joint statement with EFFAT, urging Member States to consider the food and drink workforce as a priority group for vaccination.⁵⁶ Most countries also provided specific COVID-19 protection guidelines, such as the Dutch Corona Protocol⁵⁷ and the instructions for protecting seasonal workers published by the **French government**.⁵⁸ These instructions aim to protect seasonal workers via health protocols. These protocols also have a positive effect on preventing undeclared work (as more controls on the movement of seasonal workers take place).

Adopting working methods in enforcement authorities

Disruptions caused by the COVID-19 pandemic meant that enforcement bodies had to work with increased **health risks for workers and labour inspectors**. Workforce flows have also been disrupted in 2020, so national measures and cross-border cooperation needs to consider 'new types' of workers.

In addition, the labour inspectors changed their **working methods**. For instance, inspectors in the Netherlands were forced to cease on-site visits and start to perform checks via phone calls.⁵⁹ In Italy, the frequency of labour inspections also decreased in the

⁵² Council Recommendation (EU) 2020/912 of 30 June 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction.

⁵³ European Migration Network, (2020). Attracting and protecting the rights of seasonal workers in the EU and the United Kingdom – Synthesis Report. Brussels: European Migration Network. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/docs/pages/00_eu_seasonal_workers_study_synthesis_report_en_1.pdf and

ETUC, (12 June 2020), National measures targeting seasonal workers to address labour shortages (particularly in the agricultural sector). Available at: https://www.etuc.org/sites/default/files/publication/file/2020-06/Covid-19%20Briefing%20Seasonal%20Workers%20Final_updated%2012%20June%202020.pdf

⁵⁴ Ministry of Health, (2020). Order SND/421/2020 of 18 May 2020, adopting measures relating to the extension of stay and residence and/or work authorisations and other situations of foreigners in Spain, in application of Royal Decree 463/2020 of 14 March 2020 declaring a state of emergency for the management of the health crisis caused by the COVID-19. Available at: <https://www.boe.es/boe/dias/2020/05/20/pdfs/BOE-A-2020-5141.pdf>

⁵⁵ European Platform undeclared work (16 March 2021). Presentation by Belgium at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

⁵⁶ Geopa-Copa, (16 February 2021). Joint Statement: Only healthy workers can feed Europe. Available at: <https://copa-cogeca.eu/Archive/Download?id=3865712&fmt=pdf>

⁵⁷ ETUC, (12 June 2020), National measures targeting seasonal workers to address labour shortages (particularly in the agricultural sector). Available at: https://www.etuc.org/sites/default/files/publication/file/2020-06/Covid-19%20Briefing%20Seasonal%20Workers%20Final_updated%2012%20June%202020.pdf

⁵⁸ French Ministry of Labour, Employment and Integration, (2021). COVID-19 Protocols. Available at: https://travail-emploi.gouv.fr/IMG/pdf/covid-19_maraichage_v19022021.pdf and https://travail-emploi.gouv.fr/IMG/pdf/covid-19_viticulture_v19022021.pdf

⁵⁹ ETUC, (12 June 2020), National measures targeting seasonal workers to address labour shortages (particularly in the agricultural sector). Available at: https://www.etuc.org/sites/default/files/publication/file/2020-06/Covid-19%20Briefing%20Seasonal%20Workers%20Final_updated%2012%20June%202020.pdf

agricultural fields during the pandemic, which reportedly contributed to an increase in irregular workers.⁶⁰ In Sweden, multi-authority inspections were affected and their number dropped in 2020.⁶¹ However, other countries, such as Belgium and Germany, continued to inspect on-site. To protect workers and inspectors, Germany introduced smaller teams of about five inspectors visiting farm sites.⁶²

Policy approaches for transforming undeclared work into declared work

The impact of COVID-19 confirmed the need for a **holistic approach**⁶³ when tackling undeclared work. This approach joins-up different agencies and uses a range of policy measures to transform undeclared work into declared work. Some examples of are presented in the box below.

Box 1. Holistic approaches in seasonal work before and after COVID-19

Joint inspections in Sweden – multiple goals achieved through a single site visit

Border police, work environment inspectors and tax agency agents participate in **joint inspections** (for instance in agriculture fields in southern Sweden). During a single site visit, the authorities check for several types of law infringements, such as working conditions, access to sanitation facilities and registration for social security.⁶⁴

Plans and Taskforces – cooperation between public bodies and social partners

In **Italy**, the first national **three-year Plan to tackle labour exploitation and unlawful recruitment in agriculture (2020-2022)**⁶⁵ was adopted in February 2020. The plan focusses on interventions based on prevention, protection and enforcement measures that will be implanted in a multi-stakeholder approach by local, regional and national actors. It has been developed by a joint committee co-chaired by the Ministers of Labour and Social Policies and of Agriculture and composed of national and local institutions, representatives of the social partners and civil society organisations. The plan focuses on fighting the phenomenon of 'caporalato' (illegal intermediation and exploitation of migrant workers by gangmasters). The plan is structured around four strategic pillars; prevention, protection, enforcement and remedies. It defines, among others, steps for the development of decent housing for agricultural workers, addresses labour exploitation in agriculture, promotes decent work and aims for a better enforcement of labour law.⁶⁶

In **the Netherlands**, the **Migrant Workers Protection Taskforce** was set up by six ministries, the labour inspectorate, the public prosecutor's office and regions who are responsible for COVID-19 related health and safety measures, as a result of high infection rates among seasonal workers. Social partners were included in an advisory group, as well as regional and authorities (provinces and municipalities). The taskforce's short-term goal is to provide recommendations how to protect cross-border seasonal

⁶⁰ Open Society, European Policy Institute, (July 2020), Covid-19, agri-food systems, and migrant labour: the situation in Germany, Italy, The Netherlands, Spain, and Sweden. Available at: <https://cadmus.eui.eu/handle/1814/68030>

⁶¹ European Platform undeclared work, (16 March 2021). Presentation by Sweden at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

⁶² European Platform undeclared work, (16 March 2021). Commentary by Germany at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

⁶³ See also: European Platform tackling undeclared work. Glossary. Available at: <https://ec.europa.eu/social/main.jsp?catId=1323&langId=en>

⁶⁴ European Platform undeclared work, (16 March 2021). Presentation by Sweden at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

⁶⁵ Italian Ministry of Labour and Social Policy, (2020). Three-year Plan to tackle labour exploitation and unlawful recruitment in agriculture (2020 – 2022). Available at: https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-rome/documents/genericdocument/wcms_766362.pdf

⁶⁶ ILO, (11 March 2020). Press release: Italy adopts the first National Plan to tackle labour exploitation in agriculture. Available at: https://www.ilo.org/rome/risorse-informative/comunicati-stampa/WCMS_738466/lang--en/index.htm

workers against COVID-19, and the mid- and long-term goal is to strengthen the position of foreign workforce in the Netherlands.⁶⁷

Direct approaches (deterrence and incentives, including prevention) reduce the costs and increase the benefits of declared work, increase the costs and reduce the benefits of operating undeclared. **Indirect approaches**, meanwhile, recognise that citizens and businesses are not just rational economic actors (purely calculating the costs and benefits), but also social actors whose beliefs or norms may not align with declared work.⁶⁸ Table 1 provides an overview of directed and indirect approaches targeted at seasonal work.

Table 1. Types of policy approaches and measures targeting seasonal workers

Approach	Tools	Policy approaches and measures for seasonal workers
Direct approach: Deterrent	Improved detection	<p>Inspections in sectors with high concentration of seasonal workers, taking into account remote workplace settings</p> <p>Use of datamining, consolidation of databases and registers (including cross-border), red-flags</p> <p>Digital recording of working time</p> <p>Restricting subcontracting (e.g. in the meat industry)</p> <p>ID cards in the construction sector</p> <p>Tools for assessing the self-employment status</p>
Direct approach: Deterrent	Improved penalties	Sanctions (administrative and criminal), use of joint liability
Direct approach: Incentives	for employers	<p>Simplified procedures and contracts for seasonal workers, employee sharing, compliance list</p> <p>Tax and or social security deductions</p>
Direct approach: Incentives	for workers	<p>Regularisation initiatives which permits some groups of irregularly working third-country nationals to gain a residency status and work authorisation, allowing them to work declared</p> <p>Specific work contracts for seasonal workers (e.g. one-day contracts, 'flexi-jobs'), service vouchers</p> <p>Automatic extension/renewal of seasonal work permits and suspending the waiting period for asylum seekers during COVID-19</p>
Direct approach: Incentives	for customers	Labelling initiatives, direct or indirect tax incentives to purchased declared goods
Indirect approach	Change in informal institutions	Campaigns, websites, videos, leaflets and apps for seasonal workers (and employers) with practical, legal and administrative information on wages, working time,

⁶⁷ European Platform undeclared work, (16 March 2021). Presentation by the Netherlands at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

⁶⁸ Ibid.

	(norms and beliefs) via education and awareness-raising	workers' rights in different languages (maintained by government and social partners, ideally through cross-border cooperation) Websites with job offers for sectors, where there is a need to engage seasonal workers
Indirect approach	Change in formal institutions (laws, regulations etc) framework	Transposition of EU rules, e.g. on equal treatment of third-country seasonal workers, in national legislation Collective agreements negotiated by trade unions Making CAP payments to farmers conditional to the respect of labour legislation and health and safety regulations (current recommendation by social partners) Setting minimum quality standards (e.g. for housing)

Source: CSD/ICF, based on European Platform tackling undeclared work (2019). *Tackling undeclared work in the agricultural sector: a learning resource*.

2.1. Deterrence policy approaches at national level

There are two major deterrence policy approaches to tackle undeclared seasonal work – **improved detection** (e.g., through mandatory registration, inspections, data-mining, digital recording of working time, etc.) and **penalties** (sanctions, joint liability). Most common deterrence measures for undeclared seasonal work are (announced and unannounced) inspections and fines.

Improved detection and risk analysis

The added value of better risk analysis, certified cash registers, ID cards and supply chain due diligence has been noted in previous Platform recommendations (e.g., related to the tourism sector).⁶⁹ In agriculture, the Platform has noted that notification letters based upon data mining have the potential to complement (often less effective) workplace inspections.⁷⁰

Additional **examples of improved detection** emerged during the pandemic:

- The Belgian authorities identify workers (including seasonal workers) with a risk of infection rates through **datamining** (based on Dimona, Limosa, Déclaration multifonctionnelle-DmfA, and the Public Health Passenger Locator Form-PLF).⁷¹
- After COVID-19 outbreaks in the meat processing industry, a new Labour Protection Control Law (Arbeitsschutzkontrollgesetz) was adopted in Germany which regulates the **electronic registration of working time** and a restricts subcontracting in the meat processing sector. The law also sets out minimum standards for accommodation for seasonal, mobile or posted employees. There have been calls to extend measures for seasonal workers in agriculture.⁷²

Participants of the seminar also pointed at the practice of the **mandatory registration obligation** for seasonal workers, which helped determining the exact location of the seasonal workers during the pandemic. For instance, in Belgium employers are obliged register seasonal workers (names and places of stay during their seasonal work period), which was combined with the submission of the Public Health Passenger Locator Form (PLF)

⁶⁹ European Platform undeclared work, (2020). Tackling undeclared work in the tourism sector.

⁷⁰ European Platform undeclared work, (2019). Tackling undeclared work in the agricultural sector: a learning resource. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20885&langId=en>

⁷¹ European Platform undeclared work (16 March 2021). Presentation by Belgium at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

⁷² <https://www.topagrar.com/management-und-politik/news/ig-bau-fordert-besseren-schutz-fuer-saisonarbeiter-in-der-landwirtschaft-12450346.html>

and a negative COVID-test in 2020. The Dutch Migrant Workers Protection Taskforce now also recommends the introduction of such a practice in the Netherlands.

After risk companies are identified, more targeted measures are applied at national and cross-border level, such as inspections.

Inspections

Inspections are prominent means to detect undeclared work in agriculture and tourism, but are limited by changing and remote settings, language barriers and legal loopholes which do not require the employer to issue employment contracts on the first day of work.

Some inspection methods address remote workplace settings in agriculture, as well as possible language barriers by using translators. In Sweden, joint inspections by the border police, the Work Environment Authority and Tax Agency use **helicopters** provided by the police to locate seasonal workers in the forest industry, planting trees. As an alternative, **drones** are applied in a project by the State Labour Inspectorate of Latvia. However, these approaches alone can be quite costly and inefficient.

For more efficient and cost-effective policy measures, it is recommended to **combine inspections with preventative policy measures**. For instance, the Swedish Work Environment Authority plans to focus more on information and guidance targeted at the employers and awareness raising. Moreover, **joint collaboration** approaches with migration or police authorities help to tackle specific cases of exploitive employers. Especially police forces may have different enforcement mandates and are able to prosecute criminal infringements.

Penalties, fines and sanctions

In general, sanctions for undeclared work could follow criminal (e.g. imprisonment) and/or administrative (e.g. fines) procedures,⁷³ complemented by additional penalties such as the withdrawal of A1 forms (Ireland), confiscation of cars (the Netherlands)⁷⁴ or closing of businesses. Publicising the fines on public websites and media coverage on fraudulent cases is considered by the participants of the seminar to have a deterring effect.

However, effective enforcement of the fines remains a challenge in some Member States. The probability of enforcing sanctions and compliance is raised by the use of joint liability mechanisms in some countries (Portugal⁷⁵). Examples on the level of sanctions in seasonal-intensive sectors are presented below.

Box 2. Examples of sanctions applied in seasonal sectors

Spain has a relatively high level of fines for labour law and social security violations. Fines, could range from EUR 6 251 to EUR 25 000 for minor infringements; from EUR 25 001 to EUR 100 005 of law violation in their medium degree, and from EUR 100 006 to EUR 187 515 in their maximum degree.⁷⁶

In a recent case in **Sweden**, the municipality of Vidsel gave a company a sanction fee of 100 000 EUR/month for undeclared workers living in sub-standard conditions (workers were given accommodation in a house with no water and no heating by the owner of a berry company)⁷⁷.

⁷³ European Platform undeclared work, (2021). An enhanced learning resource paper from the thematic review workshop on cross-border sanctions in the area of undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23574&langId=en>

⁷⁴ European Platform undeclared work, (16 March 2021). Discussion during the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

⁷⁵ Ibid.

⁷⁶ Ministry of Labour and Social Economy. Penalties in the social order. Available at: https://www.mites.gob.es/es/Guia/texto/guia_10/contenidos/guia_10_21_3.htm and European Parliament (2021). Migrant seasonal workers in the European agricultural sector. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689347/EPRS_BRI\(2021\)689347_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689347/EPRS_BRI(2021)689347_EN.pdf)

⁷⁷ European Platform undeclared work, (16 March 2021). Presentation by Sweden at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

In **Italy**, Law n.199/16 from 29 October 2016 introduced stricter criminal penalties aimed at counteracting the hiring of irregularly staying workers in agriculture. According to trade unions, this alarming phenomenon involves about 400 000 workers. The penalties range from one to six years of imprisonment and could increase up to eight years for more severe cases, including violence or treats. A fine from EUR 500 to EUR 1 000 for each worker illegally recruited is always applicable.⁷⁸

Cross-border deterrence policy approaches

Cross-border seasonal undeclared work requires cooperation between enforcement bodies across the EU.

Concerted and joint inspections are part of these measures and can be an effective deterrent by bringing together the investigative powers, expertise and resources of multiple partners. Moreover, language and cultural barriers can be addressed via visiting inspectors. Recently, there has been an increased focus on cross-border deterrence measures, such as planned inspections between German and Dutch inspectors in the meat-processing sector.

Moreover, **international collaboration requires capacity-building** of inspectors. In that context, Spain has created a Special Coordination Unit for the Fight against Transnational Labour Fraud in 2020, which relies not only on its national actions, but also on international cooperation. The objective is to coordinate actions carried out by the Labour Inspectorate related to labour mobility and the fight against transnational labour fraud and undeclared work in the EU and the EFTA. This task will be achieved by exchange of information and administrative cooperation with other Member States through the Internal Market Information System and the coordination of social security systems. Depending on the needs, the unit may form joint inspection teams with other foreign partners.⁷⁹

Bilateral agreements and cooperation also strongly facilitate the more efficient exchange of information, risk analysis and detection of undeclared work, as well as the consequent joint or concerted inspections and sanctioning. For instance, The Norwegian Labour Inspection Authority has signed bilateral agreements with Estonia, Lithuania, Latvia, Poland, Bulgaria and Romania, in order to facilitate the implementation of joint inspections, sharing of good practices and information.⁸⁰

2.2. Preventative policy approaches at national level

Policy measures to prevent undeclared work among seasonal workers include direct incentives for employers and workers, as well as indirect incentives, which can be subdivided into two types: (i) education and awareness campaigns, websites, and guidelines, and (ii) changes in the institutional setup (e.g. national laws, collective agreements, setting up of new public institutions or procedures).

Direct incentives for employers, workers or customers

An example of direct incentives for employers are **tax deductions**. In Belgium, social security contributions for seasonal workers are calculated on the basis of a low fixed (standard) daily income (e.g. EUR 21,2 per day agriculture) instead of the actual income, and determined by the applicable sectorial agreement (e.g., in the agriculture sector, an

⁷⁸ Davide Sartori, (2020). The "Caporalato" phenomenon three years after the approval of law no. 199/16: repression that works and prevention that does not exist. Filodiritto. Available at: <https://www.filodiritto.com/il-caporalato-tre-anni-dallapprovazione-della-legge-n-19916-la-repressione-che-funziona-e-la-prevenzione-che-non-ce> and Italian Chamber of Deputies, Areas of work and parliamentary activity of the XVII legislature, Law of October 29th 2016, n.199/16. Available at: https://temi.camera.it/leg17/post/OCD25-272.html?tema=temi/nuovi_reati_d

⁷⁹ Ministry of Labour and Social Economy, (2020). Order TES/967/2020 of 6 October 2020, creating the Special Coordination Unit on the Fight against Fraud in Transnational Labour, in the State Agency for Labour and Social Security Inspection. Available at: <https://www.boe.es/buscar/pdf/2020/BOE-A-2020-12359-consolidado.pdf>

⁸⁰ European Platform undeclared work, (16 March 2021). Presentation by Norway at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

amount of EUR 2,70 per working day must be deducted as social contributions). Many seasonal workers also benefit from the application of a special social security scheme (called the 'work bonus') aiming to guarantee a higher net salary for workers with low wages. In addition, some Member States have reduced social security contributions for temporary work (agency) contracts.^{81 82}

In Finland, **employee sharing** is utilised in the agricultural sector. An employee works for two or more employers as part of a single employment relationship, by signing 'joint employment contract'. This allows increased flexibility for employers and the equivalent of full-time contracts for employees, in a sector which is mainly based on seasonal and on-demand work.⁸³ Other examples of employer incentives are compliance lists of companies, such as the Italian Quality Agricultural Work Network, or simplified procedures to hire and declare workers.

Seasonal workers are incentivised to declare work by **specific work contracts**, such as the one-day labour contracts in agriculture in Bulgaria⁸⁴, short term employment contracts in Estonia⁸⁵, 'flexi-jobs' and reduced overtime payments in the tourism sector.

Another direct incentive for both workers and their employers are **regularisation measures** which allow some groups of irregularly working third-country nationals to gain a residency status and work authorisation. For example, in Italy the 2020 Regularisation of Migrant Workers Act (the so-called 'Relaunch Decree'), initiated by the Agriculture Minister, CGIL-FLAI and other social partners at the early stage of the COVID-19 outbreak, allowed 14 000 migrants to apply for work permit and 43 680 migrants to apply for a residence permit.⁸⁶ The Act provided two tracks for regularisation for migrants who have previously worked in agriculture, fishing, care and domestic work: a) third-country nationals who have been in Italian territory without a valid residence permit since October 2019 could apply for a six-month residence permit to look for a job, and b) employers could apply to regularise their foreign and Italian workers without a regular contract by putting in place proper employment contracts. Fondazione Moressa estimated that, besides public health advantages, the annual fiscal benefits could range from 2 800 to 5 250 EUR for each worker.⁸⁷

Furthermore, advice provided by social partners and NGOs guides seasonal workers to comply. Spain has created the role of an '**integration consultant**' in the strawberry sector: trade unions and NGOs select candidates, monitor their arrival to Spain as well as their work.⁸⁸ In Italy, social partners in the agriculture sector (FLAI-CGIL) have set up **migrant support offices** in some of the sending countries (in cooperation with local trade unions) and in some Italian regions. The previously signed cooperation agreements with Bulgarian, North Macedonian and Romanian trade unions greatly facilitated the procedure.

⁸¹ MoveS, (28 September 2020). Summary Report: The situation of seasonal workers in selected Member States

⁸² The use of specific contracts for seasonal work implies however in many instances that the workers are not covered by social security legislation applicable to standard workers. Examples mentioned in the MoveS Summary Report on the situation of seasonal workers in selected Member States (2020) are the contracts for marginal work which do not fall under the compulsory social insurance for employees (Germany), casual employment contracts used in the grape harvesting for workers staying less than three months (Luxembourg) or the civil law contracts or contracts for a specific task which are not governed by labour legislation (Poland).

⁸³ European Platform undeclared work, (July 2019). Employee sharing /joint employment in agriculture. Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=21458&langId=en>

⁸⁴ Eurofound, (14 December 2015). Bulgaria: One-day labour contracts introduced. Available at: <https://www.eurofound.europa.eu/publications/article/2015/bulgaria-one-day-labour-contracts-introduced>

⁸⁵ Work Estonia, (2021). Register short term working. Available at: <https://www.workinestonia.com/coming-to-estonia/register-short-term-working/>

⁸⁶ European Platform undeclared work, (16 March 2021). Presentation by Italy at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

⁸⁷ European Commission, European Web Site on Integration, (18 May 2021). Italian government adopts targeted regularisation for migrant workers. Available at: <https://ec.europa.eu/migrant-integration/news/italian-government-adopts-targeted-regularisation-for-migrant-workers>

⁸⁸ In the Ethical, Labour and Social Responsibility Plan (PRELSI), see ETUC, (12 June 2020), National measures targeting seasonal workers to address labour shortages (particularly in the agricultural sector). Available at: https://www.etuc.org/sites/default/files/publication/file/2020-06/Covid-19%20Briefing%20Seasonal%20Workers%20Final_updated%2012%20June%202020.pdf

These offices ensured that workers receive support in both their home and host country. After a 2019 awareness campaign, 35% of the contacted 2 000 seasonal workers visited the Italian information offices.⁸⁹

Incentives for customers to buy declared services can also apply to seasonal workers, for example holiday vouchers for registered tourist accommodation⁹⁰ (e.g. tourism vouchers for public sector employees in Romania).⁹¹ There is also the potential to use vouchers for occasional labour in agriculture⁹² or supermarket labels that require suppliers to meet workers' rights and levy on ethical awareness of customers.

Indirect incentives

The pandemic led to the creation of various campaigns, websites and apps for seasonal workers with information about their rights and obligations (**indirect incentives**). Ideally, awareness-raising campaigns disseminate messages related to workers' rights, but also information on how to turn undeclared work into declared work. It is important to note that, while awareness-raising campaigns are currently focused on social distancing and hygiene measures, they should also include wider aspects related to labour law or social security fraud.

Authorities and social partners cooperate in developing **innovative tools** for reaching out to workers, such as automatic translation on awareness-raising websites or targeted advertisements on social media. For example, the 'Know Your Rights' campaign in Norway uses an algorithm to determine the language of social media ads (e.g. if a Romanian worker watches YouTube, they will then receive a relevant ad in Romanian). Authorities from the sending countries assist the Norwegian labour inspectors by answering questions on social media, in the framework of established cross-border cooperation and bilateral agreements. The campaign also maintains a website (www.knowyourrights.no), where users receive information on the minimum wage by sector, wage calculations for two-shift and three-shift arrangements, overtime pay and limits in eight different languages. Furthermore, the EEA/Norway Grants fund Norwegian projects implemented jointly with Estonia, Lithuania, Bulgaria and Romania, aimed at joint and concerted inspections, exchange of best practices, and informing seasonal workers and companies operating in Norway on the rights and living standards for seasonal workers through webinars.⁹³

Other **campaigns target specifically the seasonal workers**. For example, the 'Working in Finnish Countryside' campaign in Finland, managed by the Ministries of Agriculture and Forestry, Economic Affairs and Employment together with the public employment services, has a dedicated web-page for seasonal workers in agriculture.⁹⁴ Seasonal workers can also find information about their labour rights in [YouTube videos](#) in their native language. The website <https://emploi.belgique.be> maintained by the Belgian Federal Public Service Employment, Labour and Social Dialogue to the Ministry of the Economy and Labour provides information on compulsory approval of temporary work companies, and the legal regulations and working conditions related to temporary work.

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 to seasonal workers before their departure.

⁸⁹ European Platform undeclared work, (16 March 2021). Presentation by FLAI-CGIL at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

⁹⁰ European Platform undeclared work, (2017). Practitioner Toolkit: Tools and approaches for tackling undeclared work in the construction sector. Available at: <https://ec.europa.eu/social/BlobServlet?docId=18825&langId=en>

⁹¹ European Commission, DG Employment, (10 August 2020). Tackling undeclared work – success stories from various sectors. Available at: <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9750&furtherNews=yes>

⁹² European Platform undeclared work, (2019). Tackling undeclared work in the agricultural sector: a learning resource. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20885&langId=en>

⁹³ European Platform undeclared work, (16 March 2021). Presentation by Norway at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

⁹⁴ <https://www.töitäsuoemesta.fi/for-job-seeker-en/>

2.3 The role of the social partners

Social partners have a substantial role in tackling undeclared work among seasonal workers. They are invaluable in carrying out awareness raising campaigns, supporting the risk analyses and inspections by providing data and insight on companies or undeclared work trends, interpretation services, templates of documents, as well as policy recommendations.

The social partners' role in **awareness raising** is substantial, also during the health crisis. For instance, the 'Fair Mobility Website and Hotline' of the German Trade Union Confederation gives legal, practical and COVID-19 related advice to seasonal workers in their native language.⁹⁵ Another example are counselling services for seasonal workers by the Spanish Workers' Commissions Trade Union of Catalonia (CCOO).⁹⁶

Collective agreements negotiated by trade unions emphasise minimum standards in terms of wages and working conditions and continuously aim to improve legislation and policy measures.

At EU level, social partners join forces to target information to cross-border seasonal workers in their home and destination country and can develop common online tools, such as the **OiRA (Online interactive Risk Assessment)**⁹⁷ a web-based platform solution coordinated by the European Agency for Safety and Health at Work (EU-OSHA) which helps employers to manage occupational safety and health risks (including COVID-19) in a wide range of sectors.

3 KEY LEARNING OUTCOMES

Key question:

- What are the key learning outcomes and what further actions are needed, in order to more efficiently address undeclared work among seasonal workers?

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.

Actions needed at national level

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. Therefore, fair and declared seasonal work **requires cooperation between the relevant public authorities** responsible for labour law, social security coordination, health and safety regulations. In many Member States, there have been increased inter-agency cooperation efforts, such as taskforces, protocols or national strategies, which will hopefully be sustained after the pandemic.

Moreover, collaboration between **enforcement authorities and social partners** is also needed, in order ensure better risk analysis, information on the ground and outreach to workers in order to inform them of their rights. Many trade unions ensure that workers receive support in their home and host country. It is also important to cooperate with social partners in the development of innovative tools (mobile phone apps, translation, use of social media, etc.), or to rely on them as a source for referrals to cases of labour law and human rights violations (e.g. received through hotlines).

⁹⁵ German Trade Union Confederation (Deutscher Gewerkschaftsbund). Fair mobility website and hotline. Available at: www.faire-mobilitaet.de

⁹⁶ Workers' Commissions Trade Union of Catalonia (CCOO), (May 2020). Are you a seasonal farm worker? Do you know your rights? Available at: https://www.ccoo.cat/pdf_documents/2020/campanyes_agricoles_angles.pdf

⁹⁷ OiRA (Online interactive Risk Assessment) website. Available at: <https://oiraproject.eu/en>

In this context, the seminar also reinforces the need to adopt a **holistic policy approach** and to use both direct and indirect policy measures, tailored to seasonal work. 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. Policy solutions targeting seasonal workers include regularisation measures, limiting the cash payments, introduction of e-governance and flexible seasonal contracts, encouraging the unionisation among seasonal workers, and improving the national legislation (e.g. setting rules for earlier registration and signing of labour contracts, so that undeclared seasonal workers cannot claim that it is their first day at work during inspections).

Actions needed at EU and cross-border level

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.⁹⁸

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) and sharing this data with other Member States could provide more evidence to inform policy approaches.

In addition, **cross-border cooperation** is necessary to analyse certain aspects, such as the role of fraudulent temporary work agencies/middlemen or networks of seasonal workers returning year after year to the same workplace.

An upcoming action plan on seasonal workers by the European Labour Authority (including a specific Platform strand) will promote awareness among cross-border seasonal workers and employers. ELA has also developed tools to support joint and concerted inspections. Collaboration between Member States on national and cross-border good practice can help to build a better evidence base on how to tackle undeclared seasonal work, throughout the COVID-19 related pandemic and beyond.

⁹⁸ <https://www.ela.europa.eu/concerted-and-joint-inspections>

BIBLIOGRAPHY

- Communication from the Commission Guidelines concerning the exercise of the free movement of workers during Covid-19 outbreak 2020/C 102 I/03. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0330\(03\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020XC0330(03))
- Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions (11 December 2019). The European Green Deal. Available at: https://ec.europa.eu/info/sites/info/files/european-green-deal-communication_en.pdf
- Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.
- Council of the European Union (12 October 2020). Improving the working and living conditions of seasonal and other mobile workers: Council adopts conclusions. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2020/10/12/improving-the-working-and-living-conditions-of-seasonal-and-other-mobile-workers-council-adopts-conclusions/>
- Council Recommendation (EU) 2020/912 of 30 June 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction.
- Davide Sartori, (2020). The "Caporalato" phenomenon three years after the approval of law no. 199/16: repression that works and prevention that does not exist. Filodiritto. Available at: <https://www.filodiritto.com/il-caporalato-tre-anni-dallapprovazione-della-legge-n-19916-la-repressione-che-funziona-e-la-prevenzione-che-non-ce> and Italian Chamber of Deputies, Areas of work and parliamentary activity of the XVII legislature, Law of October 29th 2016, n.199/16. Available at: https://temi.camera.it/leg17/post/OCD25-272.html?tema=temi/nuovi_reati_d
- Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services
- Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain. Available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32019L0633>
- Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work.
- 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>
- Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.
- Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC.
- Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.
- Directive EU 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union
- ETUC, (12 June 2020), National measures targeting seasonal workers to address labour shortages (particularly in the agricultural sector). Available at:

https://www.etuc.org/sites/default/files/publication/file/2020-06/Covid-19%20Briefing%20Seasonal%20Workers%20Final_updated%2012%20June%2020.pdf

- EFFAT, (17 February 2021). Press Release. Open Letter: The new CAP needs Social Conditionality. Available at: <https://effat.org/in-the-spotlight/press-release-open-letter-the-new-cap-needs-social-conditionality/>
- EU Strategic Framework on Health and Safety at Work 2014-2020. Available at: <https://ec.europa.eu/social/main.jsp?catId=151>
- EU-OSHA, (24 April 2020). COVID-19: back to the workplace – adapting workplaces and protecting workers. Available at: <https://osha.europa.eu/en/publications/covid-19-back-workplace-adapting-workplaces-and-protecting-workers/view>
- EURES portal. Available at: <https://ec.europa.eu/eures/public/homepage>
- Eurofound, (14 December 2015). Bulgaria: One-day labour contracts introduced. Available at: <https://www.eurofound.europa.eu/publications/article/2015/bulgaria-one-day-labour-contracts-introduced>
- Eurofound, (2016). Exploring the fraudulent contracting of work in the European Union. Luxembourg: Publications Office of the European Union; and European Platform undeclared work, (2021). Counteracting undeclared work and labour exploitation of third-country national workers. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23573&langId=en>
- European Commission, (16 July 2020). Communication from the Commission. Guidelines on Seasonal Workers in the EU in the Context of the Covid-19 Outbreak. Available at: https://ec.europa.eu/info/sites/info/files/guidelines_on_seasonal_workers_in_the_eu_in_the_context_of_the_covid-19_outbreak_en.pdf
- European Commission, (16 March 2020). Guidelines for border management measures to protect health and ensure the availability of goods and essential services. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:C:2020:086I:FULL&from=EN>
- European Commission, DG Employment, (10 August 2020). Tackling undeclared work – success stories from various sectors. Available at: <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9750&furtherNews=yes>
- European Commission, European Web Site on Integration, (18 May 2021). Italian government adopts targeted regularisation for migrant workers. Available at: <https://ec.europa.eu/migrant-integration/news/italian-government-adopts-targeted-regularisation-for-migrant-workers>
- European Labour Authority, (2020). ELA Draft Single Programming Document 2022-2024. Available at: https://www.ela.europa.eu/sites/default/files/2021-01/Draft-SPD-2022-2024_0.pdf
- European Labour Authority, (2021). Work Programme of the European Labour Authority 2021. Available at: https://www.ela.europa.eu/sites/default/files/2020-12/ELA_Work_programme_report_2021_final.pdf
- European Labour Authority. ELA's tools and procedures for concerted and joint inspections. Available at: <https://www.ela.europa.eu/concerted-and-joint-inspections>
- European Migration Network, (2020). Attracting and protecting the rights of seasonal workers in the EU and the United Kingdom – Synthesis Report. Brussels: European Migration Network. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/docs/pages/00_eu_seasonal_workers_study_synthesis_report_en_1.pdf and

- European Parliament (2021). Migrant seasonal workers in the European agricultural sector. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689347/EPRS_BRI\(2021\)689347_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689347/EPRS_BRI(2021)689347_EN.pdf)
- European Parliament, (19 June 2020). Bold measures needed to protect cross-border and seasonal workers in EU, MEPs say. Available at: <https://www.europarl.europa.eu/news/en/press-room/20200615IPR81233/bold-measures-needed-to-protect-cross-border-and-seasonal-workers-meps-say>
- European Parliament, (19 June 2020). Resolution on European protection of cross-border and seasonal workers in the context of the Covid-19 crisis. Available at: [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2020/2664\(RSP\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2020/2664(RSP)&l=en)
- European Platform tackling undeclared work, (2016). A learning resource: Developing a Holistic Approach for Tackling Undeclared Work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=17242&langId=en>
- European Platform undeclared work, (2016). Member State Factsheets and Synthesis Report. Available at: <https://ec.europa.eu/social/BlobServlet?docId=18860>
- European Platform undeclared work, (2017). Practitioner Toolkit: Tools and approaches for tackling undeclared work in the construction sector. Available at: <https://ec.europa.eu/social/BlobServlet?docId=18825&langId=en>
- European Platform undeclared work, (2018). Information Tools and Approaches to Reach Out to Workers and Companies in the Fight against Undeclared Work. A learning resource paper. Available at: <https://ec.europa.eu/social/BlobServlet?docId=19894&langId=en>
- European Platform undeclared work, (2018). Quality Agricultural Work Network, Italy. Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=19454&langId=en>
- European Platform undeclared work, (2019). A learning resource from the thematic review workshop on Cross-border concerted and joint inspections in the fight against undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=21430&langId=en>
- European Platform undeclared work, (2019). Tackling undeclared work in the agricultural sector: a learning resource. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20885&langId=en>
- European Platform undeclared work, (24 January 2019). Executive summary of the Platform seminar: "Tackling undeclared work in the agricultural sector, with a focus upon seasonal workers and horticulture".
- European Platform undeclared work, (July 2019). Employee sharing /joint employment in agriculture. Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=21458&langId=en>
- European Platform undeclared work, (2020). Tackling undeclared work in the tourism sector. Available at: <https://ec.europa.eu/social/BlobServlet?docId=22868&langId=en>
- European Platform undeclared work, (2021). An enhanced learning resource paper from the thematic review workshop on cross-border sanctions in the area of undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23574&langId=en>
- European Platform undeclared work, (2021). Counteracting undeclared work and labour exploitation of third-country national workers. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23573&langId=en>

European Platform undeclared work, (2021). Tools and approaches to tackle fraudulent temporary agency work, prompting undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23628&langId=en>

European Platform undeclared work, (16 March 2021). Presentations at the Seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices.

European Platform undeclared work. Glossary. Available at: <https://ec.europa.eu/social/main.jsp?catId=1323&langId=en>

European Trade Union Confederation (ETUC). Available at: <https://www.etuc.org/en>

Eurostat, (2019). Tourism industries - employment. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php/Tourism_industries_-_employment

Federal Ministry for the Middle Classes, the Self-employed, SMEs, Agriculture and Social Integration, (2015). Plan for Fair Competition. Available at: https://www.tommelein.com/wp-content/uploads/bsk-pdf-manager/Ondertekend_plan_eerlijke_concurrentie_BOUW_FR_150.pdf

Federal Public Service for Health, Food Chain Safety and Environment, (2021). COVID-19 Information: the Public Health Passenger Locator Form. Available at: <https://www.info-coronavirus.be/en/plf/>

For more information: European Platform undeclared work, (2020). Tackling undeclared work in the air transport sector, with a special focus on bogus self-employment of aircrews: a learning resource. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23097&langId=en>

French Ministry of Labor, Employment and Integration, (2021). COVID-19 Protocols. Available at: https://travail-emploi.gouv.fr/IMG/pdf/covid-19_maraichage_v19022021.pdf and https://travail-emploi.gouv.fr/IMG/pdf/covid-19_viticulture_v19022021.pdf

Geopa-Copa, (16 February 2021). Joint Statement: Only healthy workers can feed Europe. Available at: <https://copa-cogeca.eu/Archive/Download?id=3865712&fmt=pdf>

German Trade Union Confederation (Deutscher Gewerkschaftsbund). Fair mobility website and hotline. Available at: www.faire-mobilitaet.de

ILO, (11 March 2020). Press release: Italy adopts the first National Plan to tackle labour exploitation in agriculture. Available at: https://www.ilo.org/rome/risorse-informative/comunicati-stampa/WCMS_738466/lang--en/index.htm

ILO, (2015). Collective bargaining and non-standard forms of employment: Practices that reduce vulnerability and ensure work is decent. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_436125.pdf and https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_436125.pdf and Norsk Industry (Federation of Norwegian Industry) and Fellesforbundet (the United Federation of Trade Unions) sectoral agreement (2012-2014)

Italian Ministry of Labour and Social Policy, (2020). Three-year Plan to tackle labour exploitation and unlawful recruitment in agriculture (2020 – 2022). Available at: https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-rome/documents/genericdocument/wcms_766362.pdf

Lücke Matthias, Kiel Institute for the World Economy, (June 2020). COVID-19: Impact on International Migration: Upheaval in the Short Run but Few Lasting Effects. Available at: https://www.medam-migration.eu/fileadmin/Dateiverwaltung/MEDAM-Webseite/Publications/Policy_Papers/wipo_26/wipo_26_COVID-19_and_migration.pdf

- Ministry of Labor and Social Economy, (2020). Order TES/967/2020 of 6 October 2020, creating the Special Coordination Unit on the Fight against Fraud in Transnational Labor, in the State Agency for Labor and Social Security Inspection. Available at: <https://www.boe.es/buscar/pdf/2020/BOE-A-2020-12359-consolidado.pdf>
- Ministry of Labour and Social Economy. Penalties in the social order. Available at: https://www.mites.gob.es/es/Guia/texto/guia_10/contenidos/guia_10_21_3.htm
- MoveS, (28 September 2020). Summary Report: The situation of seasonal workers in selected Member States.
- National Institute for Social Security, (INPS) (2017). Decent Agricultural Work Network. Available at: <https://www.inps.it/nuovoportaleinps/default.aspx?itemdir=46316>
- Open Society, European Policy Institute (July 2020), Covid-19, agri-food systems, and migrant labour: the situation in Germany, Italy, The Netherlands, Spain, and Sweden. Available at: <https://cadmus.eui.eu/handle/1814/68030>
- OSHA, (13 January 2021). OiRA in facts and figures. Available at: <https://osha.europa.eu/en/tools-and-publications/infographics/oira-facts-and-figures>
- PRELSI, Plan de Responsabilidad Ética, Laboral y Social de Interfresa. Available at: <https://www.interfresa.com/prelsi/>
- Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A02004R0883-20140101>
- Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (repealed). Available at: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A31971R1408>
- Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union.
- SEZONIERI: Campaign for the rights of agricultural workers in Austria. Available at: http://www.sezonieri.at/en/startseite_en/
- Social Europe, (5 January 2021). Protecting European migrants' rights. Available at: <https://www.socialeurope.eu/protecting-european-migrants-rights>
- Spanish Ministry of Health, (2020). Order SND/421/2020 of 18 May 2020, adopting measures relating to the extension of stay and residence and/or work authorisations and other situations of foreigners in Spain, in application of Royal Decree 463/2020 of 14 March 2020 declaring a state of emergency for the management of the health crisis caused by the COVID-19. Available at: <https://www.boe.es/boe/dias/2020/05/20/pdfs/BOE-A-2020-5141.pdf>
- Williams and Horodnic, (2018) in European Platform undeclared work, (2020). Tackling undeclared work in the tourism sector.
- Work Estonia, (2021). Register short term working. Available at: <https://www.workinestonia.com/coming-to-estonia/register-short-term-working/>
- Workers' Commissions Trade Union of Catalonia, (CCOO) (May 2020). Are you a seasonal farm worker? Do you know your rights? Available at: https://www.ccoo.cat/pdf_documents/2020/campanyes_agricoles_angles.pdf