



# Campaign information note

## Third country national seasonal workers

August 2021

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## Aim of this note

This campaign information note (hereafter 'note') focuses on third-country nationals (hereafter 'TCN') who conduct seasonal work in the European Union (EU) and are at high risk of being involved in undeclared work.

For the purposes of this document, third-country national seasonal workers are understood on the basis of the definition given in the Seasonal Workers Directive 2014/36/EU (please see next section for the definition).

Overall, this note aims to present information on TCN seasonal workers for the Platform campaign. In particular, the note:

- ▶ defines the main characteristics and types of TCN seasonal workers,
- ▶ highlights the sectors concerned,
- ▶ states how employers are involved in this practice, and
- ▶ outlines some good practices implemented by Member States (MS) to tackle the issue.

Therefore, this note aims to profile TCNs and their recruiters/employers in order to find ways to reach out to these groups and prevent them from entering undeclared work or to help transform undeclared work into declared work. This note refers to good practices and how such practices can be used by Platform members and observers during and after the Platform campaign.

# 1.0 Defining the target group

The target group of this information note is third-country nationals (TCNs) who are (or are at risk of becoming) undeclared seasonal workers. At European Union (EU) level, undeclared work is defined as "any paid activities that are lawful as regards their nature, but not declared to public authorities, taking into account differences in the regulatory systems of the Member States"<sup>1</sup>.

Depending on whether seasonal workers are from an EU Member State or a third country, their rights to enter the territory of the host Member State or the labour market differ.

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.<sup>2</sup> While there is no standardised definition of seasonal work among mobile workers at EU level, seasonal work of TCN in the EU is defined in the Seasonal Workers Directive 2014/36/EU:

- ▶ Migrant seasonal workers from a third country

Directive 2014/36/EU defines TCN seasonal worker as a TCN who retains their principal place of residence in a third country and stays legally and temporarily (based on a seasonal work permit) in the territory of an EU Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that TCN and the employer established in that EU Member State.<sup>3</sup> Directive 2014/36/EU grants TCN equal treatment in terms of employment conditions, minimum working age, working conditions and occupational health and safety measures.

EU seasonal workers can be residents of the Member State where they perform seasonal work, or who benefit from the principle of free movement by carrying out seasonal work in another Member State than their place of residence:

- ▶ EU Seasonal workers

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 Member State of residence or in another Member State. EU seasonal workers are entitled to full equal treatment in accordance with Article 45 TFEU and Directive 2014/54/EU<sup>4</sup> and Regulation 492/2011/EU<sup>5</sup>.

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<sup>1</sup> European Commission, Employment, Social Affairs and Inclusion, Definition of undeclared work, <https://ec.europa.eu/social/main.jsp?catId=1298&langId=en#:~:text=%20Undeclared%20work%20%201%20Undeclared%20work%20may,lie%20with%20national%20authorities.%20%20...%20More%20>

<sup>2</sup> Stefanov, R. and Mineva, D. in collaboration with ICF (2021), Tackling undeclared work among seasonal workers (including mobile) workers: developments, trends and good practices, European Platform tackling undeclared work.

<sup>3</sup> 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, <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32014L0036>

<sup>4</sup> European Parliament (2021), Migrant seasonal workers in the European agricultural sector, Briefing [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)

<sup>5</sup> 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 Text with EEA relevance. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011R0492>

Considering the different categories of EU and third-country workers, seven different categories (including the above) of seasonal workers can be discerned:<sup>6</sup>

- (1) Citizens of the Member State where the seasonal activities are performed.
- (2) EU citizens who are not a national of the Member State of employment but who are residing in that Member State and perform seasonal work there.
- (3) EU citizens who are not a national of the Member State where the seasonal activities are performed and who are not residing in that Member State.
- (4) Third-country nationals who are residents in the Member State where seasonal activities are performed.
- (5) Third-country nationals who do reside in a third country and temporarily stay in the Member State to perform seasonal work and who intend to return to the third country after the seasonal activity is completed.
- (6) Third-country nationals who reside in a Member State, which is not the Member State where they perform seasonal activities (these third-country nationals are not covered by the Seasonal Workers Directive).
- (7) Third-country nationals who stay in the Member State where the seasonal activities are performed, without the necessary permission or authorization (irregularly staying third-country nationals).

Here, the last group can be divided into legally residing third-country nationals with a restricted work authorisation (limitation of working time, for example, for students), without a right to work (their status may not grant them access to the labour market or they have not/cannot apply for a work authorisation) and irregularly staying third-country nationals.<sup>7</sup>

The COVID-19 pandemic highlighted the precariousness of seasonal work. Seasonal workers employed across borders are entitled to a broad set of rights, but given the temporary nature of their work, they are more vulnerable to precarious living and working conditions. Hence, working conditions of cross-border seasonal workers were the subject of calls for action by the European Parliament, the Commission and the Council in 2020.<sup>8</sup> Within the ELA Action Plan on seasonal workers, ELA has launched an awareness-raising campaign 'Rights for All Seasons' in partnership with the European Commission, the EURES network, the European Platform tackling undeclared work, EU countries and social partners.

The aim of the awareness-raising campaign is to improve the information provided at EU and national level to workers and employers engaging in cross-border seasonal work. As presented in the concept note for the Platform campaign on seasonal workers, there will be a communication toolkit which will support campaign contact points to disseminate and promote the campaign. To increase the outreach and effectiveness of the campaign it is important to understand the target group (TCN seasonal workers) and to reflect on good practices and policy approaches that aim to tackle undeclared work in seasonal work. A common understanding of the target group and shared practices will help Member States to design and implement actions during the EU Week for Seasonal Workers (20-25 September) as well as throughout the year through suggested activities as presented in the tables below.

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<sup>6</sup> As categorised in De Cortazar C. G. et. al., (2020) Summary Report: The situation of seasonal workers in selected Member States, MoveS Report, p.11.

<sup>7</sup> Please note that this note will only focus on legally TCN seasonal workers even though some of the aspects could be relevant for the other categories.

<sup>8</sup> 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](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 Council, (12 October 2020) Improving the working and living conditions of seasonal and other mobile workers: Council adopts conclusions, <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/>

## 2.0 Profiling third country national seasonal workers

### 2.1 Geographical scope and available data

This next section provides a short overview of the geographical scope and available data on TCN seasonal workers.<sup>9</sup>

- ▶ Literature mentions that there are no or very few national statistics or data available on (EU or third-country) seasonal workers and/or that the available figures do not distinguish between cross-border or migrant seasonal work on the one hand and seasonal work performed by residents on the other. Additionally, there are no official records on incoming migrant seasonal workers from other EU Member States.<sup>10</sup>
- ▶ With the adoption of the Seasonal Workers Directive in 2016, the implementation of admission policies for this third country workers and the protection of their rights has received increasing attention. By 2019, all Member States bound by the directive had incorporated it into their national laws. The majority of Member States have admitted seasonal workers from third countries under the Directive.<sup>11</sup> The exceptions are Malta, Luxembourg, Germany, and the Netherlands, where the Directive has been transposed, but no TCN seasonal workers have been admitted so far, as well as Ireland where the Directive is not applicable.
- ▶ The number of seasonal workers admitted (under the Seasonal Workers Directive) from third countries differs widely across Member States,<sup>12</sup> ranging from more than 46 000 in Poland to around 300 in Latvia in 2019.<sup>13</sup> The length of validity of the permits issued also largely depends on the Member State.
- ▶ TCN seasonal workers mostly originate from the neighbouring regions of the Member States receiving them. Ukraine was the most frequent country of origin across the Member States in 2018, followed by Bosnia and Herzegovina, Serbia, North Macedonia (working mainly in AT, HR, SK, SI), Moldova (working mainly in CY, EE, PL, FI, SI), Belarus (working mainly in EE, LT, LV, PL).<sup>14</sup> In some Member States, the countries of origin of seasonal workers are outside of the European continent. For example, Ecuador (ES, FR); Morocco (ES, FR, IT); Albania (DE, IT), India (IT, PL).<sup>15</sup>
- ▶ In Sweden, about 3 000 to 5 000 migrant workers, mostly from Thailand, enter the country every year on a special work permit for the berry harvest. The agriculture sector in Poland is heavily reliant on Ukrainian workers, especially for the picking of soft fruit (berries such as strawberries) and apples. France and Spain

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<sup>9</sup> Please note that this information is not exhaustive.

<sup>10</sup> De Cortazar, C. G. et. al., (2020) Summary Report: The situation of seasonal workers in selected Member States, MoveS Report, p.12.

<sup>11</sup> AT, BE, BG, CY, CZ, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, PL, PT, SE, SK.

<sup>12</sup> Van Nierop, P. et. al., Counteracting undeclared work and labour exploitation of third-country national workers, European Platform tackling undeclared work, 2021 p.3.

<sup>13</sup> European Migration Network, Attracting and protecting the rights of seasonal workers in the EU and the United Kingdom, 2020, p.6.

<sup>14</sup> European Migration Network, Attracting and protecting the rights of seasonal workers in the EU and the United Kingdom, 2020, p.11.

<sup>15</sup> European Migration Network, Attracting and protecting the rights of seasonal workers in the EU and the United Kingdom, 2020, p.12. Admitted under the Seasonal Workers Directive.

employ 276 000 and 150 000 seasonal workers respectively. A large share of the permits issued by these two countries go to Moroccan nationals.<sup>16</sup>

- ▶ Between 2011 and 2017, more than 1.3 million national farm workers left the EU agriculture sector, an outflow partially off-set by inflows of both intra-EU and extra-EU migrant workers. The two groups increased by 58 500 (+36 %) and 83 700 (+31 %) respectively over the same period. This corresponds to an increase from 4.3 % to 6.5 % in the share of migrants in total employment in EU agriculture. This trend was driven by Spain, Italy and Denmark.<sup>17</sup> Most common countries of origin are Ukraine (BE, AT, CZ, DE, PL); Serbia (AT, DE); Bolivia (ES, FR); Morocco (ES, FR, IT); Albania (DE, IT), India (IT, PL), and Ecuador (ES, FR), Bosnia-Herzegovina, Republic of Kosovo, Afghanistan, North Macedonia (AT); Senegal (ES); Tunisia (FR); India (BE, IT); Belarus, Moldavia, Nepal (PL) Thailand (FI, SE).<sup>18</sup> (*Refer to Annex 2 and 3 for more country specific data*)
- ▶ Undeclared seasonal work is an issue in all destination countries, but the frequency seems to vary widely between Member States. Seasonal work in the agricultural sector has been well-documented as having a significant undeclared or undocumented component of both EU and third-country nationality, largely because of the pressure to keep costs low and quality high, and low entry requirements in terms of skills and qualifications.
- ▶ Estimating the extent of undocumented work is difficult; however, according to studies from the European Platform tackling undeclared work, across the EU unregistered employment is at 14 % in the accommodation and food services sector and at 32 % in the agriculture sector.<sup>19</sup> The only sector with a higher share than agriculture is the household services sector (52 %). While these figures refer to all employment in the respective sector, it is remarkable that the two main seasonal sectors show very high levels of undeclared work.<sup>20</sup> Despite limited data, the Eurobarometer survey reports that those with working experience outside of the EU and those with working experience in another EU Member State are more likely to engage in undeclared, under-declared employment, and bogus self-employment.<sup>21</sup> (*For more information, please see Annex 1 and 2*)

## 2.2 TCN seasonal workers' overview

This next section provides a short overview of the main characteristics of third country national seasonal workers.<sup>22</sup>

- ▶ Most workers are between the ages of 18 and 39, and only a small percentage are aged 50 or older.
- ▶ The share of male workers is slightly higher compared to female seasonal workers, except for Spain (where in 2019, 88 % were women).<sup>23</sup>

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<sup>16</sup> European Parliament (2021), Migrant seasonal workers in the European agricultural sector, Briefing [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)

<sup>17</sup> European Parliament (2021), Migrant seasonal workers in the European agricultural sector, Briefing [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)

<sup>18</sup> De Cortazar, C. G. et. al., (2020) Summary Report: The situation of seasonal workers in selected Member States, MoveS Report, p.13. (Data refers to seasonal workers admitted on the basis of the Directive 2014/36/EU)

<sup>19</sup> (For estimates by country, please see section 4.2) <file:///C:/Users/54647/Downloads/KE-02-21-417-EN-N.pdf>

<sup>20</sup> Statistics refer to seasonal workers who migrate from third countries, on the basis of the definition given in the Seasonal Workers Directive of 2014.

<sup>21</sup> Only 9% of all survey respondents have worked abroad and less than 2% surveyed were migrants.

<sup>22</sup> Please note that this information is not exhaustive.

<sup>23</sup> European Migration Network, Attracting and protecting the rights of seasonal workers in the EU and the United Kingdom, 2020, p.11.

- ▶ Many TCN seasonal workers have a poor educational background.
- ▶ Most of the Member States do not collect information on seasonal workers' skills levels (for example, educational attainment, qualification level, language level or level of experience).
- ▶ Most of the workers do not receive sufficient and/or reliable information about their rights. For this reason, they are often subject to fraud and abuse, and in essence, seasonal work is a fertile field for poor working conditions and a lack of occupational health and safety measures.<sup>24</sup>
- ▶ The majority of TCN seasonal workers stay for around 90 days; around a third stay for up to six months; few stay for longer periods between six and nine months.
- ▶ TCN seasonal workers enter undeclared work and illegal employment under different circumstances, caused by their residency (regularly versus irregularly staying), work status (work authorisation with significant limitations, expired, non-valid or non-existing right to work) status or/and their more marginalised position on the labour market.<sup>25</sup> For example, regularly staying seasonal workers can work undeclared or underdeclared, while irregularly staying third country nationals in most cases have no other chance that to work illegally and, in most cases also undeclared. (*For more country-specific details, see Annex 2*)

## 2.3 Main sectors and challenges of workers

This next section provides a short overview of the main sectors that TCN seasonal workers are employed.<sup>26</sup>

- ▶ Seasonal workers mostly work in economic sectors characterised by seasonality in workforce demand, namely agriculture, tourism, hotel, restaurant, and catering (HORECA), and food processing<sup>27</sup>.
- ▶ Seasonal work is particularly prevalent in agriculture. The European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) estimates that there are 3.6 million seasonal workers, of which 40% work in agriculture. Moreover, it is estimated that one third of those working in agriculture are third country nationals.<sup>28</sup>
- ▶ Over 60 % EU agricultural labour force was engaged in informal employment in 2019 according to the ILO. 12 % of all unregistered employment in the EU is in the tourism, accommodation, and food sector where 14 % of workers are reported to be in unregistered employment.<sup>29</sup>
- ▶ These sectors require flexible work force and have characteristics which create challenges for monitoring and detecting undeclared work by national authorities, such as remote and often changing workplaces or multiple subcontracting chains for recruiting workers. Whilst the monitoring of working conditions takes place across the Member States, still, some cases of abuse might go undetected. There are also reported cases of recruitment

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<sup>24</sup> De Cortazar, C. G. et. al., (2020) Summary Report: The situation of seasonal workers in selected Member States, MoveS Report, p.31.

<sup>25</sup> De Cortazar, C. G. et. al., (2020) Summary Report: The situation of seasonal workers in selected Member States, MoveS Report, p.26.

<sup>26</sup> Please note that this information is not exhaustive.

<sup>27</sup> European Platform tackling undeclared work, Executive Summary of European Platform tackling undeclared work Platform seminar: Tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices Online seminar, 16 March 2021.

<sup>28</sup> Stefanov, R. and Mineva, D. in collaboration with ICF (2021), Tackling undeclared work among seasonal workers (including mobile) workers: developments, trends and good practices, European Platform tackling undeclared work, page 6.

<sup>29</sup> Stefanov, R. and Mineva, D. in collaboration with ICF (2021), Tackling undeclared work among seasonal workers (including mobile) workers: developments, trends and good practices, European Platform tackling undeclared work.



into these sectors via private networks, such as friends and families, which are often difficult to track for enforcement bodies.

- ▶ Seasonal work is in practice targeting unskilled labour force which often cannot be found on local labour markets due to hard working conditions and very low wages. It seems that there is a growing international competition between employers from different Member States to attract seasonal workers, mainly due to the fierce competition in the agriculture and horticulture sectors.<sup>30</sup>
- ▶ The temporary nature of their activity can make seasonal workers more vulnerable to precarious living and working conditions, even to exploitation and human trafficking. Moreover, the risk of engaging in undeclared work increases if TCN are working illegally, and/or are low-skilled workers, and/or lack adequate language skills. Migrant workers can become victims of illegal gangmaster practices or modern forms of slavery. This can concern undocumented migrants, but also EU nationals.<sup>31</sup>
- ▶ Several countries have measures in place to attract seasonal workers to fill labour market shortages. These include simplified procedures, shortening of processing times, as well as cooperation with third countries.
- ▶ In several Member States, in line with possibilities granted by the Seasonal Workers Directive, the access of seasonal workers to equal treatment is restricted, in particular, regarding unemployment benefits and family benefits. The definition of adequate housing for seasonal workers also varies across Member States.
- ▶ The measures taken by Member States to mitigate the effects of the COVID-19 outbreak include extension of authorisations for seasonal workers already present in the country, lifting of travel restrictions, but also a mobilisation of domestic labour to fill the gaps. In some Member States seasonal workers have gained more visibility and recognition from the public during the pandemic.<sup>32</sup>

*(For more information, please see Annex 3)*

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<sup>30</sup> De Cortazar, C. G. et. al., (2020) Summary Report: The situation of seasonal workers in selected Member States, MoveS Report, p.37.

<sup>31</sup> European Parliament (2021), Migrant seasonal workers in the European agricultural sector, Briefing [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)

<sup>32</sup> European Migration Network, Attracting and protecting the rights of seasonal workers in the EU and the United Kingdom, 2020.

## 3.0 Considerations and actions for raising-awareness campaigns

This note invites Platform members to explore and further consider the following steps when developing and implementing actions during the campaign:<sup>33</sup>

- ▶ Step 1: Setting the stage and thinking of the stakeholders involved
  - ▷ Before starting to develop an information tool, think about all the stakeholders that need to be involved in awareness-raising activities. This is crucial for the success of every communication activity and can help prevent a later failure and maximise dissemination efforts.

*Key point: To tackle undeclared work of TCN seasonal workers, a holistic approach is required and forming cooperation and taking joint actions are vital. For instance, NGOs and social partners play a key role in providing insight on-the-ground, informing workers of their rights, establishing trust with workers and channelling complaints of TCN.*

- ▶ Step 2: Identifying the target group and study their characteristics
  - ▷ 'Who' should receive the messages - for the current campaign the target group is the seasonal workers. Yet, when disseminating awareness raising activities during the EU Week for Seasonal Workers the message should also be passed to employers and the public in general.
  - ▷ Key characteristics of the target group(s), TCN, should be considered.

*Key point: Seasonal workers reveal a general profile of young people between the age of 18-39 and low skills / poor educational background, (e.g. they may more often use social media for recruitment and communication)*

*Key point: In seasonal work regionalism prevails (e.g. TCN seasonal workers often come from neighbouring countries)*

- ▶ Step 3: Choosing the objective
  - ▷ Setting communication objectives. Are measures aiming to raise awareness? Deter people from a certain practice? Get TCN to file a complaint?
  - ▷ The objectives should align with the ELA's main aim and messages of the 'Rights4AllSeasons' campaign.
  - ▷ Determining the appropriate message, the type of message should be adapted to the target audience(s).
  - ▷ Picking an angle; there are many different angles to take when communicating about undeclared work, and each one has its own benefits and drawbacks.

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<sup>33</sup> The information provided in this section have been extracted from: Stefanov R., Mineva D., and Karaboev, S. (2019), 'Practitioner toolkit: Information Tools and Approaches to Reach Out to Workers and Companies in the fight against Undeclared Work' prepared for the European Commission with the aim to familiarise communication managers or inspectors in public authorities that are tackling undeclared work with how information tools and approaches can be developed, implemented and evaluated. Please for further information and clarification see the toolkit, available here <https://op.europa.eu/en/publication-detail/-/publication/97fa5fc6-4c55-11e9-a8ed-01aa75ed71a1/language-en>

- Preventative
  - Demonstrating the benefits to individuals/ society
  - Personal storytelling
  - Sectoral approach
  - Punitive (naming and shaming)
- ▷ Tone of message: Communication is based on and influenced by cultural nuance: what works for one target group in one context may not work in another.
- ▷ Soliciting interaction from the audience: A call-to-action can have many benefits for communication activities. First, it encourages the audience to take action. Second, depending on what the call-to-action is, the number of people who react can be measured, and that can be used to measure whether the information tool has met its objective. For example, if you ask them to visit a website or call a hotline, then the number of visitors can be counted. If you ask them to modify a tax declaration, this can be recorded and measured too.

*Key point: Seasonal work exists in various situations and equal treatment is the principle underlying the legal frameworks governing both EU and non-EU seasonal workers.*

*Key point: In essence, seasonal work is a fertile field for poor working and living conditions and a lack of occupational safety and health measures.*

*Key point: confidential reporting mechanisms, promoted in awareness raising activities, help to encourage complaints and cooperation by third-country nationals.*

► Step 4: Choose the best message sender

- ▷ 'Who should deliver this message and what is the best way for it to reach people?' The overall design of the information tools and dissemination plan comes together when answering the question, 'What works for whom?'

*Key point: Disseminate messages in the language of the TCNs.*

*Key point: think about message senders TCN trust, such as cultural mediators, people with a similar cultural background to inform and advise third-country nationals about their rights. Other key stakeholders are social partners and NGOs who approach TCN via counselling services.*

- ▷ Time and delivery are key

*Key point: Seasonal work is an activity tied to a certain time of the year and for a limited time therefore a campaign has to be effective in a short time span i.e. implement short and targeted actions.*

- ▷ Dissemination channels

- As part of the overall strategy, considering the best ways in which to share information tools. There are several options here too, from handing out information, to using digital platforms or social media.

► Step 5: Evaluating information tools

- ▷ On a strategic level, evaluating campaigns can inform the organisation's decisions about which combination of deterrents and measures to use to alter behaviour.

### 3.1 Suggested activities aimed at third country nationals

The table below provides an overview of suggested activities which Member States can implement during the ELA week of action or throughout the year. The aim of the activities is to raise awareness that all TCN seasonal workers need to be declared; TCN seasonal workers have the right to equal treatment with nationals of the host country as regards terms of employment, such as the minimum working age, working conditions (such as pay and dismissal, working hours, leave and holidays) and health and safety regulations, the right to equal treatment also applies to social security benefits linked to sickness, invalidity and old age, training and advice on seasonal work; better working and living conditions; TCN seasonal workers should be able to claim their rights; and not to be exposed to fraud and abuse by employers.

**Table 1: Campaign approaches to raise awareness about undeclared seasonal work among third country nationals**

Activity	Target audience	Objective and message	Message sender and dissemination
<b>Multi-lingual websites</b>	<ul style="list-style-type: none"> <li>▶ TCN still in country of residence</li> <li>▶ TCN already in host country</li> <li>▶ Employers of TCN</li> <li>▶ Public</li> </ul>	<ul style="list-style-type: none"> <li>▶ Preventative via informing about workers' rights and obligations, regulations, and the benefits of declared work. This can also include a 'call-to action' such as calling a hotline, see below.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Provide material in different languages</li> <li>▶ Social media outreach</li> <li>▶ Work together with main 'sending' countries (embassies, consulates, trade unions) to disseminate information before seasonal workers travel</li> </ul>
<b>Counselling Services</b>	<ul style="list-style-type: none"> <li>▶ TCN already in host country</li> <li>▶ TCN in country of residence</li> </ul>	<ul style="list-style-type: none"> <li>▶ Build trust towards national authorities</li> <li>▶ Ensure confidentiality, for example via anonymous complaint mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>▶ Face-to-face approach through appointments and working groups, ideally in several languages</li> <li>▶ Outreach via people TCN trust, e.g. trade unions, NGOs, or cultural mediators to overcome linguistic barriers and cultural obstacles</li> </ul>

Activity	Target audience	Objective and message	Message sender and dissemination
<b>Phone hotline</b>	<ul style="list-style-type: none"> <li>▶ TCN still in country of residence</li> <li>▶ TCN already in host country</li> <li>▶ Employers of TCN</li> </ul>	<ul style="list-style-type: none"> <li>▶ Information to TCNs about their rights</li> <li>▶ Support on a 24/7 basis by providing emergency contact information.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Promotion via social media, sectoral associations trade unions, NGOs</li> <li>▶ People providing multi-lingual advice</li> </ul>
<b>Videos or leaflets</b>	<ul style="list-style-type: none"> <li>▶ TCN already in host country</li> </ul>	<ul style="list-style-type: none"> <li>▶ Raise awareness about rights and obligations</li> </ul>	<ul style="list-style-type: none"> <li>▶ Consider 'personal story-telling' in host and native language</li> <li>▶ Can be part of wider campaign</li> </ul>
<b>Distribute information tools, e.g. multilingual working time calendars or apps, tax calculators</b>	<ul style="list-style-type: none"> <li>▶ TCN already in host country</li> </ul>	<ul style="list-style-type: none"> <li>▶ Work with social partners to develop sector-specific guidance</li> </ul>	<ul style="list-style-type: none"> <li>▶ Promotion via social media, sectoral associations trade unions, NGOs</li> <li>▶ Tools should be multi-lingual</li> </ul>
<b>Distribute (sector-specific) leaflets</b>	<ul style="list-style-type: none"> <li>▶ TCN already in host country</li> </ul>	<ul style="list-style-type: none"> <li>▶ Work with social partners to develop (sector-specific) guidance</li> </ul>	<ul style="list-style-type: none"> <li>▶ Face-to-face approach, handed out on the worksite</li> <li>▶ Hand out via temporary work agencies or employment services when TCN is searching for a job</li> </ul>
<b>Preventative measures on borders</b>	<ul style="list-style-type: none"> <li>▶ TCN travelling to host country</li> </ul>	<ul style="list-style-type: none"> <li>▶ Prevention of undeclared work or exploitation</li> <li>▶ Support employees when entering the country of destination</li> </ul>	<ul style="list-style-type: none"> <li>▶ Face-to-face approach: inform third country nationals about undeclared and declared work</li> </ul>
<b>Trade unionists travelling to places where seasonal workers live</b>	<ul style="list-style-type: none"> <li>▶ TCN already in host country</li> </ul>	<ul style="list-style-type: none"> <li>▶ Provide information about their rights and support with any other means</li> </ul>	<ul style="list-style-type: none"> <li>▶ Social partners often can build up trust to the TCN and know their sector well, they can point to different types</li> </ul>

Activity	Target audience	Objective and message	Message sender and dissemination
or are recruited/ Trade unions organising campaigns			of support provided by national authorities
Press releases	▶ Public	<ul style="list-style-type: none"> <li>▶ Make the public more sensitive about the topic</li> <li>▶ Make the voices of TCNs heard Inform about the working conditions of TCNs</li> <li>▶ Individuals can share their personal stories</li> </ul>	<ul style="list-style-type: none"> <li>▶ Technological means</li> <li>▶ Social channels</li> <li>▶ Events face-to-face</li> <li>▶ Radio features, press releases adverts in public transport, online content</li> </ul>
Reporting mechanisms	▶ TCN already in host country	▶ Provide a multilanguage complaints system (with predefined questions to be answered yes/no per example)	▶ Technological means

## 3.2 Good practice examples

The boxes below present good practice examples relevant for awareness-raising campaign with the aim to provide to the reader actions taken from countries to raise awareness about undeclared seasonal work and TCN.

*(For more information and examples, please see Annex 4)*

### Box 1: Effective tools to inform TCN seasonal workers about their rights and working conditions

#### Websites

- ▶ Websites can provide information on regulations and laws, multilingual information material increasing TCN awareness of possible exploitation, important contact information points for the TCN seasonal workers, blog where TCNs seasonal workers can share their experience, latest news on rules and regulations, advertising possible seasonal job opportunities, important information about living in the country and immigration contact points.
- ▶ See for example, Finland, 'Work in Finland' website, for further information visit the '[Work In Finland' website](#).

#### Information campaigns through social channels

- ▶ For example, in Norway an information campaign has been organised through bilateral cooperation between the Norwegian inspectorate and partners in four sending (workers) countries (Bulgaria, Estonia,

Lithuania and Romania). The campaign made use of online communication to provide information on workers' rights to migrants, seasonal and posted workers in their native language. It also informs employers in Norway about working conditions and social security entitlements for those workers through webinars.

- ▶ Main activities to support the campaign were:
  - ▷ Devise appropriate messages to raise awareness about the dangers of undeclared work.
  - ▷ Advertising and communicating the messages of the campaign through different digital platforms.
  - ▷ Setting up social media channels and using online communication to provide support and information to employers and seasonal workers in their native language.
  - ▷ Building of an internet portal to provide information in eight languages on working conditions, health and safety, and laws and regulations.
- ▶ Norway, 'Know your rights information campaign in the seasonal sector', for further information visit the 'Working in Norway: Your rights and obligations' [webpage](#).

#### **Telephone hotline**

- ▶ Promoting and setting a telephone hotline to help ensure TCN seasonal workers are aware of their rights, through this hotline TCN should be able to communicate in a language that they understand and should be able to raise their questions. Also, through the hotline information could be provided about the working conditions in a sector.
- ▶ For example, phone hotlines in the Danish fishing industry and in the Finnish agriculture sector have been set up available to TCNs to check conditions of a job opening and the applicable laws in the sectors.

#### **Promote communication via social media and/or counselling services**

- ▶ For example, in Germany, 'Arbeit und Leben' is a free, confidential, multilingual counselling service on labour law and employment relations for workers from other EU and third countries (among them seasonal workers). It was set up in 2010 by local authorities and labour inspectorates. Also, they have regular consultation times at their offices and offer mobile consultations across the region and can go to the workers when requested; such practices could be further promoted and increased during the awareness-raising campaign.
- ▶ Germany, 'Arbeit und Leben', for further information visit the 'Advice Centre for Labour Mobility' [webpage](#).

#### **Promote the use of technological means among TCN seasonal workers which can help minimise working exploitation**

- ▶ Examples are multilingual working time calendars to track seasonal workers working time, tax calculators or information sheets. Another simple outreach measure is the app 'Agriworker' by the German Industrial

Union for Building, Agriculture and Environment (Industriegewerkschaft Bauen-AgrarUmwelt, IG BAU), informing workers about their rights.

#### 'Recruit' TCN as cultural mediators

- ▶ During the raising-awareness campaign a country could recruit or give incentives to TCN seasonal workers to become cultural mediators.
- ▶ For example, in Italy and the Netherlands they make use of people with a similar cultural background to inform and advise TCN about their rights. This addresses linguistic barriers and cultural obstacles (e.g. many workers are illiterate and come from countries where relationships with institutions are far from positive). In the Netherlands, this is funded by the Ministry of Social Affairs and Employment and run by the FairWork Foundation.

#### **Box 2: Public administrations collaboration with the social partners for better outreach**

- ▶ Social partners are important actors when it concerns reaching out to workers, to inform them about their rights, to facilitate complaints and to ensure their anonymity. Cooperation with social partners helps workers to lodge complaints against employers, offer support and establish trust. Moreover, they provide insight on-the-ground which is beneficial to develop common campaigns or information tools about declared work. During the awareness-raising campaign such actions with the aim to enhance collaboration and joint activities between various authorities can be beneficial.
- ▶ For instance, in Italy the “Sindacato di Strada” by the FLAI CGIL is a very interesting initiative. It involves trade unionists travelling with a camper to places where seasonal workers live or are recruited to provide them with information about their rights, translate contracts and help them with other bureaucratic issues.
- ▶ In Spain an agreement between the Ministry of Inclusion, Social Security and Migrations, the social partners (ASAJA, COAG-IR, UPA, FEPEX, CCOO-INDUSTRIA, UGT-FICA) and FEMP (Federation of Municipalities and Provinces) was signed in June (2020) to regulate incoming agricultural seasonal workers conditions during the next four years. This agreement reiterates the need for coordination between the government and social partners to regulate seasonal work in agriculture in Spain and the guarantee of adequate conditions for workers and employers.

### **3.3 Suggested activities aimed at employers**

Whereas most employers are aware about the benefits of hiring declared seasonal workers, there are yet many illegal practices found across Europe. 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)<sup>34</sup> and the need for flexible workforce. Thus, employers who violate the rules gain an advantage over compliant employers.<sup>35</sup>

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 often unaware of their rights and regulations in the host country.

- ▶ The types of undeclared work among EU and non-EU seasonal workers may include:<sup>36</sup>
  - ▷ Working fully undeclared, with no formal written contract - This is observed, for example, in the tourism sector in which it is estimated that one in four workers work undeclared.<sup>37</sup> Third-country nationals are susceptible to such working arrangements, staying and working irregularly in the country, resulting in not registering for social security. In the agriculture sector, several countries require the compulsory declaration of recruitment at the same time or immediately after the start of the work. This can be a particular problem for inspectors as it presents a loop hole whereby some employers might claim that workers have just started work – despite working for longer – in an attempt to avoiding having to declare their workers.
- ▶ Under-declared work, associated with other forms of social fraud, including
  - ▷ Partially declared working hours (typical for seasonal work in all sectors) or wages.
  - ▷ Signing of a contract with legal omissions or with lower pay rates than the actual minimum remuneration.
  - ▷ Receiving wages below the minimum social insurance threshold which prevents seasonal workers from qualifying for social protection schemes (such as pensions).
  - ▷ 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.
- ▶ Fraudulent posting of migrant/mobile seasonal workers in agriculture, construction, transport and tourism.
- ▶ Bogus self-employment, which exists, but is not the predominant type of undeclared work among seasonal workers.

#### *Addressing fraudulent recruitment practice:*

Employers who set up undeclared jobs for regularly or irregularly staying third-country national workers have developed different ways of finding their workforce:<sup>38</sup>

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<sup>34</sup> European Parliament, (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>

<sup>35</sup> 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>

<sup>36</sup> Stefanov, R. and Mineva D. in collaboration with ICF (2021), Tackling undeclared work among seasonal workers (including mobile) workers: developments, trends and good practices, European Platform tackling undeclared work.

<sup>37</sup> Stefanov, R. and Mineva D. in collaboration with ICF (2021), Tackling undeclared work among seasonal workers (including mobile) workers: developments, trends and good practices, European Platform tackling undeclared work.

<sup>38</sup> This is usually a person who employs manual workers, often undeclared and under exploitive working conditions; Van Nierop, P. et. al., Counteracting undeclared work and labour exploitation of third-country national workers, European Platform tackling undeclared work, 2021 p.4.

- ▶ Fraudulent temporary work agencies and fraudulent posting schemes.
- ▶ Private contacts and (informal) networks, such as groups from the same ethnic background or wider family members.
- ▶ Letter boxes registered in foreign countries or temporary work agencies either established in the country of seasonal work or in another Member State.
- ▶ Gangmasters: an informal system of labour mediation in agriculture, where the intermediary retains a part of the worker's salary.
- ▶ Pick-up spots.

**Table 2: Campaign approaches to raise awareness and promote fair competition**

Activity	Target audience	Objective and message	Message sender and dissemination
<b>Training for employers on establishing their obligations</b>	Employers	<ul style="list-style-type: none"> <li>▶ Provide information on the right application of the law</li> <li>▶ Increase awareness on possible sanctions and fines in case of violation</li> </ul>	<ul style="list-style-type: none"> <li>▶ Social partners</li> <li>▶ Employment services</li> <li>▶ Face-to-face or online training</li> </ul>
<b>Simplified procedures and contracts for seasonal workers</b>	Employers	<ul style="list-style-type: none"> <li>▶ Simplified employment procedures that can be sector specific and can benefit both employers and employees</li> </ul>	<ul style="list-style-type: none"> <li>▶ Social partners</li> <li>▶ Employment services</li> <li>▶ Temporary work agencies</li> </ul>
<b>Future plan of a specific sector</b>	Employees Employers Social partners Public	<ul style="list-style-type: none"> <li>▶ Promote declared over undeclared work</li> <li>▶ Sector-specific needs of employers are better considered</li> </ul>	<ul style="list-style-type: none"> <li>▶ Consultation and dissemination via social partners</li> <li>▶ Dissemination via own or paid media</li> </ul>
<b>Social companies label</b>	Employers Customers	<ul style="list-style-type: none"> <li>▶ Give incentives to employers to choose declared over undeclared work</li> <li>▶ Increase transparency to the public</li> <li>▶ Enhance the corporate social responsibility of the employers</li> </ul>	<ul style="list-style-type: none"> <li>▶ Websites to promote the label</li> <li>▶ Social partners and compliant companies with the label</li> <li>▶ Shops promoting the label levying on the customers' choice for fair and declared work</li> </ul>



Activity	Target audience	Objective and message	Message sender and dissemination
<b>Joint inspections by national authorities</b>	Employers Employees	<ul style="list-style-type: none"> <li>▶ Ensure and deter compliance with the law</li> <li>▶ Avoid unwanted behaviours</li> </ul>	<ul style="list-style-type: none"> <li>▶ Promote inspection results in media/social media to showcase to employers and public that undeclared seasonal work is addressed</li> </ul>
<b>Cooperation agreements between national authorities and social partners</b>	Social partners in specific sector	<ul style="list-style-type: none"> <li>▶ Ensure representation of employers</li> <li>▶ Exchange of knowledge</li> <li>▶ Build trust between employers and national authorities</li> <li>▶ Ensure minimum standards of protection for the employees</li> </ul>	<ul style="list-style-type: none"> <li>▶ Consultation and dissemination via social partners</li> <li>▶ Dissemination via own or paid media</li> </ul>

## 4.0 Concluding remarks and main messages

- ▶ The main push factor for illegal and undeclared work is the hope of better economic opportunities, as most workers come from countries with lower wages and job prospects, and often also with a higher share of undeclared work. In addition to their residence and work status (which determine their risk of undeclared work and exploitation), they also face a higher risk of being exploited if they are low-skilled and do not know the language.
- ▶ Most interventions by the labour, tax and social security authorities focus on inspections, although there are some preventive measures targeting migrant workers. However, numerous challenges mean that interventions are insufficient to tackle complex irregularities, such as limited or no data, scarce resources in enforcement authorities, insufficient cooperation between responsible institutions and challenges to detect labour exploitation, or workers fear of fines or deportation if they complain.
- ▶ Labour inspectorates detect illegal, undeclared work and exploitation of foreign nationals. Other authorities involved are tax and social security authorities, health and safety regulators, the police, customs and migration authorities, and employment services. In addition, NGOs and social partners play a key role in providing insight on-the-ground, informing workers of their rights, establishing trust with workers and channelling complaints.
- ▶ To detect and investigate cases better, confidential reporting mechanisms help to encourage complaints and cooperation by third-country nationals. Moreover, monitoring recruitment channels, such as online advertisements or 'pick-up' spots supports authorities to intervene earlier. When it comes to labour exploitation, specific indicators, trained inspectors, information tools to inform about rights during inspections and cooperation with NGOs and social partners can support exploited workers.
- ▶ Preventative measures are important to provide targeted information, can change behaviour by increasing trust in the authorities. Preventative measures take the specific situation of third-country nationals into account, for instance, via multilingual information tools or outreach (for example 'cultural mediators'). In addition, enforcement authorities and social partners also reach out to employers via advice services and transparent rules about hiring and the regulation of recruitment of third-country nationals in specific sectors and an emphasis on chain liability.
- ▶ Due to their vulnerabilities, third country 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.

## 5.0 Literature

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## 6.0 Annex

### Annex 1

De Cortazar, C. G. et. al., (2020) *Summary Report : The situation of seasonal workers in selected Member States*, MoveS Report, p.14.

Overview migrant seasonal work in eleven selected EU Member States

MS	Receiving	Sending	Incoming flows of migrant seasonal workers		Outgoing flows
AT	X		EU nationals	Hungary, Poland, Romania, Slovakia	
			Third-country nationals	Ukraine, Bosnia-Herzegovina, Serbia, Republic of Kosovo, Afghanistan, North Macedonia	
BE	X		EU nationals	Poland, Romania, and Bulgaria	
			Third-country nationals	N/A (recent trend: Ukraine)	
CZ	X	X	EU nationals	Slovakia	n/a
			Third-country nationals	Ukraine	
DE	X		EU nationals	Romania, Poland, Bulgaria, Hungary, Czechia, Slovakia	
			Third-country nationals	Ukraine, Serbia, Albania	
ES	X	X	EU nationals		
			Third-country nationals	Morocco, Ecuador, Senegal, Bolivia (next to large number of third country nationals who are residents)	
FR	x		EU nationals	Bulgaria, Poland, Portugal, Italy, Romania, Spain	
			Third-country nationals	Morocco, Tunisia, Ecuador, Bolivia	
IT	X		EU nationals	Romania, Poland, Bulgaria	
			Third-country nationals	India, Albania and Morocco	
LU	X		EU nationals	Poland, Romania	
			Third-country nationals	no third-country nationals	
NL	X		EU nationals	Poland, Bulgaria, Romania	
			Third-country nationals	not specified	
PL	X	X	EU nationals	N/A	Germany, France, Belgium, Netherlands, Sweden
			Third-country nationals	Ukraine, Belarus, Moldavia, Nepal, India	
RO		X	EU nationals	N/A	Germany, Italy, Spain, United Kingdom, France
			Third-country nationals	?	

## Annex 2

De Cortazar, C. G. et. al., (2020) *Summary Report : The situation of seasonal workers in selected Member States*, MoveS Report, p.17.

De Cortazar, C. G. et. al , *Summary Report : The situation of seasonal workers in selected Member States*, MoveS Report, 2020, p.17.

Available national data and statistics on seasonal work<sup>39</sup>

Member State	Data on incoming seasonal workers residing in third countries (mostly third country nationals)
AT	<b>1.967 (tourism) and 326 (agriculture) permits for seasonal work issued to third-country nationals</b> in January 2020. Approximately 2/3 come from countries from ex-Yugoslavia and 1/3 from Ukraine and some from Afghanistan and Nepal.
BE	Employers in agriculture and horticulture confirm in interviews in summer 2020 <b>very low number of third country nationals</b> but see growing trend of third country nationals due to growing competition among employing farms in the EU, competing for seasonal workers.
CZ	<b>1.714 seasonal work permits to third country nationals</b> issued by Labour Office in June 2020. However there are also other residence and work permits issued such as Schengen visas for employment, tourist visas for 90 days and extra-ordinary work visa programmes with work permits for 1 year for which no data are available
DE	DEHOGA Bundesverband report that there are no work permits for third country nationals issued in hotel industry; IGBau confirmed that there are <b>third country national seasonal workers in agriculture</b> , but no data are available.
ES	The majority of third country nationals employed in seasonal work (agriculture and tourism) are residing in Spain; Migrant third country seasonal workers are only employed in the agricultural sector, not in tourism according to the employers' and workers' organisations; In 2019, <b>65.598 temporary residence and work permits were issued (half of which were first time applications)</b> but they do not specify the number concerned with seasonal work. According to Eurostat, about 11.640 first time permits for remunerated activities concerned seasonal work in 2019: Moroccans (10.189), Colombian (771), Peru (476) and Senegal (48); 18.953 work permits were issued in the country of origin of the seasonal workers on the basis of agreements between Spain and the third country. The vast majority concern women residing in Morocco who perform seasonal work in the Huelva Region; According to the small farmers association, 91.000 seasonal workers are employed in the Huelva region during harvest. 42.000 are Spanish, <b>22.000 come from other EU Member States (Romania) and 27.000</b>

<sup>39</sup> Statistics refer to seasonal workers who migrate from third countries, on the basis of the definition given in the Seasonal Workers Directive of 2014.

Member State	Data on incoming seasonal workers residing in third countries (mostly third country nationals)
	<p><b>are third country nationals out of whom 12.000 are residing in Spain</b>; Interviews report that there are also some workers from Latin America to Ebro valley and Lerida region for fruit harvest, as well as workers from East Europe (Romania, Bulgaria or Poland), mainly women, who come yearly to Spain. Also workers with permanent residence permit from Morocco, Senegal, Mali, Guinea Conakry, Guinea Bissau, Romania, Bulgaria or Ukraine. These workers live in Spain and move across seasonal campaigns (interviews).</p>
FR	<p>CLEISS annual statistics refer to <b>8.000 seasonal work permits for third-country nationals</b> (Morocco and Tunisia) on an annual basis. Some third country nationals are posted to France through temporary work agencies.</p>
IT	<p>The Italian government applies a maximum ceiling of 30.000 work permits for third country nationals out of which 18.000 permits are meant for seasonal workers from third countries (2019) (India, Albania and Morocco).</p>
LU	<p>Official sources indicate that there are <b>no third-country nationals formally employed in seasonal work in Luxembourg</b>. In the period between 2017 and 2019 not a single seasonal work (residence) permit for periods of more than 90 days was issued to third-country nationals by the Directorate of Immigration. However there are <b>cases reported of illegal employment of third-country nationals</b> in the agricultural and tourism sector</p>
NL	<p>22.030 permits were issued to third country nationals in 2019 but only <b>4.450 were regular labour immigrants</b> (the other categories blue card holders and researchers);  However, there is a <b>growing number of third country nationals</b> who are posted through temporary work agencies (both established in the Netherlands or in other EU Member States) to the Netherlands.</p>
PL	<p>The Ministry of Family, Labour and Social Policy has issued <b>131.446 seasonal work permits</b> in 2019 out of which 126.898 seasonal work permits for agriculture/forestry/fishing and 4.548 in hotel/restaurant business; Most migrant seasonal workers in Poland come from third countries (Ukraine: 129.683; Belorussia: 659; Moldova: 380 and Georgia: 302)</p>
RO	<p>In 2019, there were <b>129 third country nationals</b> employed as seasonal workers in Romania</p>



## Annex 3

De Cortazar, C. G. et. al., (2020) *Summary Report : The situation of seasonal workers in selected Member States*, MoveS Report, p.11.

### *Seasonal Work and business sectors in selected Member States*

MS	Main business sectors of seasonal work (incoming flows)
AT	Agriculture/horticulture, forestry, tourism (accommodation, catering/food services), trade, construction and transportation
BE	Agriculture/horticulture (in some regions also tourism/hotel industry)
CZ	Agriculture/horticulture, forestry, tourism (accommodation, catering/food services)
DE	Agriculture/horticulture, forestry, tourism (accommodation, catering/food services), construction, fun fairs and circuses
ES	Agriculture/horticulture, tourism (accommodation, catering/food services)
FR	Agriculture/horticulture, tourism (accommodation, catering/food services), entertainment
IT	Agriculture/horticulture, tourism (accommodation, catering/food services), food industry
LU	Agriculture/horticulture, tourism (accommodation, catering/food services), aviation
NL	Agriculture/horticulture, forestry, hiring and business services, trade, industry
PL	Agriculture/horticulture, forestry, fishing, tourism (accommodation, catering/food services) and construction
RO	No data available

## Annex 4

De Cortazar, C. G. et. al., (2020) *Summary Report : The situation of seasonal workers in selected Member States*, MoveS Report, p.48.

*Overview of national information provision for seasonal workers and assessment by stakeholders*

<b>Member State</b>	<b>Information available: campaigns, leaflets, brochures, websites...</b>	<b>Deficiencies reported in information provision</b>
<b>AT</b>	In agriculture, the campaign " <a href="http://www.sezonieri.at/en/startseite_en/">http://www.sezonieri.at/en/startseite_en/</a> " targets seasonal workers. It is available in all main languages online and provides leaflets. Members also conduct outreach work, but access to sites can be restricted.	Information is available in German and English from trade unions, Chamber of Workers, the state and social insurance institutions. However, without basic understanding of Austrian institutions and labour and social law the information is barely adaptable to the individual case.
<b>BE</b>	In order to try to make all the material available in an accessible way, leaflets and posters are drafted in eight different languages (e.g. Polish, Romanian, Bulgarian, English). Recently, an app has been developed in 6 different languages to help the employer and the seasonal workers understand technical explanations on the operation of the company or the use of the equipment.	

Member State	Information available: campaigns, leaflets, brochures, websites...	Deficiencies reported in information provision
CZ	<p>State Labour Office provides a single official national website for posted workers according to Article 5 of Directive 2014/67/EU (<a href="http://www.suip.cz/vysilani-pracovniku/posting-of-workers/">http://www.suip.cz/vysilani-pracovniku/posting-of-workers/</a>). Moreover, it provides most important information on labour legislation and rights of workers in 9 languages.</p> <p>There are several NGOs working with foreigners, especially third-country nationals, which also provide important and useful information to their clients.</p>	<p>The general level of knowledge of foreigners, including seasonal workers, about their rights and entitlements, is quite low.</p>
DE	<p>Specific flyers have been produced addressing specific issues related to seasonal workers and available in up to eight (notably Eastern European) languages.</p>	<p>IGBau considers the available information deficient because it is not specifically tailored towards the needs of seasonal workers (the perspective of seasonal workers is not adopted). The DGB has highlighted that access to information is not sufficient.</p>
ES	<p>In the agricultural sector, employers do offer guidelines and instructions in different languages depending on the profile of the seasonal workers at the workplace (interviews).</p> <p>The government also offers guidelines about job seeking and formal procedures and requirements for employment, particularly on the issue of recruitment in the country of origin. These information sheets are available in various languages, covering</p>	<p>Outreach of workers remains a challenge, especially in the agriculture sector given its geographical dispersion.</p>

Member State	Information available: campaigns, leaflets, brochures, websites...	Deficiencies reported in information provision
	<p>issues such as the purpose of collective management of hiring non-EU foreign workers in their country of origin, the types of visas (e.g. steady jobs, temporary jobs, job-search visas) and their characteristics, and recruitment process.</p> <p>ASAJA agrarian employers' representative coordinates seasonal campaigns, informing about work vacancies in several languages, such as Romanian, Senegalese, Arabian, French or English (for Mali or Gambia workers). Coordination is made on real time because the exact dates of campaigns vary from year to year depending on weather conditions. Travel is organized by workers, who usually move by coach from one area to another, but usually paid by employers.</p>	
FR	<p>Information available in the field of seasonal work is quite satisfactory. It is rather easy to find key and user-friendly information on-line. There are several guides and leaflets available on-line, and which can be freely downloaded.</p>	<p>Information targeting cross-border seasonal workers is not developed enough. Information is mainly designed for French workers who already have a good knowledge of French social security and labour environment.</p> <p>Information relating to social security is too basic. Not only the French social security scheme should be presented more precisely, but rules applicable to cross-border workers should be introduced (which is never the case).</p> <p>If translation into foreign languages is sometimes provided, it is far from being systematic. Public websites do not offer clear and accessible information on seasonal work.</p>

Member State	Information available: campaigns, leaflets, brochures, websites...	Deficiencies reported in information provision
IT	Information campaigns are mainly carried out by trade unions and other associations working with seasonal workers. At least, this is the case with migrant seasonal workers.	Official websites are quite complicate to navigate through and it is not easy to find the information there. They are mostly in Italian and this does not make them accessible to non-Italian speaking workers.
LU	There is information, of an administrative nature, on seasonal work on the Official Website of the Luxembourg Government (in French, German and English).	
NL		It is difficult for labour migrants to find relevant information about working and living in the Netherlands. Little information is available in the language of migrant workers and it is not always easy to find. In addition, it is difficult for labour migrants to find the right counter when they have complaints. In the Netherlands, there is not a single counter where labour migrants can go with their questions and complaints.
PL	Most of the official pages that are addressed to foreigners have several language versions. Free advice and information on labour law and legality of employment (also in Ukrainian) is provided by the National Labour Inspectorate.	Despite governmental initiatives taken by organisations concerning foreign workers, including seasonal workers, the available materials do not meet the needs of the addressees. Prepared websites and other aids are not user-friendly, and it is difficult for seasonal workers to make use of them. For seasonal workers, the most important is still so-called "word of mouth". For workers from the East (Ukraine, Georgia, Belarus, Armenia), the most reliable source of information is the information provided by family or friends. In addition, in the case of seasonal workers from Ukraine, the main source of information is Ukrainian language blogs (bottom-up initiative).
RO	There is information available on the sites of some Romanian public institutions (Romanian Ministry of Labour and Social Protection,	The information is too general and not user-friendly for workers. There is no specific information regarding seasonal workers.

Member State	Information available: campaigns, leaflets, brochures, websites...	Deficiencies reported in information provision
	<p>Romanian National Employment Agency and Romanian Labour Inspection).</p> <p>Both, trade union and employer representatives, considered that it would be useful to periodically update information and intensify the dissemination of information, as well as real collaboration between institutions and relevant social actors. It is also extremely necessary to constantly update the information and to develop information campaigns on all channels, by the social partners, in a concerted manner.</p>	<p>No recent leaflets or information campaigns for mobile or seasonal workers organised by the authorities are recorded in last several years.</p>