



# Tackling Undeclared Work amongst Third-Country Nationals

**OUTPUT PAPER**

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# 1.0 Introduction - The importance of tackling undeclared work among Third-Country Nationals

Third-Country National (TCN) workers make up a significant share of the workforce in sectors such as agriculture, domestic work, construction and tourism (FRA 2015; ELA 2022; ELA 2025), which are sectors often characterised by undeclared work (UDW) and conditions of labour exploitation. Factors such as the precariousness of their legal and social status place TCNs in a position of particular vulnerability to undeclared work and potential exploitation. Access to justice for these workers is often difficult, and protective or redressive measures are frequently applied inadequately (Van Nierop *et al.* 2021; FRA 2015; 2018).

Tackling undeclared work among TCNs has therefore become essential to protecting all workers – both TCNs and EU/EEA nationals. Indeed, EU/EEA nationals may themselves be adversely affected, as the presence of a particularly vulnerable workforce – often subjected to substandard employment conditions – can generate distortions in competition and downward pressure on labour standards. Addressing these practices is therefore crucial not only to safeguarding workers' rights, but also to improving job quality for all workers, ensuring a level playing field among businesses and preserving the integrity of the internal market. In this sense, effective action against undeclared work contributes directly to supporting a fair and inclusive EU labour market, and upholding the European social model based on social justice and solidarity.<sup>1</sup>

The European Commission's political guidelines suggest that it should act to ensure that migrant people are not exploited in the EU labour market and have good working conditions (Von der Leyen 2024). Similarly, the [mission letter to the Commissioner for Home Affairs and Migration, Magnus Brunner](#) emphasises the need to “step up enforcement and, where necessary, review the rules on preventing the exploitation of workers in Europe with an irregular status”.

Given the relevance and importance of this topic, the thematic day of the 19th European Platform plenary meeting, held on 4–5 November 2025 in Bratislava focused on undeclared work among TCNs. The meeting examined the different types of undeclared work involving TCNs in the EU Member States and EFTA countries, explored key challenges and enforcement gaps, and facilitated the exchange of information and good practices, with particular attention to sectors such as agriculture.

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<sup>1</sup> There is no single, officially agreed definition of the European Social Model (see on this Vaughan-Whitehead 2015). However, various European summits have contributed to shaping and clarifying the notion of the European Social Model. For instance, during the European Council meeting in Lisbon in 2000, it was stated that “the European Social Model, with its developed systems of social protection, must underpin the transformation of the knowledge economy”. According to the European Commission “[Europe's unique social model is based on creating prosperity while ensuring that no one gets left behind](#)”. This highlights the need for the market economy and welfare state to coexist, with the aim of ensuring solidarity and social cohesion. Indeed, line with the principles of the EU Charter of Fundamental Rights, economic growth must serve to enhance overall social well-being and must not occur at the expense of any segment of society. However, in recent years, in an increasingly globalised and liberalised economic context, the European Social Model has come under growing pressure, with significant impacts on the protection of workers' rights and living standards. This gradual erosion highlights the deep and persistent crisis affecting the model and underscores the need to support a system in which economic and social progress are given equal priority, and where decent work and robust social protection serve as key instruments in combating poverty and social exclusion. See on this, among others, Vaughan-Whitehead 2015; Giubboni 2015; Van Parijs, P. et al 2025.



This paper presents an overview of the key points and issues that emerged and were addressed by participants during the plenary meeting, supplemented by additional literature, contextual information and existing materials produced by the European Platform tackling undeclared work (the Platform).

## 2.0 EU Initiatives

### 2.1 EU focus on undeclared work involving TCNs and the key role of labour inspectorates

As also underlined in the above-mentioned European Commission documents, it has become increasingly evident that undeclared work cannot be effectively addressed without taking into account its dimension involving TCNs (see also ELA 2015, 2017; Van Nierop *et al.* 2021). However, as also highlighted by European Commission representatives during the Platform plenary, there is still **limited understanding of the scale, structure and dynamics** of undeclared work. This knowledge gap is particularly evident with regard to EU mobility, sectoral distribution and the duration of undeclared employment. A representative of the European Commission Directorate-General for Migration and Home Affairs – DG HOME specifically underlined the **challenges in obtaining precise data, especially in the case of irregular TCNs**, as only estimates are currently available. The limited nature of quantitative and qualitative data has also been highlighted by several studies, including research conducted by ELA (see, for instance, Van Nierop *et al.* 2021). This underscores the need for further research, the development of methodologies to produce estimates of the prevalence of undeclared work and greater institutional attention to this topic.

European Commission representatives during the meeting underlined **the crucial role played by labour inspectorates** at the national level in enforcing workers' rights and in detecting and addressing undeclared work and labour exploitation. In doing so, labour inspectorates also serve as an observatory for identifying changes and dynamics in undeclared work and for developing ways to address it, placing the protection of the workers involved at the centre.

#### Box 1. Key role of labour inspectors

According to a recent **European Labour Authority – ELA and Fundamental Rights Agency – FRA - [practical guide for labour inspectorates](#)**, to effectively safeguard workers' rights, labour inspectors can:

- inform workers about rights they are entitled to, recognising that these vary depending on their specific status;
- detect possible cases of labour exploitation and refer affected workers to the relevant support services;
- help workers recover unpaid wages and gather the necessary evidence to substantiate their claims;
- explain how to file a complaint when labour law violations occur.

In some countries, labour inspectors have access to specialised **training** on how to engage with victims during enforcement activities, even if often training is not specifically on TNCs (FRA 2018; Van Nierop *et al.* 2021). This is the case in Germany, as reported by a representative of the Central Customs Authority. Finland's labour



inspectorate uses an internal checklist on labour exploitation during inspections, and provides [general guidance on foreign workers](#)<sup>2</sup>. Other countries, such as Iceland, lack formal specialised training; most of their capacity has developed through recent experiences.

In many Member States, labour inspectorates have **activated cooperation** with other key actors involved in addressing and preventing undeclared work among TCNs. These include for instance social partners and also NGOs, whose contribution is fundamental to address the different situations of TCNs in undeclared work in a more holistic way (PICUM 2020).

The European Commission also supports cooperation among the different actors, including social partners, involved in addressing and preventing undeclared work. The forthcoming [Fair Labour Mobility Package](#), expected by the end of 2026, aims to ensure fair and lawful labour mobility across the EU, by strengthening the mandate of the European Labour Authority, advancing the digitisation of social security systems and enabling faster, more reliable exchanges between national authorities. This package is expected to modernise rules on cross-border labour mobility and social security coordination.

Fair recruitment principles are crucial when it comes to the employment of TCNs. In this regard, an important EU initiative is the [EU Talent Pool](#), a digital matching platform designed to facilitate the recruitment of TCNs for employment in the EU. Its aim is to facilitate international recruitment in sectors where EU Member States experience shortages. At the same time, the Talent Pool seeks to ensure that companies do not fall behind due to labour shortages.

## 2.2 The impact of the Employers Sanctions Directive 2009/52/EC

The **Employers Sanctions Directive 2009/52/EU** aims to tackle irregular migration by preventing and addressing the illegal employment of irregular TCNs. It does so by sanctioning employers while also establishing measures to protect workers' rights, including mechanisms to claim outstanding wages and facilitate complaints, as well as the possibility of issuing temporary residence permits to victims of particularly exploitative employment practices and minors.

During the plenary meeting, a representative of DG HOME presented preliminary findings on the implementation of the Employers Sanctions Directive, which will be included in the Commission's implementation report scheduled for 2026. The data collected derive from Member States' annual reporting, their responses to a Commission's questionnaire for this report and from a complementary small-scale survey carried out by FRA with social partners.<sup>3</sup>

The preliminary findings on **inspections and risk management** suggest that Member States are increasingly using risk-based and sector-specific inspections, with a particular focus on sectors such as construction, horeca, agriculture, and transport. The number of inspections carried out between 2021 and 2024 has risen, including when compared with the previously covered reporting period available (2019-2020). Inspection coverage (i.e., the share of employers inspected out of the total) shows considerable variation in the Member States, spanning from

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<sup>2</sup> See also par. 4.2.

<sup>3</sup> Additional input was gathered from institutions such as FRA, ETUC, PICUM, and employers' organisations. The following consultations were carried out : European Partnership for Integration (June 2025); Expert Group on the Views of Migrants (September 2025); Labour Migration Platform (October 2025); 10th European Migration Forum (27–28 November 2025); an ad hoc hearing consultations with sectoral social partners (December 2025) and regular meetings of the Expert Group on Irregular Migration (most recently in April and December 2025).



about 1% or less to more than 15% of all employers. Furthermore, detections of irregularly staying TCNs have increased significantly, doubling over the same period.<sup>4</sup>

Regarding **sanctions and enforcement**, preliminary findings indicate that the number of proceedings initiated following inspections - whether resulting in administrative or criminal measures - has doubled between 2021 and 2024. Financial penalties have been applied more consistently, with fines exceeding € 210 million in both 2023 and 2024. These sanctions remain concentrated in a limited group of Member States, and the use of criminal penalties continues to be uneven.

Concerning the **protection of workers' rights**, complaint-related tools – including multilingual tools, safe reporting channels, and the possibility of third-party involvement – have improved, yet their actual use remains very limited and **there is considerable room for improvement**. In addition, back payments to workers who are irregular TCNs seem still rare, and data on such cases remain scarce. In <https://italy.iom.int/it/news/oim-e-inl-rinnovano-la-collaborazione-nel-contrasto-allo-sfruttamento-lavorativo> the aggregate across the 25 Member States concerned by the Directive, there has been an increase in the issuance of temporary residence permits to victims of labour exploitation. However, this trend does not extend to many countries, as approaches to supporting victims of severe exploitation vary significantly. While several Member States provide temporary residence permits, others tend to limit such measures to victims of trafficking (PICUM 2020; FRA 2021) and/or do not provide disaggregated data on such temporary residence permits. In this context – often characterised by the weakness or absence of safe reporting mechanisms – social partners and civil society report that **irregular migrant workers in many countries risk arrest, detention, and removal if they come forward to seek help or report abuse**. As a result, they frequently find themselves facing a harsh choice between enduring exploitation and risking detention and removal for seeking redress (see also in this regard Marchetti & Palumbo 2021).

## 2.3 ELA and FRA initiatives

Recognising the strong **link between tackling undeclared work and combating labour exploitation**, and the significant presence of TCNs in these phenomena, ELA and FRA have developed a **practical guide** to support labour inspectors to detect and address exploitation in the workplace and protecting workers' rights, with particular attention to migrant workers.

The guide is based on ELA's training manual on labour exploitation and labour law violations, as well as [FRA's 2024 training manual](#) on how labour inspectors can protect the rights of TCN workers. The guide is intended as a **practical tool for inspectors**, offering concrete support for their daily work. As an ELA representative explained during the plenary, the publication of this guide was followed by training sessions for law enforcement authorities to support its uptake and use.

This guide places a special focus on non-national workers employed in EU countries other than their own, who are often more vulnerable to exploitation. In particular, it focuses on TCNs as well as on EU nationals and nationals of Iceland, Liechtenstein, Norway and Switzerland who are exercising their right to work or provide services in another EU country.

The guide explains the different forms that labour exploitation can take and summarises the rights that EU law grants to various categories of non-national workers (described as either TCNs or EU mobile workers). It also

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<sup>4</sup> Such detections doubled between 2019 and 2024. 2019 has been taken as a term of comparison in the previous reporting period of the Directive as inspections and therefore detections in 2019 were negatively affected by the COVID-19 pandemic.



offers practical advice for inspectors on how to communicate with these workers, highlights the signs that may indicate exploitation, and provides guidance on how to support victims.

During the meeting, a FRA representative highlighted that the ELA report on posted TCNs (ELA 2025) points to a significant risk of exploitation that remains largely unaddressed. In particular, safe reporting mechanisms are not sufficiently ensured under EU Directives on posted workers, including Directive 2018/957, and employer's responsibility is in some cases weakly enforced. The FRA representative therefore expressed the Agency's interest in strengthening cooperation with ELA and other institutions on these issues. FRA is also preparing a research report on access to justice among TCNs in the EU. As noted by a representative of the European Commission, the Commission welcomes the **complementarity between the work of FRA and ELA**.

## 3.0 The vulnerable situation of TCNs regarding undeclared work and exploitation

### 3.1 Factors contributing to the vulnerable situation of TCN

Insights from plenary participants have shown that TCNs involved in undeclared work may have different legal statuses, including an irregular status or temporary legal status as seasonal workers. An interplay of structural and contextual **legal and social factors** contributes to placing TCNs in situations of particular vulnerability to undeclared work and exploitation.<sup>5</sup>

For instance, as the thematic expert participating in the plenary highlighted, factors such as **restrictive, selective, temporary and complex national entry and regularisation channels** for TCN workers often play a crucial role in **contributing to, rather than preventing**, the dynamics of undeclared work. Certainly, the lack of a residence permit is clearly a major element leading to undeclared work and exploitation. However, a **temporary and precarious legal status** can also contribute significantly to vulnerability. For example, seasonal workers – authorised to work for a specific job or employer for a limited period, often in the framework of bilateral agreements between Member States and third countries – frequently face short-term employment situations that heighten their dependence on employers and thus their vulnerability to undeclared work and labour rights violations, including working conditions and minimum wage regulations.<sup>6</sup>

Similarly, the precarious and uncertain conditions faced by **asylum seekers** can lead them to resort to undeclared work to supplement their income (see, in this regard, Van Nierop *et al.* 2021), a situation often exacerbated by national asylum regulations. In Italy, for instance, income thresholds for asylum seekers hosted in reception centres may push them towards undeclared employment to cover debts or support their families without risking the loss of accommodation (L'Altro Diritto & Flai Cgil 2022).

Precarious legal status and dependency on employers also characterise the situation of **TCN posted workers**, contributing to their exposure to fraudulent practices such as the absence of habitual employment in the sending country or failure to register posted workers in the receiving country (see in this regard ELA 2025; Cremers 2024).

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<sup>5</sup> More specific information about this topic can be found in the discussion paper in the annex. On this please see also, among others, Costello & Freedland 2015; Rijken & de Lange 2018; Mantouvalou 2023; Palumbo 2024.

<sup>6</sup> For an analysis of the vulnerabilities that characterise the conditions of seasonal workers, see, for instance, Merikoski & Näre (2025) on Finland, Iossa & Selberg (2022) on Sweden, and Hellio (2016) on Spain.



As a result, a TCN worker subject to a non-genuine posting arrangement risks ending up in an irregular situation as a result of a fraudulent posting employer.

As the thematic expert underlined, the financial responsibilities including **sending remittances**<sup>7</sup> to support family members and/or repay **debts**<sup>8</sup> incurred to finance their migration to EEA countries are additional intersecting factors that may push TCNs to tolerate or accept undeclared work and/or sub-standard working conditions. In this context, several plenary participants noted that recruitment fees play a crucial role in creating debt and increasing migrant workers' vulnerability (see also in this regard Cremers 2026). For example, a representative of the Finnish Ministry of Economic Affairs and Employment emphasised that recruitment fees constitute a significant issue in Finland.<sup>9</sup> It is worth noting that recruitment fees cover any payments workers make to secure a job, whether paid to recruiters or intermediaries. Such fees are often unlawful, as they may involve undeclared practices or more generally employers and intermediaries which operate illegally. Recruitment fees can also include application costs – such as visa and work-permit fees or document-processing charges – that workers must pay to regularise their status. In some countries, such as Finland (see for instance Merikoski & Näre 2025), these costs can be particularly high.

**Limited national measures to support TCNs' labour market integration**, including challenges in the recognition of their educational and professional qualifications<sup>10</sup>, are additional layers contributing to the dynamics of undeclared work. These are compounded by other factors, such as **limited language skills and the lack of strong social networks** (Van Nierop *et al.* 2021), resulting in limited contact with people, including professionals such as lawyers and relevant organisations, who are familiar with local laws and policies. This can significantly hinder TCNs' understanding of their rights and protection, as well as the advantages of declared work. For irregular TCNs, these challenges are further intensified by their exclusion from integration measures and their limited access to justice, which push them into an even more marginalised position.

In labour markets that are highly segmented on the basis of residence or immigration status, gender, and nationality, TCNs - especially low-wage workers - tend to be employed in sectors typically less attractive to national workers but essential to society, often under poor working and living conditions and with limited protection.<sup>11</sup> These sectors include agriculture, domestic and care work, construction, transport as well as horeca but also subsectors, as for example food delivery (see, for instance, in this regard Cremers 2008; Merikoski & Näre 2025a; 2025b; Van Liempt Hajer 2025). As some participants noted, the common features of these sectors play an important role in contributing to dynamics of undeclared work. For example, they present similar challenges for authorities attempting to carry out workplace inspections. In some cases, access is impossible (as in private households); in others, it is logistically difficult, such as in agriculture or, to some extent, construction, where worksites are temporary and often active for only a few weeks or months. Sectors such as construction or transport also poses further technical difficulties, as multiple economic operators may work simultaneously on the same site, often connected through long and complex subcontracting chains. Moreover, many of these sectors are marked by temporary and seasonal employment arrangements which, as highlighted above, place workers in situations of legal precarity and dependence on employers - conditions that can further facilitate undeclared work and labour exploitation. Given these elements, as some participants - including a representative of DG HOME - pointed out, these sectors are often described as higher risk not to stigmatise them, but to highlight how certain shared characteristics can make them more exposed to undeclared work and exploitation.<sup>12</sup>

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<sup>7</sup> On the topic of remittances see, among others, Le Goff & Salomone 2016; Isaakyan & Triandafyllidou 2017; Boccagni *et al.* 2026.

<sup>8</sup> On this issue see, among others, Santoro 2023.

<sup>9</sup> On this point see also <https://www.enact.se/forced-labour-and-recruitment-fees-understanding-the-risks-and-taking-action/>

<sup>10</sup> See, for instance, in this regard Fiadzo *et al.* 2020

<sup>11</sup> In this regard see, among others, Rijken, & de Lange 2018; Triandafyllidou 2018; Neuhauser & Birke 2023.

<sup>12</sup> More specific information about this topic can be found in the discussion paper in the annex.



Some participants, including an European Trade Union Confederation - ETUC representative, highlighted the need to pay particular attention to **domestic work**, as this sector is characterised by a high presence of migrant women in irregular or precarious status and, in many cases, workers are treated differently from those in other sectors and, in some countries, such as Italy (Borelli 2020), enjoy fewer rights. To contribute to addressing this challenge, ELA has produced a dedicated report on undeclared work in the personal and household services sector (ELA 2022).

Lastly, **prevailing gender inequalities and discrimination** can significantly shape the dynamics of undeclared work and contribute to situations of exploitation. For example, as the thematic expert pointed out, women TCN farmworkers may be subject to labour exploitation and forms of gender-based violence, including sexual blackmail and abuse, particularly in contexts of strong dependency on employers or intermediaries.<sup>13</sup>

### 3.2 The involvement of diverse actors in non-compliant recruitment practices

During the discussions, the **involvement of diverse actors in non-compliant recruitment practices** leading TCNs into undeclared work emerged as a key concern. Several participants emphasised the need to address not only employers, but also the various intermediaries commonly involved in these dynamics.

In particular, in contexts characterised by structural shortcomings in institutional job-placement systems, undeclared work is frequently facilitated by personal or community networks (Van Nierop *et al.* 2021). As migration scholars have emphasised (see, among others Keskiner *et al.* 2022) community networks play a complex and, depending on the context and individuals' situations, sometimes contradictory role. On the one hand, they can provide strong support in addressing legal and documentation issues and in facilitating access to employment and housing. On the other hand, they may also take advantage of situations of vulnerability by offering job opportunities or support in exchange for money - requesting payment for help in navigating administrative procedures or in finding accommodation and employment sometimes leading to undeclared work (Van Nierop *et al.* 2021).<sup>14</sup> In Italy, for example, informal migrant origin intermediaries play a crucial role in labour recruitment in sectors such as domestic work and agriculture.<sup>15</sup> In the latter sector in particular, illegal gangmasters – many of whom are of migrant background and commonly referred to as *caporali* – operate as key actors in supplying and organising low-wage workers at low cost and often in conditions of undeclared work and exploitation.<sup>16</sup>

Also relevant is the **role of fraudulent agencies** – often unregistered and/or unlicensed – that facilitate TCNs' entry into the destination country and provide both accommodation and employment (see, for example, Van Nierop *et al.* 2011; FRA 2018). Unregulated agencies and informal intermediaries also play a role in bogus postings, contributing to dynamics of undeclared work and exploitation (see, for instance, Trčka *et al.* 2018).

As noted by some participants, including ETUC representatives, the involvement of multiple intermediaries contributes to making employment relationships more fragmented and opaque, blurring lines of responsibility. In some cases, this results in workers never meeting - or not even knowing the identity of - their real employers. These dynamics are especially pronounced within **subcontracting chains**.

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<sup>13</sup> For an analysis of cases of labour exploitation and gender violence in sectors such as agriculture see for instance Palumbo & Sciarba 2018 and Giammarinaro 2022.

<sup>14</sup> For example, recent research on migrant domestic workers in the Netherlands highlights that while intermediaries within their communities can provide important support in accessing housing, essential information and employment, they can also create opportunities for exploitation (Hajer & Van Liempt 2025).

<sup>15</sup> With regard to domestic work, take a look in particular at the work of Marchetti & Lashchuk 2025.

<sup>16</sup> On the different roles played by *caporali* see, among others, Perrotta 2014; Corrado *et al.* 2018; Omizzolo 2019.



## 4.0 Challenges, enforcement and policy initiatives to tackle UDW among TCNs

### 4.1 Challenges

#### 4.1.1 Recruitment and subcontracting

Plenary participants identified **non-compliant recruitment methods** as a key challenge for undeclared work among TCNs. For example, a representative of the Norwegian Labour Inspection Authority reported a recent deceptive recruitment practice which involves a type of phishing scheme operated by foreign labour intermediaries, in which TCNs pay them to secure a job that usually turns out to be not the one they applied for.

Cases of **illegal sales of visa permits and/or employment offers** were reported as examples of non-compliant recruitment practices in many EEA countries, including for instance in Iceland and Italy. In the case of the latter country, these illegal and fraudulent practices are facilitated by complex bureaucratic procedures governing the recruitment and entry of TCN workers.<sup>17</sup>

The **non-transparent nature of the role often played by temporary work agencies** was identified as another key issue. It was noted that document forgery is a frequent problem, which points to the need to improve recruitment processes and controls. Some participants highlighted the difficulty of determining who the actual employer is, especially when multiple actors, including temporary agencies, are involved. From this perspective, **subcontracting** emerged as another major challenge, particularly in cases involving very long subcontracting chains with multiple layers of intermediation, which are extremely difficult to monitor by the authorities. This makes it highly challenging to clearly identify which entity has the employer responsibilities to the workers, and the implications of rights protection, including social security contributions. Some participants suggested limiting subcontracting practices or introducing joint and several liability legislation as possible solutions.

A representative of DG Employment encouraged Member States to **enhance the role of Public Employment Services (PES)** in ensuring fair recruitment processes, as well as to work with them to establish partnerships with private actors.

With specific regard to mobile TCNs and posting, a representative of URSSAF outlined the main challenges faced in France when dealing with mobile TCNs working in the country and ensuring the protection of their rights. These difficulties stem from the **complexity of social security coordination and the cross-border mobility issues** involved in determining the applicable social legislation for these workers. In France, in particular, the determination of the applicable social security legislation for mobile TCNs is based on key rules derived from EU social security regulations (883/2004 and 987/2009), bilateral agreements, or – where these do not exist – the principle of territoriality.

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<sup>17</sup> In Italy, a convoluted and opaque demand–supply matching system enables the involvement of abusive actors - including [fraudulent agencies](#) - who offer job placements, required for obtaining a visa, to TCNs in exchange for substantial sums of money, sometimes reaching €16,000–17,000. Once in Italy, however, many TCNs discover that these offers were [fraudulent, leaving them at risk of falling into irregular status](#); this happened [as recently as 2025](#). See also L.Palumbo (2026); De Blasis & Bonizzoni (2024).



## Box 1. Examples of cases involving mobile TCNs and the applicable social security framework in France

### Case 1: A Spanish agricultural temporary employment agency posts Colombian workers to market gardens in the south of France

- Application of Social Security Coordination Regulation 883/2004 (Art. 12)
- The existence of a bilateral social security agreement between France and Colombia is less relevant, since Colombian workers are posted TCNs and they remain covered by the social security system of Spain, the sending state (application of Regulation 1231/2010)
- Initiation of dialogue and conciliation proceedings with the Spanish social security authorities

### Case 2: A Chinese ship repair company posts Chinese employees from China to various French ports

- Application of the *Lex Locis laboris* principle: application of the French social security system at the place of professional activity.
- No bilateral social security agreement.
- No posting from an EU Member State.

Challenges related to the non-genuine posting of TCNs were raised by many participants. Some stressed the need for specific EU legislation on the posting of TCNs in Europe. A representative of the Netherlands Labour Authority also underlined the need to provide greater clarity on the legal aspects related both to posting in general and to the particular situation of TCNs. It is also worth noting that several Member States –including the Netherlands, Belgium, Denmark, Germany, Italy, Latvia, and Luxembourg – have produced [a position paper aimed at fostering the genuine and fair posting of TCNs](#).

## 4.1.2 Labour exploitation

The **link between undeclared work among TCNs and labour exploitation** emerged as a key challenge during the plenary meeting. As a FRA representative stressed, the more progress is made against labour exploitation, the more effective the action against undeclared work becomes, and vice versa. Particularly relevant in this regard is the above-mentioned practical guide produced by FRA and ELA to support labour inspectors in their key role of detecting and addressing labour exploitation in the workplace and protecting workers' rights, with particular attention to migrant workers.

Many participants reported cases of exploitation experienced by TCNs. For example, as highlighted by a representative of the Croatian State Inspectorate, serious injuries in the construction sector have drawn attention to the connection between **undeclared work and occupational health and safety**.

Concerns were also raised about the exploitation of TCNs involved in student visa programmes or the au pair system. Exploitative dynamics in **platform work** also emerged as an important issue requiring further attention.

Low or unpaid wages, or unfair deductions from wages, along with **sub-standard accommodation and living conditions**, emerged as common features characterising patterns of exploitation affecting TCNs in many Member



States. This highlights how exploitative dynamics often rely on compressing the costs of workers' living conditions and, more broadly, the costs associated with their social reproduction, particularly in the case of migrant workers.<sup>18</sup>

A representative of the French Ministry of Labour, for instance, reported a case of [serious exploitation involving TCNs in the Champagne region](#), marked by poor housing, withheld or sub-standard pay, and generally undignified living and working conditions. Cases of **trafficking** involving TCN workers are also reported in other Member States. Representatives of the Identity Malta Agency referred to instances of human trafficking involving TCNs, stressing that victims receive assistance and protection while investigations are ongoing, regardless of their immigration status.

This approach underscores that, in line with ILO standards,<sup>19</sup> safeguarding workers' rights and human rights takes precedence over enforcing immigration legislation. However, it is important to note that this approach is often not followed by many Member States. Indeed, as mentioned above, adequate **safe reporting mechanisms** for cases of exploitation and trafficking, and **access to justice** remain lacking in several European countries (see, among others, GRETA 2024). Undocumented people in particular risk arrest, detention, and removal if they approach the police to report violence or abuse (see, among others, La Strada International 2024).

## 4.2 Enforcement initiatives

Several Member States have adopted a variety of enforcement initiatives to **tackle and prevent undeclared work and labour exploitation** with a specific focus on TCN workers.

As the presentation by a representative of the French Ministry of Labour illustrated, in **France**, a wide array of actions has been implemented to combat undeclared work among TCNs. With regard to employment situations, since 2021 efforts have included the establishment of foreign workforce platforms responsible for processing work permit applications. These platforms operate at regional or thematic level, including units specifically dedicated to seasonal workers, and contribute to the detection and reporting of fraud to the competent control authorities. In France, the offence of employing a foreign national without a valid work permit can be identified by labour inspectors, the police and customs authorities, while social security inspectors are limited to checking whether the worker has been properly declared to the social security system.

Furthermore, given the specific situations of vulnerability in which TCNs without a work permit often find themselves, these groups of workers have received particular attention under the [National Interministerial Plan to Combat Illegal Work](#) and [French National Labour Inspection Action Plan](#). According to the latter, labour inspectors must ensure that TCNs without a work permit are informed of their rights (article R. 8252-1 of the Labour Code) by issuing a dedicated information document translated into 6 languages (English, Arabic, Chinese, Spanish, Portuguese, Russian). This document outlines, among other things, the possibility of lodging a claim before the Labour Court, the right to receive outstanding wages even in the case of removal from the territory, and entitlement to compensation upon termination of the employment relationship.

In France, support actions are implemented within an interministerial framework, notably through the CODAF (Departmental Anti-Fraud Operational Committees), which operates under the authority of the public prosecutor and the prefect and is responsible for tackling undeclared work. The underlying principle is that cooperation

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<sup>18</sup> 'Social reproduction' refers to all those aspects and related activities that are necessary to sustain human being lives. These include housing, food, health, childcare, social networks, and more. The social reproduction of workers can be significantly affected by exploitation dynamics carried out by employers and/or intermediaries, who tightly control the conditions of workers' daily lives — for example, their housing, food, and the movements of both the workers and their family members — as well as the related costs.

<sup>19</sup> See for instance, the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).



between labour inspection services and other public authorities should allow inspectors to fully carry out their core mandate of protecting workers, in line with ILO standards, rather than enforcing immigration law. However, it is important to take into account that in recent years the protection of migrant workers – especially those in an irregular situation – has become increasingly challenging due to stricter migration controls and more restrictive administrative requirements for obtaining and renewing residence permits (see, among others, Rosina 2024). This has led to a significant rise in removals. In this context, some NGOs expressed concern (see, for instance, Amnesty 2025) about the protection of migrant workers in France, whose vulnerability to undeclared work and exploitation, as well as their risk of falling into irregularity and consequently being deported, has been significantly aggravated by the recent tightening of French migration policy.

With regard to cases of human trafficking and/or sub-standard housing conditions, labour inspection services are required to inform victims of their rights, in particular with respect to their right to reside in France. Victims who file a criminal complaint for human trafficking may be granted a temporary residence permit for the duration of the investigation and until a final judgment is issued, as well as a 10-year residence permit if the trafficker is convicted. While this is an important provision, it is worth noting that the approach – common in anti-trafficking interventions in many Member States – of linking protection and the issuance of a residence permit to a person's cooperation with the authorities may prevent many individuals from escaping exploitation and seeking help. Indeed, many victims are unwilling to testify against their exploiters or traffickers because they fear the consequences – especially when they lack certainty about alternative job opportunities – and may therefore be reluctant to cooperate with the authorities (Marchetti & Palumbo 2021). By contrast, as several experts and organisations argue (see, among others, Giammarinaro 2021; La Strada International 2022; PICUM 2022), assistance and protection for exploited or trafficked persons should be unconditional and granted regardless of their cooperation in criminal proceedings, based on their personal circumstances, prioritising victims' rights over law enforcement and ensuring support for long-term social and labour inclusion.

In July 2024, a **methodological guide for labour inspectors in France** on actions concerning TCNs without work authorisation was published. A similar approach has been adopted in **Finland** where a checklist on labour exploitation and [general guidance on foreign workers](#) have been introduced.

As highlighted by a representative of the Regional State Administrative Agency for Western and Inland Finland, in **Finland**, beyond the policies adopted in the berry-picking sector (see Section 4.3), significant measures have also been implemented to address undeclared work in the forestry sector. This industry is characterised by complex subcontracting chains involving both Finnish and foreign companies and a workforce largely composed of TCNs. In particular, cooperation with major operators and the use of **forest certification schemes** have proven crucial in enhancing transparency and ensuring compliance with health and safety standards as well as decent work, since certification requirements include respect for fair working conditions.

In some Member States, trade unions have adopted several actions to address undeclared work. In **Iceland**, for instance, particularly relevant is the work carried out by the [Icelandic Confederation of Labour \(ASI\)](#), which represents around two-thirds of the Icelandic workforce and is characterised by a very high union membership rate of approximately 90%. Due to its high level of unionisation, it is able to extend services beyond its membership, supporting non-unionised workers as well. Therefore, TCNs and seasonal workers – who are often not unionised – can benefit from the union's services. Its mandate includes **safeguarding compliance with collective agreements**, including through **inspection activities and cooperation with relevant authorities**. Unions process all work permits, leading to contract reviews and follow up inspection. ASI offers information in multiple languages and employs inspectors with a migrant background, which helps build trust among migrant workers. Its assistance extends beyond pay and working conditions to cover issues such as housing and access to social security, reflecting the close link between labour representation and the welfare system. As one of the ASI representatives underlined during the Platform, ASI's status as a non-public body contributes to higher levels of trust, particularly among workers who may feel hesitant toward government institutions.



### 4.3 Legislative and policy initiatives

There are specific legislative acts that are aimed at strengthening the rights and protection of TCN workers, while also ensuring compliance with applicable regulations.

The legislative changes applying in the **berry picking industry in Finland** have been highlighted as an important policy example. In this sector, traditionally characterised by a high reliance on foreign labour (see for instance Seikkula 2024), the long-standing Nordic principle of Everyone's Right allows anyone to pick natural products freely, which historically meant that foreign berry pickers were not considered to be professionally employed (or self-employed) in the sector – and therefore fell outside labour law protection. For decades, this regulatory gap left TCN berry pickers particularly vulnerable to abuse and exploitation. To address this situation, Finland adopted the Berry Act in 2021, aiming to improve the legal status of foreign berry pickers and introduce basic obligations for berry companies, such as providing workers in the berry picking sector with information, equipment, and access to authorities' contact details, as well as allowing inspections of picker camps.

However, joint inspections carried out with other public authorities between 2021 and 2023 revealed widespread non-compliance and demonstrated that **the Berry Act** offered limited tools to effectively prevent exploitation, including cases of human trafficking. Following these findings, **major policy changes were introduced**. From 2024 onwards, tourist visas for berry picking were discontinued, requiring TCNs to apply for workers' residence permits and forcing companies to formally employ pickers. In 2025, amendments to the Seasonal Work Act **further extended labour law coverage to natural product picking**, and the collective agreement for rural industries was expanded to cover this activity. Since 2025, TCNs coming to Finland to pick berries have been issued a work visa or a seasonal work residence permit. TCNs already residing in Finland under other permit types (for example, Ukrainians) fall either under the Berry Act or general labour legislation. As a result, employee status has increasingly replaced the previous informal model, **providing stronger protection in terms of wages, working time, and working conditions**. These changes also apply to EU citizens. This shift represents an important step in recognising berry picking as employment and has strengthened the role of labour authorities in preventing exploitation and undeclared work.

In line with the approach aimed at strengthening TCN workers' legal status and the protection of their rights, **Malta** recently adopted a **new Labour Migration Policy, launched in July 2025**, introducing a comprehensive reform aimed at managing labour migration more sustainably while improving the protection of TCN workers over a long-term period. There was a process of consultation with stakeholders on 32 recommendations: policy proposals made, and feedback received. Ultimately, the policy focused on four main guiding principles:

- Retention and stability;
- Protection of employee rights and enhanced working conditions;
- Aligning labour migration with labour market needs;
- Skills-based approach to migration

A key novelty is the shift towards retention and stability, with measures designed to reduce labour turnover and promote long-term employment relationships. These include longer residence permit renewal periods, revised fee systems that incentivise renewals over first-time applications, stricter termination-rate thresholds for employers, and extended grace periods for TCNs whose employment ends, allowing them more time to find new work without immediately losing their residence status.



With regard to the protection of employee rights and working conditions, new tools include enhanced desk-based investigations, possible disqualification of non-compliant employers, stricter salary payment requirements for newly recruited TCNs, and additional safeguards for victims of human trafficking. Family reunification provisions and interim permits for certain visa-exempt nationals also aim to improve legal certainty and integration.

Another major development is the tighter alignment of labour migration with labour market needs. Labour Market Testing<sup>20</sup> has been reinforced through stricter vacancy requirements, suitability checks, monitoring of newly registered businesses, workforce growth limits, and the possible introduction of *quotas* or *moratoria*<sup>21</sup> in oversupplied occupations. Employers must now demonstrate compliance with disability employment *quotas*, with non-compliance leading to the suspension of TCN applications.

Finally, the policy adopts a skills-based approach to migration, introducing a Skilled Occupations List linked to Malta's national skills strategy. It supports upskilling and integration of the existing foreign workforce and provides incentives such as lower fees and longer renewal periods for exemplary employers and key occupations, particularly in healthcare.

Overall, the new policy appears to mark a shift from a primarily demand-driven migration system toward a more **rights-based framework**. For its effective implementation, it will be important to ensure the balancing of economic needs with stronger safeguards against exploitation and undeclared work among TCNs, while also promoting their long-term labour market integration.

Some Member States have also adopted specific instruments targeting temporary employment agencies in an effort to prevent undeclared work and abusive practices. For instance, in the Netherlands, temporary employment agencies will require certification and periodic compliance checks. A [mandatory certification system for temporary employment agencies](#) will be introduced to prevent undeclared work and abuses such as underpayment and market distortion. The system applies to both temporary employment agencies and companies that hire workers through such agencies. To operate, agencies will need official authorisation and must meet strict requirements, including compliance with wage and tax rules, possession of a certificate of good conduct, payment of a financial deposit, and the provision of approved housing for foreign workers. Agencies will be subject to regular checks, and those that lose their authorisation will no longer be allowed to operate, while companies using uncertified agencies may face fines. The measure, introduced through the Provision of Personnel Accreditation Act (Watta), is expected to enter into force in 2027, with enforcement beginning in 2028.

## 4.4 Cooperation initiatives

Instances of undeclared work among TCNs and labour exploitation fall within the remit of multiple actors, making **effective cooperation** among them essential. Such cooperation facilitates information exchange and supports the protection of workers, their access to justice, and the detection and prosecution of violations. To this end, many Member States have introduced initiatives based on cooperation among the relevant actors (Van Nierop et al. 2022).

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<sup>20</sup> The labour market test is a mechanism designed to ensure that migrant workers are admitted only after employers have unsuccessfully sought national workers, EU/EEA citizens, or regularly residing TCNs with access to the labour market. It is widely applied across most EU Member States, although certain categories of workers may be exempt depending on national priorities. The procedures for carrying out labour market tests vary among Member States: the process typically involves employers and public employment services, and the duration of the verification process differs from one country to another.

<sup>21</sup> This refers to temporary legal measures by which a Member State suspends or withholds certain labour-migration rights or procedures in specific circumstances, rather than a generic ban. A Member State can set numerical limits (*quotas*) on new permits, typically for TCNs in an occupation.



For example, the above illustrated new **Maltese Labour Migration Policy** places strong emphasis on cooperation among public authorities and relevant stakeholders as a key tool for managing labour migration and preventing undeclared and exploitative work. First of all, the definition and development of this policy have taken place through structured engagement and consultation with key stakeholders including the Malta Council for Economic and Social Development, the Malta Chamber of Commerce, the National Skills Council, civil society, trade unions and economic associations. This collaborative approach continues during implementation through information campaigns, capacity building and feedback mechanisms aimed at ensuring consistent application of the new rules. Furthermore, for its implementation this new policy clearly defines and strengthens the complementary roles of actors such as Identità, responsible for residence permits, eligibility checks and vetting, and Jobsplus, Malta's Public Employment Service, which oversees employment licences, labour market testing, and employer-related services. Close coordination between these bodies is central to the effective enforcement and monitoring of labour migration rules.

In many Member States, **labour authorities** adopt a cooperative approach in their enforcement activities (Van Nierop et al. 2022; FRA 2018). For example, the **Netherlands** has implemented a comprehensive and cooperative approach through its special programme for investigating labour exploitation, including cases involving TCN workers (Van Nierop et al. 2022). This programme places strong emphasis on ensuring that victims of labour exploitation are treated appropriately and on the need for inspectors to build trust with migrant workers. Within this framework, the Dutch inspectorate deploys a combination of tools to address labour exploitation of TCNs, including targeted risk analysis, specialised joint inspections, and close cooperation with different partners, with the aim of preventing employer impunity and supporting victims of labour exploitation.

Cooperation between **labour authorities and social partners** emerged as a well-established practice across many countries. Depending on the country, this cooperation may be formalised, or informal, as in the case of France, and in some countries it may also involve the participation of trade unions in labour inspections. In **Iceland**, for instance, trade unions play a crucial role in inspection within formal joint inspections carried out by the labour authority and social partners. When trade unions identify cases of undeclared work during their investigations, they are legally obliged to notify the relevant authorities. This triggers a full investigation, which is conducted in cooperation with the trade unions whenever possible, especially where the case stems from the unions' own investigative work. Before onsite inspections, a coordination briefing is held with the relevant authorities and/or social partners to clearly define roles, responsibilities, and planned actions. During inspections, government inspectors focus on identifying infringements related to undeclared work, while trade union inspectors ensure compliance with collective agreements. Trade union inspectors also engage directly with workers to inform them of their rights and available support, providing an additional perspective that helps authorities gain a fuller understanding of the situation on the ground. Over the years, this collaboration – also involving the police – was found effective by the Icelandic authorities, as shown for instance in the HORECA sector through major investigations into trafficking cases involving TCNs (Council of Europe 2025).

In **Italy**, an important cooperation initiative is the partnership between the **National Labour Inspectorate and the International Organization for Migration (IOM)** to provide timely and effective assistance to exploited TCN workers. IOM appoints cultural mediators who help overcome language barriers, support workers in taking the necessary steps to access assistance and protection (through referrals for example), and contribute to building trust between inspectors and workers. This initiative originates from an EU-funded project under the Asylum, Migration and Integration Fund (AMIF). A representative of the Italian National Labour Inspectorate highlighted that, although these mediators are not legally mandated, they have become operationally fundamental, as they are perceived as impartial and help migrant workers feel safe and understood. The mediators' role is highly valued by labour inspectors. At the same time, cooperation among the relevant authorities remains crucial after sanctions are imposed, particularly to ensure appropriate follow-up and support for workers, with local inspection services coordinating with the police in cases involving potential criminal offences and with tax authorities where relevant.



As explained by an ELA representative during the plenary meeting, the Italian Labour Inspectorate decision to involve the IOM rather than a social partner representative is closely linked to the distinct roles of social partners within the Italian system: the public function of labour inspection, while involving social partners in the yearly overall planning and coordination, is carried over by labour inspectors only. IOM's involvement is also connected to the organisation's specific expertise - particularly in language and cultural mediation. A thematic expert also underlined that IOM's involvement should be understood in with the context of its established role in anti-trafficking interventions in Italy. Accordingly, as greater institutional attention has been devoted to labour exploitation in recent years, IOM has been one of the main actors involved in related actions.

## 5.0 Working group discussions

The plenary meeting of the Platform also included a session dedicated to small-group discussions on tackling undeclared work among TCNs, with a focus on agriculture and forestry. The objectives of this session were to encourage in-depth exchanges on participants' experiences related to the topic, to promote information sharing and critical discussion, and to create an inclusive setting in which all participants felt comfortable contributing. The main points discussed within the working groups are outlined below.

### Group 1

**Key question:** *Do you receive specialised guidance and training for tackling undeclared work among TCNs in sectors such as agriculture and forestry (e.g., checklists, multilingual materials)? Do you use specific tools?*

The discussion highlighted diverse approaches to training and capacity building among labour authorities. **ELA** clarified that they provide foundational training on EU labour mobility and facilitates staff exchanges to promote peer learning, while training on undeclared work is largely organised at national level, allowing authorities to define their own priorities and key areas.

A representative of the Icelandic Confederation of Labour reported that **Iceland** lacks formal specialised training programmes, with inspectors' capacity mainly developed through practical experience. Due to limited resources, inspectors act as generalists and cover a wide range of sectors, relying on external tools such as Finnish checklists and guidance. Multilingual pamphlets are produced and regularly updated to address the needs of vulnerable groups, and inspectors make use of their own language skills or telephone interpretation services, as in-person interpreters can sometimes inhibit open communication. The use of cultural mediators was highlighted as a positive practice. Collective agreements play a central role in Iceland, setting legal minimum standards across sectors, with inspection priorities focusing on construction, tourism, restaurants and nail salons.

In **Finland** a more structured training system was described. According to the representative of the Ministry of Economic Affairs and Employment, Finland has developed online checklists and general guidance for employers of foreign workers, and it conducts continuous training of labour inspectors. A strong emphasis is placed on soft skills, and specialised inspectors operate within the Labour Inspectorate. Participation in ELA-organised peer learning events was highlighted as good practice, with an expectation that knowledge gained is shared internally. In **Ireland**, similarly, all inspectors receive initial training, followed by opportunities for specialisation, supported by informal knowledge-sharing, joint inspections, and peer learning across specialised teams.

Across countries, participants agreed on the **need for more targeted training**, particularly in complex areas such as the posting of workers. A representative of the Irish Workplace Relations Commission noted that the posting of workers represents a more relevant issue than undeclared work in agriculture and forestry and identified transport as a key sector for further training. ELA confirmed that extensive training already exists for



the **transport sector** and announced plans for a dedicated transport-focused training event. Finally, a representative of the Finnish Ministry of Economic Affairs and Employment stressed the importance of better communicating institutional achievements, noting that annual reports could be used more effectively to raise public awareness of inspection activities and outcomes.

## Group 2

**Key question:** *From your experience, have you noticed any specific trends and patterns regarding the recruitment of third-country nationals?*

The discussion provided an overview of national trends and patterns in the recruitment of TCNs, highlighting both legal and irregular dynamics across countries. A representative of the Slovak National Labour Inspectorate reported that **Slovakia** has relatively low levels of irregular TCNs, with Ukrainian refugees often arriving through existing personal networks, while workers from Nepal, the Philippines and Uzbekistan typically rely on intermediaries. These workers are mainly employed in sectors such as construction, manufacturing and retail.

In **Norway** there is a significant presence of Ukrainians holding legal residence and work permits, alongside cases of illegal recruitment in agriculture, particularly involving Vietnamese workers. A representative of the Norwegian Labour Inspection Authority underlined the importance of cooperation with social partners, although challenges persist in identifying the actual employer within complex recruitment chains. Emerging fraudulent practices were also reported, including schemes run by intermediaries targeting TCNs through misleading job offers.

As a representative of the Ministry of Labour and Social Insurance reported, in **Cyprus** post-COVID labour shortages - especially in services - have contributed to increased illegal recruitment of TCNs, with similar patterns in agriculture and construction. Particular challenges were identified in relation to work permits, as many TCNs become irregular once job-seeking permits expire, a situation that shares similarities with Malta's permit system.

**Italy** presented a particularly complex situation, with widespread involvement of TCNs in seasonal agricultural work and persistent exploitation through the *caporalato* system. As a representative of the Italian National Labour Inspectorate noted, complicated legislation and bureaucratic barriers contribute to irregularity. Although the law requires employers to recruit TCN workers before their arrival in Italy, this system (*Decreto Flussi* system<sup>22</sup>) has proven ineffective and is often misused. In practice, many TCNs are already present in Italy under different or expired permits and are then employed in breach of the rules established under the Italian legal framework. Employers often exploit workers' situations of vulnerability, keeping workers in undeclared employment for long period and, in some cases, taking advantage of periodic regularisation schemes, which remain a key feature of the Italian system. The most recent scheme was introduced during the 2020 pandemic and applied only to the domestic work and agricultural sectors, with significant limitations in its implementation (Bonizzoni et al. 2025; Portoghese 2024). More broadly, participants noted that visa and work permit frameworks vary significantly across countries and are closely linked to migration routes. From the employers' perspective, a representative of BusinessEurope emphasised the need for more accessible legal migration pathways, better recognition of qualifications, and greater promotion of circular migration, while arguing that responsibility for permits and related documentation should rest with public authorities rather than employers. The discussion also raised concerns about labour shortages, brain drain, and the risks of encouraging irregular

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<sup>22</sup> Italian government law that sets how many non- EU citizens can enter Italy for work, especially for seasonal work, non-seasonal work and self-employment.



migration, while highlighting **Malta** new policies as an example of a policy approach aimed at promoting long-term, employment-based migration models.

### Group 3

**Key question:** *Agriculture and forestry sectors are considered to be particularly sensitive sectors and often involve a high number of TCN. Do you have in place specific inspection plans or policy measures to address undeclared work in these sectors?*

The discussion highlighted significant differences across Member States regarding mandates, priorities and institutional competences for addressing undeclared work of TCNs, particularly in agriculture and forestry. **Germany** has reported the absence of dedicated strategies in targeting undeclared work among TCNs in these sectors. France reported the absence of both specific competences and strategies focused undeclared work among TCNs in these sectors. **Spain**, by contrast, identified agriculture as a particularly sensitive sector and has allocated substantial inspection resources to it, while forestry receives comparatively fewer inspections than in some other EU countries.

In **Poland** the labour inspectorate carry out inspection activities focused on the legality and forms of employment, which include the case of TCNs in the agricultural sector. The number of TCNs in agriculture is considered to be low. These inspections cover employers (i.e. entities employing at least one worker under an employment relationship) and entrepreneurs (i.e. entities conducting economic activity). Preliminary 2025 data shows that 197 foreign workers were covered in that year's inspections, and 4 cases of illegal work were found. Certain TCNs working for farms may also prove legality based on specific documents. For example, in the case of Ukrainian nationals, this includes a declaration on entrusting work submitted to the county labour office. Farmers are not legally classified as business operators when they employ temporary or seasonal workers under a 'harvest help contract'. This type of contract is a civil law agreement, not a labour law contract, and includes specific provisions regarding social security and other matters.<sup>23</sup> In addition to inspections, Polish authorities undertake awareness raising activities for the entire agricultural sector, which are focused mainly on health and safety in agriculture. **Slovenia** reported a similar situation, with few cases involving TCN workers, but noted ongoing efforts to introduce new systems to verify compliance with labour legislation, alongside strengthened cooperation with the tax authorities.

Overall, the contributions underscored the fragmented nature of responsibilities across countries and sectors, as well as the varying levels of attention given to agriculture and forestry in national enforcement strategies.

### Group 4

**Key question:** *What are the main challenges and enforcement issues in relation to the posting of TCNs?*

The discussion highlighted a range of cross-cutting challenges and emerging responses related to the posting of workers and undeclared work involving TCNs. Labour intermediaries and complex subcontracting chains were highlighted as significant risk factors, especially in relation to posting. A representative of the **Croatian** State Inspectorate noted that subcontracting arrangements can blur employer responsibility and suggested that limiting subcontracting chains or introducing joint liability mechanisms could be effective solutions.

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<sup>23</sup> It is worth mentioning that if farmers employ workers under labour law contracts, they are classified as employers, and both labour inspectors and border guards are then authorised to carry out inspections.



Several structural challenges were also raised, including the need for stronger coordination of social security systems, ongoing capacity constraints faced by enforcement authorities - particularly in relation to inspector training - and legal complexity, in terms of legislative interpretation, as noted by a representative of the **Belgian** Social Information and Investigation Service. They also stressed the importance of a multidisciplinary and holistic approach, based on enhanced coordination among authorities, to more effectively address these interconnected challenges.

Language barriers were repeatedly identified as a major issue, particularly for mobile workers such as drivers in the transport sector, who operate across multiple EU countries.

Several participants stressed the need for improved and more centralised use of data and resources to enable effective cross-checks and better identification of irregular situations. In this context, ELA's role in supporting cross-border cooperation was recognised as a key development in addressing these challenges.

## Group 5

**Key question:** *Are penalties or sanctions for employers and/or intermediaries effective deterrents in practice? Do you make use of other instruments for example nudging, raising awareness campaigns to prevent undeclared work among TCNs?*

Several participants stressed that preventive measures tend to be more effective than purely punitive approaches. Administrative sanctions on their own were seen as having limited impact unless combined with additional tools such as blacklisting, as highlighted by a representative of the **Bulgarian** Ministry of Labour and Social Policy. Targeting intermediaries was repeatedly identified as a key issue, with participants highlighting the difficulty of determining whether responsibility and related sanctions should rest primarily with employers or with labour intermediaries. Some participants suggested that stronger sanctions on intermediaries could be an effective response.

Awareness-raising campaigns were widely regarded as an important preventive instrument, especially when they are well targeted and tailored to specific audiences. Some participants emphasised that such campaigns are most effective when all relevant stakeholders are clearly identified and when messaging is adapted to overcome language barriers faced by TCNs. Several participants underlined the importance of multilingual communication and institutional cooperation to ensure that information reaches workers effectively. In this context, a representative of the Bulgarian Ministry of Labour and Social Policy underlined that in **Bulgaria** an initiative has been launched to support TCNs enrolment in trade unions upon their arrival in the country.

From an enforcement perspective, a representative of the **Netherlands Labour Authority** highlighted the importance of proportional and targeted sanctions, noting that penalties are most effective when aligned with the economic profile of non-compliant entities. Inspectors assess compliance by comparing expected and actual income levels, with fines calibrated accordingly. **ELA** representatives underlined that nudging and awareness-raising strategies can be particularly effective where national legal frameworks apply similar sanctions for noncompliance and do not consider differences in infringements related to TCNs.

Some participants suggested that ELA is in the best position to coordinate awareness campaigns at EU level while allowing for national tailoring.

Overall, participants largely agreed that sanctions alone are often insufficient and that preventive and complementary measures play a crucial role. The discussion pointed to the need for a balanced approach



combining proportionate sanctions, stronger action against intermediaries, targeted awareness campaigns, and enhanced cooperation among institutions.

## Group 6

**Key question:** *Do you collaborate at national and international level with other enforcement authorities, social partners organisations and NGOs to tackle undeclared work among TCNs?*

The discussion highlighted the importance of multi-agency cooperation in addressing labour exploitation and supporting victims, particularly in sectors involving TCNs. In some countries, such as for instance **Finland**, labour authorities cooperate closely with victim support units specialised in labour exploitation. A representative of the Regional State Administrative Agency for Western and Inland Finland reported on coordinated “raids” in the berry-picking sector involving police, labour and health inspectors, municipal housing regulators, victim support services, anti-trafficking programmes and interpreters, ensuring that workers identified during inspections were offered appropriate assistance.

The direct involvement of employer and worker representatives in inspections remains relatively limited in many countries. For example, in **Latvia**, social partners are less directly involved in inspections and instead focus on promoting fair employment practices. In **Finland**, legislation requires cooperation with social partners, who provide training on collective agreements to support labour inspectors in monitoring and inspection activities. Country examples from **Portugal and Hungary**, reported respectively by the Portuguese Authority for Working Conditions and the Hungarian Ministry for National Economy, confirmed the central role of joint inspections carried out by labour inspectorates and the police. These examples also highlighted the limited involvement of social partners during inspections, as well as provisions that allow employers to refuse them access.

A representative of the Regional State Administrative Agency for Western and Inland Finland highlighted that in **Finland**, the police traditionally focused on illegality, but recent training has broadened their perspective to encompass labour exploitation as a multifaceted issue involving multiple legal violations.

Irregular migration remains a political priority. This for example in **Latvia** prompts joint initiatives such as coordinated raids and simulation-based training for labour inspectors, police and border guards, often focusing on TCNs in sectors like construction and hospitality.

Several participants highlighted NGOs as key actors in identifying abuse and forced labour cases and generally willing to cooperate with inspection authorities. Victim support is currently often ensured through referrals to NGOs, relying on informal cooperation mechanisms.

Overall, the discussion underlined the value of coordinated national and international cooperation, including cross-border collaboration supported by ELA, while also pointing to persistent challenges such as language barriers, differing institutional roles, and the need for continued capacity building to effectively address labour exploitation and undeclared work.

## 6.0 Concluding remarks

The discussions and insights gathered throughout the plenary meeting confirm that undeclared work in Europe cannot be effectively addressed without explicitly considering the significant involvement of TCNs. This issue is



closely intertwined with broader dynamics of labour exploitation, restrictive and ineffective regular migration pathways, and structural labour market inequalities.

While recent years have seen significant progress at both EU and national levels - particularly in terms of enforcement initiatives and increased policy attention - there remains a limited understanding of the scale, structure and dynamics of undeclared work involving TCNs. At the same time, significant gaps persist in the protection of exploited TCN workers and in their access to justice.

The plenary meeting's discussions clearly demonstrated that TCNs' exposure to undeclared work is often not accidental or exceptional, but rather the result of an interplay of structural, legal and social factors that produce and/or reinforce situations of vulnerability, and that are differently shaped according to gender, legal status, class, age, nationality and other social categories. Restrictive entry and regularisation channels, the resulting precarious residence or undocumented statuses, dependency on employers or intermediaries, and limited or no access to labour market integration measures all contribute to placing TCNs in situations of heightened vulnerability. These factors are often compounded by gender discrimination, language barriers, limited recognition of qualifications and weak access to information, and, overall, a lack of concrete alternatives to non-exploitative work. Together, these conditions contribute to affecting workers' ability to exit undeclared work and exploitation, access justice and exercise their rights.

**Recruitment practices** emerged as a particularly critical area. Across Member States, participants reported the involvement of multiple actors - including informal intermediaries, unregistered or temporary employment agencies and other recruitment actors - in non-compliant recruitment processes. These practices often involve document forgery or fraudulent job offers, generating debt and increasing workers' dependence. Long and opaque subcontracting chains further blur responsibilities and make accountability difficult, reinforcing dynamics of undeclared work and exploitation. The need to address not only employers, but also the intermediaries and recruitment actors involved in these practices was clearly highlighted.

The **posting of TCNs** was also identified as a key issue to be addressed, particularly when combined with subcontracting. Participants noted that safeguards for posted TCNs remain uneven in practice, with limited access to safe reporting mechanisms and challenges in enforcing employer responsibility across borders. The discussions highlighted the need for clearer allocation of responsibilities along subcontracting chains, stronger cross-border cooperation and more targeted training for inspectors. In this regard, ELA's role in supporting joint inspections, information exchange and specialised training have been widely recognised as essential.

**Sectoral characteristics** also play a decisive role in shaping risks. In agriculture, for instance, seasonal work, the prevalence of temporary contracts, and workplaces that are logistically difficult to access all contribute to facilitating undeclared work. It was also underlined that domestic work deserves more attention due to the high presence of migrant women and the isolated nature of private households, which can result in lower levels of protection and greater exposure to undeclared work and exploitation.

Against this backdrop, the plenary meeting's discussions underlined the central role of **labour inspectorates** in detecting undeclared work and protecting workers' rights, while also highlighting significant differences in national capacities, mandates and training frameworks. While some Member States have developed specialised training or sector-specific expertise, others rely largely on generalist inspection models due to resource constraints. Participants broadly agreed on the need for more targeted training, particularly on complex issues such as the posting of workers, subcontracting and cross-border enforcement.

**Cooperation** emerged as a cornerstone of effective responses. Many Member States have developed cooperative approaches involving for instance labour authorities, police, social partners and NGOs. Such cooperation enables more holistic responses, combining enforcement with workers' support and access to services. NGOs and trade



unions were widely recognised as crucial actors in building trust with migrant workers and facilitating access to justice, although their formal involvement in inspections varies across institutional contexts.

The discussions also confirmed that **sanctions alone are insufficient**. While inspections and penalties remain necessary, they are most effective when combined with preventive measures, such as awareness-raising campaigns, guidance for employers and workers, nudging strategies, initiatives that strengthen workers' representation, and the active involvement of migrant associations in the design of actions. Tailored and multilingual awareness campaigns were seen as particularly important for reaching TCNs directly. Several participants suggested that ELA is well placed to support EU-level awareness initiatives while allowing for national adaptation.

**Policy** developments presented during the meeting illustrate the value of longer-term, structural and rights-based approaches for addressing and preventing undeclared work and exploitation. Legislative reforms in Finland's berry-picking sector, Malta's Labour Migration Policy, targeted measures in France, and regulatory instruments addressing temporary employment agencies in the Netherlands demonstrate a clear intention to strengthen legal status, promote stable employment, and reduce reliance on informal arrangements. All of these initiatives are particularly important. Crucial in this regard will be the effective promotion and implementation of safe and effective entry channels for workers, capable of supporting long-term socio-labour integration pathways, including in terms of housing and living conditions.

In conclusion, tackling undeclared work among TCNs requires a multidisciplinary and holistic approach that integrates enforcement, prevention and the protection of workers' rights. Strengthening cooperation among authorities, addressing recruitment- and posting-related risks, improving data collection and training, implementing effective entry pathways, and ensuring effective access to justice for exploited workers are all essential components of a comprehensive response.

As repeatedly emphasised during the plenary meeting, progress in combating and preventing labour exploitation and undeclared work are mutually reinforcing, placing the protection of fundamental labour and workers' rights at the centre. Continued coordination at EU and national levels, with ELA playing a central facilitating role, will be crucial to addressing these interconnected challenges in a sustainable and rights-based manner.

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# Tackling Undeclared Work among Third-Country Nationals

## Trends and Challenges for the enforcement authorities

### **DISCUSSION PAPER**

**4 November 2025**

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## 3.0 Introduction

The thematic day of the 19th European Platform plenary meeting<sup>24</sup>, held on 4–5 November 2025 in Bratislava, focused on addressing undeclared work among third-country nationals (TCNs). The meeting examined the various forms and aspects of undeclared work among TCNs, addressing key challenges and enforcement issues, with a particular focus on those employed, in sectors such as agriculture, forestry and food production and food processing.

TCNs are particularly vulnerable to undeclared work due to a combination of factors. These include the precariousness of their legal and social status, their dependency on employers for the renewal of work and residence permits, as well as the various barriers they may face, such as language difficulties, limited recognition of their qualifications and skills, and discrimination. These dynamics are shaped by gender inequality and intersectional discrimination, which make migrant women especially vulnerable to undeclared and exploitative employment conditions.<sup>25</sup>

Undeclared work among TCNs is particularly prevalent in sectors that are considered low-skilled, face labour shortages and are characterised by limited protection of rights, high flexibility and a high proportion of temporary and/or seasonal contracts. These include, for example, agriculture, domestic work, construction and tourism.<sup>26</sup> Some of these sectors are highly gendered, creating distinct discrimination and exploitation risks for women and for men.<sup>27</sup>

TCNs often engage in undeclared work through various channels and evolving dynamics, such as private contacts, informal networks, fraudulent temporary work agencies and online platforms.<sup>28</sup> The complex and evolving nature of undeclared work continues to challenge prevention and enforcement efforts, raising questions about the effectiveness and impact of current measures.

Against this background, this paper aims to provide an overview of the main trends, characteristics and issues related to undeclared work among TCNs in the EU, with a particular focus on the agriculture, forestry, and fishing sectors. It also analyses the challenges faced by the relevant authorities, particularly labour inspectorates, as well as the preventive and reactive measures that have been adopted. Lastly, the paper presents the objectives and main topics discussed by the working groups during the plenary thematic day on 4 November 2025.

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<sup>24</sup> The European Platform plenary meeting (hereafter referred to as the “Platform”) is a permanent working group comprising representatives from the European Economic Area (EEA), labour and social security inspectorates, tax authorities, ministries and European social partners. The Platform’s activities include exchanging information and good practices, as well as developing knowledge and fostering mutual learning in the field of undeclared work and bogus self-employment. For further information, please visit <https://www.ela.europa.eu/en/topics/tackling-undeclared-work#bcl-inpage-item-1918>.

<sup>25</sup> C. Fiadzo, V. Dalla Pozza, L. Todaro, C. Dupont, K. Hadjivassiliou (2020), *Precarious Work in the EU: A Gender and Intersectionality Perspective*, EIGE: European Institute for Gender Equality. Lithuania

<sup>26</sup> ELA (2025), *Posting of third-country nationals: contracting chains, recruitment patterns, and enforcement issues* <https://www.ela.europa.eu/sites/default/files/2025-03/ELA-posting-third-country-nationals-report.pdf>; EMN study 2023, *Illegal employment of third-country nationals 2017-2022 situation analysis*.

<sup>27</sup> P. Van Nierop, L. Schönenberg, P. Petar Terziev, with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov, D. Mineva (2021), *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work.

<sup>28</sup> FRA (2019), *Protecting migrant workers from exploitation in the EU: workers’ perspectives*.



## 4.0 Undeclared work among third-country nationals in the EU and relevant EU legal framework

### 4.1 TCNs and the EU labour market

The latest estimates indicate that **9.9% of the EU population is foreign-born** and **6.4% are non-EU citizens**, mainly from Ukraine, Turkey, Morocco, Syria, and China.<sup>29</sup> In 2024, the EU issued 3.5 million first residence permits to non-EU nationals — an 8.3% decrease from 2023<sup>30</sup> — largely due to fewer permits for employment (-12.2%), for other reasons (such as those for international protection) (-10%)<sup>31</sup>, and family reasons (-6.5%).<sup>32</sup> Employment remained the main ground for residence, representing 31.9% of all permits.<sup>33</sup> Gender data show that 21.7% of permits issued to men were for employment (compared with 9.9% for women), while 16% of permits for women were for family reasons, compared with 11.2% for men.<sup>34</sup>

TCNs are predominantly employed in sectors that are traditionally affected by labour shortages and characterised by segmentation in terms of gender, nationality, class and education. They are overrepresented in agriculture and horticulture, cleaning and domestic work, construction, transport and tourism.<sup>35</sup>

Nevertheless, data and analysis on the sectors experiencing labour shortages and future labour market needs remain limited. A clear skills mismatch is also evident: **TCNs record higher rates of over-qualification** than EU citizens. In 2024, nearly 40% of migrants born outside the EU with tertiary qualifications were employed in low- or medium-skilled occupations.<sup>36</sup> Migrant women are particularly exposed to low-quality jobs and over-qualification due to persistent **gender inequalities and discrimination**, with little improvement expected in the near future.<sup>37</sup>

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<sup>29</sup> Eurostat, February 2025. Figures are compiled based on 2024 data. Foreign-born individuals might be EU nationals as well, that is why foreign-born nationals are not equivalent with third-country nationals (TCNs), the later referring to citizenship [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU\\_population\\_diversity\\_by\\_citizenship\\_and\\_country\\_of\\_birth](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU_population_diversity_by_citizenship_and_country_of_birth)

<sup>30</sup> Eurostat, September 2025. Figures are compiled based on 2024 data. [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence\\_permits\\_-\\_statistics\\_on\\_first\\_permits\\_issued\\_during\\_the\\_year#Highlights](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence_permits_-_statistics_on_first_permits_issued_during_the_year#Highlights)

<sup>31</sup> In four EU countries, “other reasons” were the most common basis for granting residence permits in 2024. These were Greece (55.4%), Italy (51.0%), Austria (48.5%) and Estonia (31.9%).

<sup>32</sup> Of the first residence permits granted in the EU for family-related reasons in 2024, the majority were concentrated in Spain (258,192), Germany (196,979), Italy (110,093) and France (90,697). Together, these four countries accounted for 69.0% of all such permits issued across the Union.

<sup>33</sup> Ibid. In 2024, Poland emerged as the leading entry point for non-EU citizens seeking employment in the EU, issuing 337,874 first residence permits - predominantly to Ukrainians and Belarusians. Spain followed with 95,735 permits, ahead of Croatia (85,574) and Germany (77,149). Together, these four countries accounted for more than half (53.3%) of all first residence permits granted in the EU for employment purposes.

<sup>34</sup> Ibid.

<sup>35</sup> ELA (2025), *Posting of third-country nationals: contracting chains, recruitment patterns, and enforcement issues* <https://www.ela.europa.eu/sites/default/files/2025-03/ELA-posting-third-country-nationals-report.pdf>

<sup>36</sup> Eurostat, July 2025

[https://ec.europa.eu/eurostat/databrowser/view/lfsa\\_eoqgan\\_custom\\_17498530/bookmark/table?lang=en&bookmarkId=749e94b5-a90e-4655-bd21-eb5c95fc6b58&c=1752655258165](https://ec.europa.eu/eurostat/databrowser/view/lfsa_eoqgan_custom_17498530/bookmark/table?lang=en&bookmarkId=749e94b5-a90e-4655-bd21-eb5c95fc6b58&c=1752655258165)

[https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migrant\\_integration\\_statistics\\_-\\_over-qualification](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migrant_integration_statistics_-_over-qualification)

It is worth noting that the absence of streamlined procedures and fast-track visa schemes for priority sectors, coupled with inadequate systems for recognising and validating foreign qualifications, skills, and experience, contributes to high rates of over-qualification and weakens the position of TCNs.

<sup>37</sup> C. Fiadzo, V. Dalla Pozza, L. Todaro, C. Dupont, K. Hadjivassiliou (2020), *Precarious Work in the EU: A Gender and Intersectionality Perspective*, EIGE: European Institute for Gender Equality. Lithuania



Employment rates vary across EU countries and by citizenship. In 2024, employment rates for non-EU citizens were generally lower than for EU nationals, except in Czechia, Croatia, Malta, Poland and Romania.<sup>38</sup> Official data also show that non-EU citizens are more likely to work part-time. In 2024, they represented 22.2% of all part-time workers in the EU.<sup>39</sup> Migrant women were particularly affected: 36.8% were employed part-time, compared with only 11.8% of men. Although there is no clear evidence, it could be argued that part-time positions may mask undeclared work. This may be the case in the domestic work sector, where under-declared hours are estimated to be widespread.

## 4.2 Undeclared work among TCNs in Europe

The hidden nature of undeclared work, coupled with the absence of reliable records, makes it difficult to estimate the number of people engaged in undeclared work in the EU, particularly among TCNs. For example, previous studies have not estimated the undeclared share of TCNs' labour input in the private sector.<sup>40</sup> Some estimates can nevertheless be found at the national level. For example, the latest disaggregated data available for Italy show an informality rate that is more than twice as high for non-EU workers compared to national workers.<sup>41</sup>

A recent study commissioned by the European Labour Authority (ELA) identified three groups of TCNs who may be involved in undeclared work.<sup>42</sup>

- ▶ The first group comprises **TCNs who possess standard residence and work permits**, which allow them to access any formal employment. This group can also include, for example, holders of international protection. Even if there are no restrictions on their authorisation to work, TCNs in this group still risk engaging in various forms of undeclared employment. This may include working in a partially undeclared way by not reporting overtime income or by working more hours than those stipulated in the contract, receiving envelope wages (i.e. cash in hand), working as bogus self-employed, or earning salaries below the levels established by collective agreements or statutory minimum wages.
- ▶ The second group consists of **TCNs who have a standard residency permit that allows them to work, subject to restrictions**. Non-compliance jeopardises their right to remain in the country, which makes them dependent on employers and more exposed to the dynamics of undeclared work.<sup>43</sup> This group includes TCNs who are authorised to work in a specific job or for a specific employer (such as seasonal workers), posted workers and TCNs with limited access to the labour market, including asylum seekers, students and family members joining their spouses.<sup>44</sup> For example, **seasonal workers** recruited under bilateral

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<sup>38</sup> Eurostat, May 2025. Figures are compiled based on 2024 data. [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migrant\\_integration\\_statistics\\_%E2%80%93\\_labour\\_market\\_indicators](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migrant_integration_statistics_%E2%80%93_labour_market_indicators)

<sup>39</sup> Eurostat 2025, *Non-EU citizens more likely to work part-time* <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20250723-2>

<sup>40</sup> These figures are based on the authors' own calculations that included weighting  
ELA, 2023, *Extent of undeclared work in the European Union*

<https://www.ela.europa.eu/sites/default/files/2023-03/Study-on-the-extent-of-undeclared-work-in-the-EU.pdf>

<sup>41</sup> ISTAT (2016), *Annual Report 2015*. This report indicates that, compared to an overall informality rate of 8.8 percent for national workers, that of third-country nationals is over 19 percent. See also in this regard ILO (2023), *Le politiche di prevenzione e contrasto dell'informalità e dello sfruttamento dei lavoratori migranti. Analisi delle politiche sulle migrazioni per lavoro*, Roma.

<sup>42</sup> P. Van Nierop, L. Schöenberg, P. Petar Terziev, with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov, D. Mineva (2021), *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work.

<sup>43</sup> Ibid.

<sup>44</sup> See, for instance, J. Schneider, M. Götte (2022), *Meat Plants and Strawberry Fields Forever? Precarious Migrant Labour in the German Agri-Food Sector before and after COVID-19*, in *European Journal of Migration and Law*, 24(2), 265-286; K. Danilova, K. Drexel, T. Seitz (2022), *Ukrainische Studierende als Saisonbeschäftigte in der Landwirtschaft. Eine Recherche über Vermittlungswege und Arbeitsbedingungen*, PECO-Institut, Berlin.



agreements with third countries often find themselves in temporary and dependent employment situations that heighten their vulnerability to undeclared work and labour exploitation. This is the case, for example, with the Spanish recruitment system for TCNs in agricultural farmworkers, known as “contracts at source” (*contratación en origen*), where low compliance and/or low enforcement could contribute to workers’ dependency on employers and promoting precarious and exploitative conditions, particularly among women.<sup>45</sup>

In several European countries, such as Italy, Finland, and Sweden, many **asylum seekers** undertake undeclared work to earn additional income.<sup>46</sup> Asylum policies can play a crucial role in this context. In Italy, for example, national regulations state that asylum seekers living in reception centres cannot earn more than the annual national social allowance (currently approximately €7,003); if they do, they lose their place in the system. This pushes many asylum seekers into undeclared employment, particularly those looking to boost their income to pay debts or to support their families through remittances to their countries of origin.<sup>47</sup>

With regard to **posted workers**, fraudulent practices often involve an absence of habitual employment in the sending country, failure to register posted workers in the receiving country, overextension of the legally permitted posting period and breaches of labour standards, including working conditions and minimum wage regulations.<sup>48</sup> Furthermore, fraudulent temporary work agencies, letterbox companies and fictitious branches or subsidiaries are frequently set up in countries where it is easier to obtain work permits and where wage regulations are less stringent.<sup>49</sup>

- ▶ The third group comprises both **TCNs who reside legally but lack the right to work and those who are staying irregularly in a Member State**. TCNs legally present without work authorisation include, for example, those who entered the EU on a tourist visa - sometimes arranged by the employer - as well as asylum seekers who have not yet been granted access to the labour market. TCNs who are irregularly in the EU can be in this situation because they entered the country irregularly or remained after their visa, residence and/or work authorisation expired or was invalidated, or because their asylum application was rejected.

## 4.3 Factors and recruitment patterns leading to undeclared work

Factors such as restrictive, selective and complex national entry channels for TCN workers, along with limited national measures to support their labour market integration — including difficulties in obtaining recognition of educational and professional qualifications — are seen as playing a crucial role in contributing to, rather than preventing, the dynamics of undeclared work. Moreover, limited language proficiency and the absence of strong

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<sup>45</sup> E. Hellio (2016), ‘*They Know that you’ll leave, like a dog moving onto the next bin. Undocumented male and seasonal contracted female workers in the agricultural labour market of Huelva, Spain*’. In A. Corrado, C. de Castro, D. Perrotta (Eds.), *Migration and Agriculture. Mobility and change in the Mediterranean area*, Routledge, London, pp. 198-214; L. Palumbo, A. Sciarba (2018), *The Vulnerability of Women Migrant Workers in Agriculture and the EU: The Need for a Human Rights and Gender-Based Approach*, European Parliament, Policy Department for Citizens’ Rights and Constitutional Affairs Directorate General for Internal Policies of the Union.

<sup>46</sup> P. Van Nierop, L. Schöenberg, P. Petar Terziev, with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov, D. Mineva (2021), *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work

<sup>47</sup> See, for instance, L’Altro Diritto, FLAI CGIL (2022), *Quarto rapporto del laboratorio sullo sfruttamento lavorativo e sulla protezione delle sue vittime*, p. 7, <http://www.adir.unifi.it/laboratorio/quartorapporto-sfruttamento-lavorativo.pdf>.

<sup>48</sup> ELA 2025, *Posting of third-country nationals: contracting chains, recruitment patterns, and enforcement issues* <https://www.ela.europa.eu/sites/default/files/2025-03/ELA-posting-third-country-nationals-report.pdf>; J. Cremers (2024), *TCNs on the EU labour market*, Working paper.

<sup>49</sup> Ibid.



social networks result in limited contact with relevant organisations and professionals, such as lawyers, who are familiar with local laws and policies and can genuinely help. This further hinders TCNs' understanding of their rights, protection and responsibilities, as well as the benefits of declared work.<sup>50</sup>

In this context, family responsibilities and the presence of debts are key factors that may push TCNs - driven for instance by the need to earn money to support their families and, in many cases, to send remittances<sup>51</sup> - to tolerate or accept undeclared work. This is particularly evident among female TCNs, who are often remain primarily responsible for care and the social aspects of their households.<sup>52</sup>

All these challenges mentioned are further exacerbated in the case of TCNs residing irregularly in the EU, who are excluded from integration measures and have limited access to justice, placing them in an even more marginalised position.<sup>53</sup>

Non-compliant recruitment methods leading into undeclared work are diverse. One common pattern involves **fraudulent agencies** — often unregistered and/or unlicensed — that arrange workers' entry into the host country and provide both accommodation and employment. They charge workers high fees, creating a strong dependency on them<sup>54</sup>, including instances that amount to human trafficking.<sup>55</sup> These agencies are frequently established in the workers' countries of origin. When they are based in countries of destination, they use cross-border networks and exploit legal loopholes to appear legitimate. This recruitment is common in agriculture, domestic work and construction.

Undeclared work may also be facilitated through **personal and community-based networks** - often composed of individuals sharing the same ethnic or regional background, or linked through family and friendship ties. Indeed, as migration scholars have emphasised, community networks play a complex and sometimes contradictory role: while they can provide crucial support with legal procedures, employment, and housing, they may also exploit TCNs' vulnerabilities by charging fees for assistance in securing employment, housing, or help with administrative procedures, and, at times, channel them into undeclared work.<sup>56</sup> Recruitment via private contacts is frequent in sectors such as hospitality, domestic work and agriculture.<sup>57</sup>

As discussed below, in Italy the figure of the so-called *caporali* — illegal gangmasters who recruit workers and/or supervise their labour — plays a crucial role in labour intermediation dynamics, particularly in agriculture, also

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<sup>50</sup> P. Van Nierop, L. Schöenberg, P. Petar Terziev, with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov, D. Mineva (2021), *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work

<sup>51</sup> See, among others, Le Goff, M., & Salomone, S. (2016), Remittances and the Changing Composition of Migration, in *The World Economy*, 39(4), 513-529; Isaakyan, I., & Triandafyllidou, A. (2017). "Sending so much more than money": exploring social remittances and transnational mobility, in *Ethnic and Racial Studies*, 40(15), 2787–2805.

<sup>52</sup> See, for instance, M. G. Giammarinaro (2022) *Understanding Severe Exploitation Requires a Human Rights and Gender-Sensitive Intersectional Approach*, in *Front. Hum. Dyn.* 4:861600; L. Palumbo (2025) *Women migrant workers with precarious legal status in the agricultural sector in Southern Italy*. I-CLAIM; S. Marchetti, I. Lashchuk (2025) *Irregularised migrant domestic workers in Naples, Italy*, ICLAIM report.

<sup>53</sup> PICUM (2020), *A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice* <https://picum.org/wp-content/uploads/2020/03/A-Worker-is-a-Worker-exec-sum-EN.pdf>

<sup>54</sup> P. Van Nierop, L. Schöenberg, P. Petar Terziev, with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov, D. Mineva (2021), *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work; FRA (2018), *Protecting migrant workers from exploitation in the EU: boosting workplace inspections*.

<sup>55</sup> Ibid.

<sup>56</sup> See among others, Keskiner, E., Eve, M., Ryan, L. (2022), (eds) *Revisiting Migrant Networks*. IMISCOE Research Series. Springer; Van Parijs, P. et al., (2025). *Social Policy in the European Union: State of Play 2024 - Navigating Security and Competitiveness*, ETUI: European Trade Union Institute. Belgium.

<sup>57</sup> P. Van Nierop, L. Schöenberg, P. Petar Terziev, with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov, D. Mineva (2021), *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work.



taking advantage of structural inefficiencies within institutional job-placement systems.<sup>58</sup> Although most *caporali* have a migratory background, including TCNs, some are Italian.<sup>59</sup>

**Posting** is also frequently facilitated by both formal agencies and informal intermediaries who manage visa procedures as well as posting arrangements.<sup>60</sup> Studies have highlighted a “business model” that relies on the bogus posting of TCNs, with TCNs being rapidly reposted after entering a country to other EU countries without having any working tradition in the Member State of first entry.<sup>61</sup> This arrangement ultimately facilitates the recruitment of low-cost labour.

Finally, social media and online platforms also constitute channels for recruitment into undeclared work.<sup>62</sup>

Beyond the various forms and modalities of these recruitment practices, multiple intermediaries contribute to making employment relationships increasingly indirect and opaque and can also obscure responsibility. In some cases, workers never meet their actual employers, resulting in **weakened bargaining power and weakened protection of their rights**. These dynamics often involve **complex and opaque subcontracting structures**, which are encouraged by weak or non-existent liability schemes. This leads to fragmented and unclear rules, responsibilities and obligations, thereby creating conditions that facilitate undeclared work.<sup>63</sup>

## 4.4 Undeclared work across sectors

TCNs often work in “3D” jobs — dirty, dangerous, and demeaning — typically avoided by native workers but essential to society, as the COVID-19 pandemic revealed.<sup>64</sup> The use of the expression “3D jobs” is not intended to stigmatise specific sectors, but rather to highlight the hard and demanding working conditions that often characterise them as well as the shared features that may make them more exposed to undeclared work and exploitation. Indeed, these include jobs in sectors such as agriculture, domestic work, construction, and tourism, characterised by temporary or seasonal employment, poor working and living conditions, difficulties for the authorities in checking workplaces and limited protection.

Many low-skilled TCNs move between these sectors, often engaging in undeclared work. In Italy, for example, women frequently alternate between agriculture and care work, where undeclared employment remains widespread, from the absence of contracts to those misrepresenting hours or conditions.

Particularly high levels of undeclared employment are present in the **domestic work sector**: around 50% of personal and household services are undeclared, ranging from 34% in home care work to nearly 70% in direct household employment. Across the EU, an estimated 7 million domestic and care workers are undeclared, about

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<sup>58</sup> F. Carchedi, E. Pugliese (2023), *La Piana di Sibari e il Vulture Alto-Bradano. Condizioni occupazionali indecenti e ruolo economicamente propulsivo dei lavoratori migranti*, in F. Carchedi (ed.), *Il lavoro dignitoso e il suo contrario*, Maggioli editore, pp. 129-134.

<sup>59</sup> G. Ferrarese, *Calabria. Il caso della provincia di Crotona*, in Osservatorio Placido Rizzotto, Flai CGIL (2024), *VII Rapporto Agromafie e Caporalato*, Futura Editrice, 253-256.

<sup>60</sup> M. Trčka, Y. Moskvina, Y. Leontiyeva, M. Lupták, L. Jirka (2018). *Employment of Ukrainian workers with Polish visas in the Czech Republic: from the main patterns of labour exploitation towards points of intervention*

<sup>61</sup> See, for instance, D. Lens, N. Mussche, I. Marx (2022) *The different faces of international posting: Why do companies use posting of workers?*, in *European Journal of Industrial Relations*, vol. 28(1), pages 27-45, March.

<sup>62</sup> FRA (2019), *Protecting migrant workers from exploitation in the EU: workers' perspectives*. For instance, recent research in the Netherlands reveals that migrant workers find jobs — including in sectors such as domestic work — through WhatsApp and Facebook groups, and that this employment is often in informal conditions. See in this regard Hajer, M., & van Liempt, I. (2025). *Irregular migrants in the Dutch Domestic Work Sector*. I-CLAIM.

<sup>63</sup> See, for instance, P. Van Nierop, L. Schöenberg, P. Petar Terziev, with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov, D. Mineva (2021), *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work, p. 37-38.

<sup>64</sup> A. A. Triandafyllidou (2021) (eds.), *Migration and Pandemics*, IMISCOE Research Series. Springer.



one-sixth of whom are TCNs or EU mobile workers.<sup>65</sup> In Italy, for instance, 833,874 domestic workers were officially registered in 2023, representing only 54% of the estimated total workforce, with 68.9% foreign-born and 88.3% women.<sup>66</sup>

Studies across the EU show that many domestic workers have no contract or work far more hours than officially declared, often for very low pay or only room and board.<sup>67</sup> Live-in workers in particular can face poor accommodation, limited privacy and little time off. The lack of oversight in private households and strong power imbalances heighten the risk of exploitation, including abuse and trafficking.<sup>68</sup> Weak public care systems and the ongoing devaluation of domestic work, which is still not widely recognised as “real” work, further fuel undeclared employment, with many employers unaware of their legal obligations and relying on informal intermediaries.

Although many Member States have specific laws and/or collective agreements covering domestic work, the sector is only regulated by general labour law in some countries. For instance, in **Poland**, domestic work may be based on “civil law” contracts that do not entitle workers to labour rights.<sup>69</sup>

Even in countries with specific laws and/or collective agreements covering domestic work, domestic workers are often **treated differently compared with other workers and, in some countries, have fewer rights**. For example, in **Italy**, domestic workers are excluded from optional or extended maternity leave entitlements and have limited coverage in the event of illness.<sup>70</sup> In the **Netherlands**, the regulation governing domestic service work (*Regeling Dienstverlening aan Huis*) provides a simplified framework for private households employing domestic workers. Under this scheme, domestic work does not need to be declared unless the worker is employed for at least four days per week. Domestic workers are not covered by the standard social insurance system but are entitled to only six weeks of paid sick leave instead of the usual two years.<sup>71</sup>

Few Member States grant permits for domestic work, or they impose labour market tests.<sup>72</sup> This can lead to misuse of au pair schemes, false self-employment, or residence permits with restricted employment rights, such as family reunification.<sup>73</sup> Some domestic workers arrive under diplomatic household visas, where diplomatic immunity may increase the risk of employer impunity higher, leading to undeclared work and potential labour exploitation.<sup>66,74</sup>

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<sup>65</sup> ELA, 2022, Tackling undeclared work in the personal and household services sector [https://www.ela.europa.eu/sites/default/files/2022-03/Study-report-on-personal-and-household-sector.2021\\_EN.pdf](https://www.ela.europa.eu/sites/default/files/2022-03/Study-report-on-personal-and-household-sector.2021_EN.pdf)

<sup>66</sup> ISTAT (2024), *Indicatori territoriali per le politiche di sviluppo*.

<sup>67</sup> FRA. (2011). *Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its member states*. Vienna, Austria: European Union Agency for Human Rights (FRA); EFFAT (2025), *What can the EU do to improve Domestic Workers' conditions?*, <https://effat.org/wp-content/uploads/2025/04/What-Can-the-EU-Do-to-Improve-Domestic-Workers-Conditions-EFFAT-Demands.pdf>

<sup>68</sup> A. Ricard-Guay, T. Maroukis (2017), Human Trafficking in Domestic Work in the EU: A Special Case or a Learning Ground for the Anti-Trafficking Field? *Journal of Immigrant & Refugee Studies*, 15(2), pp. 109–121.

<sup>69</sup> M. Kindler, A. Kordasiewicz, M. Szulecka (2016), *Care needs and migration for domestic work: Ukraine-Poland*, IOM.

<sup>70</sup> S. Borelli (2021), *Lavoro domestico e disuguaglianze sociali*, Roma, Ediesse.

<sup>71</sup> M. Hajer, I. van Liempt (2025). *Irregular migrants in the Dutch Domestic Work Sector*. I-CLAIM.

<sup>72</sup> The labour market test is a mechanism designed to ensure that migrant workers are admitted only after employers have unsuccessfully sought national workers, EU/EEA citizens, or regularly residing TCNs with access to the labour market. It is widely applied across most EU Member States, although certain categories of workers may be exempt depending on national priorities. The procedures for carrying out labour market tests vary among Member States: the process typically involves employers and public employment services, and the duration of the verification process differs from one country to another.

<sup>73</sup> P. Van Nierop, L. Schöenberg, P. Petar Terziev, with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov, D. Mineva (2021), *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work.

<sup>74</sup> FRA. (2011). *Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its member states*. Vienna, Austria: European Union Agency for Human Rights (FRA); F. Staiano, (2013). Domestic Workers' Human Rights Versus Diplomatic Immunity: Developments in International and National Jurisprudence. *The Italian Yearbook of International Law Online*, 22(1), 201-220.



Undeclared work remains widespread in the **construction sector**, representing about 20% of all undeclared employment in the EU.<sup>75</sup> The number of TCNs working in the construction sector has increased, with many being recruited through temporary work agencies.<sup>76</sup> In **Finland**, for example, there is an increasing number of TCNs from former Soviet republics (such as Uzbekistan) involved in undeclared work in the construction sector.<sup>77</sup> Undeclared work and labour exploitation of third-country nationals is also a serious issue in **Sweden**'s construction sector, particularly among workers from Uzbekistan, Georgia, Ukraine, and Armenia.<sup>78</sup>

Construction companies involved in undeclared work include unregistered enterprises, registered businesses that fail to declare all transactions or those that use unregistered or under-declared workers and specially created registered entities that do not fully declare their business activities. In many cases, these are merely letterbox companies.<sup>79</sup> The construction sector's unstable, project-based nature, high worker mobility and intense competition, driving companies to cut labour costs, in addition to long subcontracting chains, create conditions that foster undeclared employment and labour exploitation.<sup>80</sup>

The **tourism sector** also faces strong price competition and is affected by seasonal fluctuations in profits. It employs a predominantly female workforce (59%)<sup>81</sup> and a significant share of foreign workers (16%), made up of 9% from other EU Member States and 7% from non-EU countries.<sup>82</sup>

As with the sectors mentioned above, the tourism industry is also characterised by a high degree of undeclared work. Across all branches of the tourism economy, unregistered businesses and formally registered firms under-reporting transactions remain widespread, as does the use of undeclared, underemployed, or falsely self-employed workers.<sup>83</sup> Research in this area has revealed long hours, low wages, minimal breaks, excessive workloads and inadequate safety measures. In Italy, for example, studies show that internships and apprenticeships are often misused to exploit young TCN workers, with cases involving Bangladeshi citizens. Wage deflation is further fuelled by low-cost outsourcing practices and the use of so-called "pirate" collective agreements in different sectors, offering a parallel and competitive collective bargaining process on salaries that often determines a race to the bottom with regard to wages and working conditions<sup>84</sup>. Furthermore, in countries such as Italy, another form of grey wage practice is the use of an all-encompassing wage scheme. In this scheme, the agreed monthly salary includes 13th- and 14th-month payments, as well as severance pay, overtime pay, and pay for working nights, Sundays, and public holidays. This mechanism, known as "paga globale" (all-inclusive wage), is also prevalent in sectors such as shipbuilding. In practice, however, this all-encompassing pay is often well below the legally required amount and difficult for workers to understand.<sup>85</sup> Research on Ukrainian workers holding

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<sup>75</sup> Williams, C. C. and Buelen, W. (2020b). *Tackling undeclared work in the construction industry*: Policy report, EFBWW and FIEC, Brussels. See also ELA (2023), Undeclared work in the construction sector Learning resource paper from seminar.

<sup>76</sup> European Federation of Building and Woodworkers, 2019.

<sup>77</sup> P. Van Nierop, L. Schönenberg, P. Petar Terziev, with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov, D. Mineva (2021), *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Williams et al. 2020

<sup>81</sup> C. C. Williams, I. A. Horodnic (2021), *Tackling undeclared work in the tourism sector*, European Platform Tackling Undeclared Work.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> N. Quondamatteo, F. A. Vianello (2025), *Tides of labour. Forms of exploitation and practices of individual resistance in the seasonal tourism industry*, in *Cambio. Rivista Sulle Trasformazioni Sociali*, 14(28), pp. 71–91.

<sup>85</sup> See in this regard N. Quondamatteo, (2022). *Dentro le navi, il mondo intero. Un'analisi del sistema degli appalti nel caso Fincantieri*, in "Quaderni di Rassegna Sindacale", 2, 51-61.



Polish visas and employed in hotels in the Czech Republic has reported cases of intense workloads and <sup>86</sup>pay being tied to the speed of cleaning.<sup>87</sup>

## 4.5 Relevant EU legal framework in addressing and preventing undeclared work among third-country nationals

Over recent decades, the EU has adopted several Directives regulating labour market access, conditions, and rights for TCNs, which also contribute to preventing undeclared work.<sup>88</sup> The **Single Permit Directive (2024/1233/EU)**<sup>89</sup>, which aims to simplify obtaining a single permit for work and residence, ensure equal treatment for lawfully employed TCNs and EU nationals, and strengthen migrant workers' rights (including through enforcement).

Significantly, the recast Single Permit Directive has extended equal treatment to employed beneficiaries of international protection.<sup>90</sup> The Directive has strengthened TCNs' working rights in the EU by recognising their right to change employers and seek work when unemployed, and by enhancing complaint, monitoring, and enforcement mechanisms in high-risk sectors.

Another important EU Directive is the **Seasonal Workers Directive (2014/36/EU)**,<sup>91</sup> which is the main EU instrument regulating regular migration of low-skilled TCNs. The Directive establishes the conditions of entry and stay of TCNs for the purpose of employment as seasonal workers and defines the rights of these workers (Art. 1). It applies only to TCNs residing outside the territory of the Member States (Art. 2(1)) and primarily covers employment in sectors such as agriculture and tourism. Member States determine which sectors are considered seasonal, in consultation with social partners. The Directive grants seasonal workers the right to change employers and offers key safeguards for accommodation, pay and complaints, as well as written information on rights. It ensures equal treatment with EU nationals in key areas such as the right to strike but allows some Member State restrictions. It facilitates re-entry in future seasons but does not regulate a pathway to long-term residence status or for regularisation.<sup>92</sup>

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<sup>87</sup> M. Trčka, V. Moskvina, Y. Leontiyeva, M. Lupták, L. Jirk (2018), *Employment of Ukrainian workers with Polish visas in the Czech Republic: from the main patterns of labour exploitation towards points of intervention*, Prague, Multicultural Center Prague.

<sup>88</sup> These include: Directive (EU) 2021/1883 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC (EU Blue Card Directive); Directive (EU) 2024/1233 of the European Parliament and of the Council of 24 April 2024 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast) (Single Permit Directive); Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (Seasonal Workers Directive); Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (Intra-Corporate Transferees Directive); Directive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) (Students and Researchers Directive).

<sup>89</sup> Directive 2024/1233/EU of the European Parliament and of the Council of 24 April 2024 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast).

<sup>90</sup> Beneficiaries of temporary or subsidiary protection (Article 3(2)(f–h)), au pairs (Article 3(2)(e)), self-employed persons (Article 3(2)(k)), and seafarers (Article 3(2)(l)) are not included in the scope of the Directive.

<sup>91</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.

<sup>92</sup> E. Guild (2014), *The EU' internal market and the fragmentary nature of EU labour migration*, in C. Costello & M. Freedland (Eds.), *Migrants at work: Immigration and vulnerability in labour law*, Oxford University Press, pp. 98-118.



The **Employers Sanctions Directive 2009/52/EU**<sup>93</sup> targets irregular migration by prohibiting the employment of TCNs without legal status and imposing minimum administrative and criminal penalties on employers. It also provides protections for illegally employed TCN (e.g. access to complaint mechanisms, representation, the right to receive outstanding payments, even after return).

The **Posting of Workers Directive 96/71/EC**<sup>94</sup> established a core framework of rights governing the employment terms and conditions of posted workers. These rights include those relating to remuneration, rest periods, annual leave and occupational health and safety standards. The **Enforcement Directive 2014/67/EU** was introduced at a later date to strengthen compliance with the PWD. **Directive 2018/957/EU**<sup>95</sup> amended Directive 96/71/EC on the posting of workers, strengthening the principle of “equal pay for equal work in the same place” (the original Directive had ensured only “minimum rates of pay”). It also extended to posted workers the rules on accommodation conditions and on allowances or reimbursement of expenses to cover travel, board and lodging, and confirmed the principle of equal treatment for posted temporary agency workers.

EU rules on social security coordination (Regulations 883/2004, 987/2009, and 1231/2010) grant posted TCNs the same social security rights as mobile EU citizens, under certain conditions. However, despite efforts to harmonise these systems, short-term TCN workers still face fragmented and inconsistent access to social security across Member States.<sup>96</sup>

## 5.0 Undeclared work among TCNs in the agricultural sector

Widespread undeclared and exploitative labour practices in agriculture are driven by ongoing competition and pressure from retailers, capitalisation, and innovation in agri-food production and processing. In this context, there have been evidence of businesses relying on a flexible, low-wage migrant workforce to cope with market and price pressures imposed by large retail groups, rather than pursuing and being institutionally supported in developing alternative strategies to access commercial channels outside the dominant business model.<sup>97</sup>

This process has been facilitated by particular features of agricultural work, such as its seasonality and weak labour protections, and it is shaped by the implementation of national migration and asylum policies as well as by economic needs such as clearing debts and support for family members. These conditions reduce bargaining power and limit understanding of the benefits of regular employment, increasing exposure to exploitation.

### 5.1 Characteristics and trends

The **agricultural sector** is known to employ a substantial proportion of TCNs in several EU Member States, including Italy, Greece, Spain, France, Cyprus, Malta, Poland, Germany, Sweden, and Finland. Around 25% of agricultural workers are estimated to be either EU citizens or TCNs, while it is difficult to estimate the proportion

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<sup>93</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

<sup>94</sup> 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.

<sup>95</sup> Directive 2018/957/EU 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.

<sup>96</sup> V. Bogoeski, Z. Rasnača (2023), *Report on the Social Security Rights of Short-term Third-country National Migrant Workers*, ETUI aisbl.

<sup>97</sup> ISMEA (2020), *I canali commerciali alternativi per le aziende agricole: vendita diretta e filiera corta. I modelli, le criticità e le opportunità di sviluppo*, Roma; Palumbo, L., Corrado, A., & Triandafyllidou, A. (2022). Migrant Labour in the Agri-Food System in Europe: Unpacking the Social and Legal Factors of Exploitation. *European Journal of Migration and Law*, 24(2), 179-192.



of workers in agriculture in the case of individuals coming from outside the EU.<sup>98</sup> The agricultural sector is also characterised by high levels of undeclared work. It is estimated that approximately one-third of the EU's total agricultural workforce is not officially registered, with a significant proportion likely coming from non-EU countries.<sup>99</sup> For example, in **Italy**, migrant workers make up 17.7% of the workforce<sup>100</sup>, yet undeclared work remains widespread.<sup>101</sup> Indeed, it is estimated that 200,000 undeclared workers were employed in 2023, representing a rate of irregularity of 30%.<sup>102</sup> In **Poland**, estimates indicate that in 2022 15% of informal employment was concentrated in horticultural and agricultural activities. Nevertheless, the scale of foreign nationals' participation in the agricultural grey economy remains unclear.<sup>103</sup>

TCNs employed in the agricultural sector in the EU are diversified by nationality, gender and legal administrative status.<sup>104</sup> While there is a presence of undocumented migrants, TCN agricultural labourers are also regular seasonal workers, posted workers, beneficiaries of international protection, asylum seekers or other regular TCNs with a residence permit that does not authorise work.

Several reports have documented that undeclared labour practices in the agricultural sector often take place within a “grey zone” that circumvents the legal framework on labour and social rights,<sup>105</sup> for instance through contracts that do not accurately reflect working hours or pay (under-declared work). A high number of similar cases have been observed in Poland.<sup>106</sup> In **Finland**, it has been documented that undeclared work in this sector also involved cases of workers carrying out work for an employer other than the one stated in the residence permit or seasonal work certificate, without notifying the relevant authorities.<sup>107</sup>

Exploitative working and living conditions are widespread in this sector across many countries. Low wages, excessive working hours and inadequate safety standards — including an absence of basic facilities such as toilets in the fields — as well as substandard accommodation, are frequently reported as part of the daily reality for many TCNs employed in agriculture.<sup>108</sup>

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<sup>98</sup> European Federation of Food, Agriculture and Tourism Trade Unions/EFFAT(2025), Briefing Note: Working Conditions in EU Agriculture: The Figures of Precarity, Exploitation, and Inequality

<sup>99</sup> Ibid.

<sup>100</sup> Osservatorio Placido Rizzotto, FlaiCgil (2024), *VII Rapporto Agromafie e Caporalato*, Futura editrice p. 40.

<sup>101</sup> See also ELA (2023), Factsheet1 on undeclared work – ITALY, March 2023.

<sup>102</sup> Ibid.

<sup>103</sup> K. Matuszczyk (2025), *Migrant labour in the Polish agriculture sector*. I-CLAIM; GUS (2023), *Praca nierejestrowana w 2022*.

<sup>104</sup> Palumbo L., Corrado A., Triandafyllidou A. (2022). Migrant Labour in the Agri-Food System in Europe: Unpacking the Social and Legal Factors of Exploitation, *European Journal of Migration and Law*, 24(2), 179–192.

<sup>105</sup> See, for instance, J. Schneider, M. Götte, (2022), *Meat Plants and Strawberry Fields Forever? Precarious Migrant Labour in the German Agri-Food Sector before and after COVID-19*, in *European Journal of Migration and Law* 24, pp. 265–286; A. Corrado F.S. Caruso (2022), *Essential but Exploitable: Migrant Agri-food Workers in Italy and Spain*, in *European Journal of Migration and Law* 24, pp. 193–216

<sup>106</sup> K.. Matuszczyk (2025), *Migrant labour in the Polish agriculture sector*. I-CLAIM.

<sup>107</sup> P. Merikoski, L. Näre (2025), *Precarity and informality in agricultural food production in Finland: the role of migrant workers*. I-CLAIM.

<sup>108</sup> L. Palumbo, A. Corrado, A. Triandafyllidou (2022). *Migrant Labour in the Agri-Food System in Europe: Unpacking the Social and Legal Factors of Exploitation*, in *European Journal of Migration and Law*, 24(2), 179–192. In Italy, for example, many migrant farm workers live in dire accommodation, including informal encampments or run-down houses in isolated and poorly connected areas. See, for instance, A. Corrado, F. S. Caruso (2022). *Essential but Exploitable: Migrant Agri-Food Workers in Italy and Spain*. *European Journal of Migration and Law*, 24(2), 193-216. In Finland or in France, for example, employers often deduct a sum from workers' wages for housing, thereby reducing labour costs by compressing the expenses related to the social reproduction of the workforce. Instances of psychological and physical abuse and violence by employers have also been documented in many European countries. P. Merikoski, L. Näre (2025), *Precarity and informality in agricultural food production in Finland: the role of migrant workers*. I-CLAIM; P. Van Nierop, L. Schöenberg, P. Petar Terziev, with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov, D. Mineva (2021), *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work; See, for instance, A. Iossa, N. Selberg (2022), *Socio-Legal Aspects of Labour Segmentation in the Agri-Food Sector in Sweden: Spatio-Temporal Dimensions*, in *European Journal of Migration and Law*, 24(2), 241-264.



## The impact of gender inequalities and discrimination among TCN female farmworkers

Prevailing **gender inequalities and discrimination** significantly affect and shape the dynamics of undeclared work and can contribute to exploitation.<sup>109</sup> For instance, as emerges in Italy, TCN female farmworkers often receive lower wages than male farmworkers and tend to be more often involved in undeclared work.<sup>110</sup> Consequently, they have no access to maternity and unemployment benefits. As research conducted in **Italy** and **Spain** shows, labour exploitation of female TCN farmworkers, particularly in situations of strong dependency on employers or intermediaries, can be accompanied by sexual coercion, abuse, and gender-based violence.<sup>111</sup>

**Fishing** is another sector which employs TCNs, even though it does not represent a large share of TCNs in the EU as a whole. The share of TCNs varies widely among Member States, with higher percentages in countries such as Ireland and Belgium.<sup>112</sup> Men are the majority in the fishing sector as a whole, while women make up 22% of aquaculture workers and 56% of fish processing employees.<sup>113</sup> This sector is also marked by significant levels of undeclared work and labour exploitation among TCNs. For instance, several reports and studies have highlighted undeclared and exploitative dynamics experienced by TCNs in the Irish fishing fleet.<sup>114</sup> One example includes extremely long working hours with few breaks, very low wages (often below the minimum wage for the hours worked), racist insults and verbal abuse.<sup>115</sup>

Similar to fishing, the **forestry** sector's labour force is mainly composed of a country's own nationals, although there are some exceptions in the Nordic and Baltic countries. The countries with the largest forest areas in the EU are Sweden, Finland and Spain and the largest workforce in this sector is recorded in Sweden, Romania and Germany.<sup>116</sup> Men make up the large majority of workers in forestry<sup>117</sup> — the overall share of women in the

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<sup>109</sup> L. Palumbo, A. Sciarba (2018), *The Vulnerability of Women Migrant Workers in Agriculture and the EU: The Need for a Human Rights and Gender-Based Approach*, European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs Directorate General for Internal Policies of the Union; M. G. Giammarinaro (2021), *Analisi di genere delle politiche di prevenzione e contrasto dello sfruttamento lavorativo in agricoltura*, Ginevra, OIL.

<sup>110</sup> G. Moschetti, G. Valentino (2019), *L'impiego delle donne straniere in agricoltura: i dati INPS e i risultati dell'indagine diretta in Puglia, nelle aree di Cerignola (FG) e Ginosa (TA)*, in CREA (Ed.), *Il contributo degli stranieri all'agricoltura italiana*, Roma, pp. 45 ss.

<sup>111</sup> L. Palumbo, A. Sciarba (2018), *The Vulnerability of Women Migrant Workers in Agriculture and the EU: The Need for a Human Rights and Gender-Based Approach*, European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs Directorate General for Internal Policies of the Union; M. G. Giammarinaro (2022), *Understanding Severe Exploitation Requires a Human Rights and Gender-Sensitive Intersectional Approach*, in *Front. Hum. Dyn.* 4:861600; Hellio, E. (2016) *“They Know That You’ll Leave, Like a Dog Moving Onto the Next Bin”: Undocumented Male and Seasonal Contracted Female Workers in the Agricultural Labour Market of Huelva, Spain*, in A. Corrado, C. De Castro, D. Perrotta (eds.), *Migration and Agriculture: Mobility and Change in the Mediterranean Area*, London, Routledge, pp. 198–214.

<sup>112</sup> European Parliament (2021), *Fishers for the future: Attracting a new generation of workers to the fishing industry and generating employment in coastal communities*, Report A9-0230/2021 [https://www.europarl.europa.eu/doceo/document/A-9-2021-0230\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2021-0230_EN.html)

<sup>113</sup> Ibid.

<sup>114</sup> See, for example, C. Murphy, D. M. Doyle, S. Thompson (2021) *Experiences of Non-EEA Migrant Workers in the Irish Fishing Industry: Working Conditions, Immigration Status and Enforcement*, Maynooth, Maynooth University Department of Law and International Transport Workers' Federation; E. Cunniffe, O. Ayodele (2022), *Detection, Identification and Protection of Third-Country National Victims of Human Trafficking in Ireland*, ESRI Research Series No. 139, <https://emn.ie/wp-content/uploads/2022/04/RS139.pdf>, (Accessed: 28 Aug 2023).

<sup>115</sup> See, for example, C. Murphy, D. M. Doyle, S. Thompson (2021) *Experiences of Non-EEA Migrant Workers in the Irish Fishing Industry: Working Conditions, Immigration Status and Enforcement*, Maynooth, Maynooth University Department of Law and International Transport Workers' Federation.

<sup>116</sup> The EU Blue economy report 2025

<https://op.europa.eu/webpub/mare/eu-blue-economy-report-2025/general-overview/overview-of-the-EU-blue-economy-sectors.html>

<sup>117</sup> Latest data is from 2022 Eurostat, [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Forests,\\_forestry\\_and\\_logging;](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Forests,_forestry_and_logging;)



traditional forest sector is around 21%.<sup>118</sup> In **Sweden**, especially in the northern part of the country (Norrbotten), the berry-picking industry has received particular attention in the media and research, due to the involvement of seasonal temporary labour migration. Since 2019, TCNs working in berry-picking and agriculture have increasingly come from Thailand and Ukraine, progressively replacing workers from Vietnam, China, and other South Asian countries.<sup>119</sup> Many of these workers experience substandard and exploitative working conditions. Along with low wages, these working conditions mainly involve excessive working hours, and health and safety issues such as lack of protective equipment.<sup>120</sup> In this context, as discussed in the next section, temporary agencies play a crucial role.

## 5.2 Recruitment forms and processes into undeclared work in the agricultural and forestry sectors

Recruitment into undeclared work in the agricultural sector takes place mainly through private agencies, which often operate in a grey area between legality and illegality, or through informal contacts and networks, often composed of foreign nationals or contact with people in the TCNs' countries of origin.

In **Sweden**, for example, particularly in the berry-picking industry in the north of the country, TCN workers (mainly from Thailand) can be employed under undeclared and exploitative conditions by recruitment agencies operating on the borderline between legal and illegal practices. These employment agencies act as employers and enter into contracts for the supply of labour with Sweden-based berry companies. Each season, the Swedish companies determine the number of berry-pickers to be hired and inform the agencies in Thailand, which manage the paperwork for work permits, transportation and accommodation. However, these often do not respect required labour standards.<sup>121</sup>

Recruitment through informal and personal networks is widespread in many countries, often compensating for the lack of effective national employment services. For example, in **Poland**, where Ukrainian workers form the bulk of the agricultural workforce, research has revealed the emergence of informal Ukrainian brokers closely connected to farmers. Traditionally responsible for transporting workers from Ukraine to Poland, these actors also arrange employment and provide assistance to workers facing difficulties or emergencies.<sup>122</sup> The presence of informal brokers and practices that can be predatory and abusive in the agricultural sector is also a significant issue in countries such as **Finland**. Research on Finland's agricultural sector has further highlighted the role of so-called "trusted workers," typically appointed by some employers to supervise work and act as intermediaries and interpreters. These individuals often occupy an ambiguous position: while facilitating communication and coordination, they may also collaborate with recruiters who charge workers illicit fees or may prevent workers from contacting the relevant authorities.<sup>123</sup>

In **some areas** of Italy, the previously mentioned illegal gangmaster system (*caporalato*) remains the main channel for labour recruitment, providing large numbers of low-skilled workers at low cost. *Caporali*, often migrants themselves, perform different roles<sup>124</sup>: they recruit and/or supervise labourers and sometimes also arrange their

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<sup>118</sup> Urbanact, 2021, Gender equality in the forestry industry <https://urbact.eu/articles/gender-equality-forestry-industry>

<sup>119</sup> A. Iossa, N. Selberg, (2022). *Socio-Legal Aspects of Labour Market Segmentation in the Agri-Food Sector in Sweden: Spatio-Temporal Dimensions*, in *European Journal of Migration and Law*, 24(2), 241-264.

<sup>120</sup> Ibid.

<sup>121</sup> Iossa, N. Selberg, (2022), *Socio-Legal Aspects of Labour Market Segmentation in the Agri-Food Sector in Sweden: Spatio-Temporal Dimensions*, in *European Journal of Migration and Law*, 24(2), 241-264

<sup>122</sup> K.. Matuszczyk (2025), *Migrant labour in the Polish agriculture sector*. I-CLAIM.

<sup>123</sup> P. Merikoski, L. Näre (2025), *Precarity and informality in agricultural food production in Finland: the role of migrant workers*. I-CLAIM.

<sup>124</sup> A. Corrado, F.S. Caruso, M. Cascio, M. Nori, L. Palumbo, A. Triandafyllidou (2018), *Is Italian agriculture a 'pull factor' for irregular migration – and, if so, why?*, OSEPI, Brussels.



transport, while in other cases they control nearly every aspect of the workers' lives — including housing and meals. In some cases, this system involves threats, violence and trafficking.<sup>125</sup>

In Italy, labour recruitment is also carried out through so-called “**landless cooperatives**” which appear to operate within the law but often exploit workers by withholding wages and falsifying records.<sup>126</sup> Although farms pay cooperatives according to collective agreements, only a fraction of this payment reaches workers, who also frequently endure long hours, unsafe conditions and poor housing.<sup>127</sup>

## 6.0 Challenges faced by competent authorities and the preventive and reactive measures adopted

### 6.1 Main challenges and issues encountered by national labour inspector authorities

Labour inspectors concentrate on high-risk sectors identified through risk assessments, but monitoring remains difficult in workplaces such as agriculture, construction and domestic services. Fraudulent posting and subcontracting schemes — often involving letterbox companies or fake temporary agencies that disappear during investigations — further obstruct detection and enforcement.<sup>128</sup>

One of the main challenges faced by labour inspectorates across many European countries is the **lack of adequate resources**. Several inspectorates report capacity constraints, particularly when dealing with complex cases involving undeclared work and TCNs.<sup>129</sup> For instance, recent research indicates that, due to limited resources, in **Finland** in some cases inspections have been limited to farms where complaints have been filed or where cases of misconduct have been previously identified by inspectors.<sup>130</sup>

Labour inspectorates are mandated to ensure fair working conditions for all workers, including irregular TCNs. However, a focus on verifying legal status may divert attention and resources from monitoring working conditions and may **discourage TCNs from filing complaints**, particularly if inspectors are required to report irregularities to migration or police authorities.

ILO guidance suggests that cooperation between labour inspectorates and immigration authorities should focus on **safeguarding the rights of all workers** and ensuring decent working conditions.<sup>131</sup> To ensure that adequate resources are devoted to monitoring fair working conditions, the ILO recommends clearly dividing responsibilities between enforcement authorities. Stakeholders such as the Platform for International Cooperation on Undocumented Migrants (PICUM) and the European Trade Union Confederation (ETUC) have called for a “**firewall**” to be put in place to separate labour and social authorities from immigration enforcement activities. This

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<sup>125</sup> M. Omizzolo (2019), *Sotto padrone. Uomini, donne e caporali nell'agromafia italiana*, Feltrinelli, Milano.

<sup>126</sup> See, for instance, Associazione Terra! (2025), *Gli Ingredienti del caporalato – Il caso del Nord Italia*.

<sup>127</sup> Ibid.

<sup>128</sup> D. Lens, N. Mussche, I. Marx (2022) *The different faces of international posting: Why do companies use posting of workers?*, in *European Journal of Industrial Relations*, vol. 28(1), pages 27-45, March.

<sup>129</sup> P. Van Nierop, L. Schönenberg, P. Petar Terziev, with contributions from A. Besic, K. Jakubowska, N. Rose, R. Stefanov, D. Mineva (2021), *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work.

<sup>130</sup> P. Merikoski, L. Näre (2025), *Precarity and informality in agricultural food production in Finland: the role of migrant workers*. I-CLAIM.

<sup>131</sup> The Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).



would enable TCNs in precarious or irregular legal conditions to report abuse or access essential services without fear of related repercussions, such as arrest, detention or removal.

Although sanctions are an important deterrent for employers, their effectiveness depends largely on the likelihood of detection and enforcement. The deterrent effect is also reduced by limited knowledge among non-EU workers of their rights and available services, **inadequate support mechanisms** and TCNs' fear of fines, withdrawal of their residence permit and/or removal in case of complaints.

EU legal migration Directives play a key role in shaping these circumstances. For example, the Seasonal Workers Directive requires Member States to reject applications or withdraw authorisation for the purpose of seasonal work when employers have been sanctioned for undeclared or illegal work (Articles 8 and 9).

**A lack of effective and safe mechanisms for reporting abuse**, recovering unpaid wages, and supporting labour market inclusion limits TCNs' ability to exit undeclared work and exploitative practices. The link established in many national legal frameworks between the issuance of residence permits and the cooperation of TCNs in criminal proceedings may also discourage undocumented TCNs from exiting exploitative situations, particularly when no viable alternatives to undeclared or abusive employment are available. On the contrary, assistance and protection for exploited TCNs should be unconditional and granted irrespective of their cooperation in criminal proceedings. Support should be based on individuals' circumstances, prioritising victims' rights over law enforcement objectives to ensure meaningful, long-term social and labour inclusion.<sup>132</sup>

**Administrative challenges** such as restrictive privacy laws, difficulties in cross-border coordination and limited data accessibility reduce the effectiveness of measures aimed at preventing undeclared work and illegal employment in the case of TCNs. For example, national labour inspectors report difficulties in addressing cases where a TCN begins working legally in one EU Member State but subsequently moves to work illegally in another. They also face a significant challenge in obtaining information and evidence when employers from other EU Member States post TCNs to work in their country.<sup>133</sup>

## 6.2 Preventive and reactive tools currently in use

Instances of undeclared work and labour exploitation fall under the responsibility of different authorities. Effective cooperation among competent authorities is therefore essential for information exchange, as well as for the detection and prosecution of violations. Many Member States have introduced initiatives to strengthen **cooperation between various bodies and organisations at both national and international levels**, with the aim of identifying undeclared and exploitative work and improving access to information needed to detect poor working conditions and carry out effective inspections.<sup>134</sup>

### Examples of cooperation agreements to tackle undeclared work among third country nationals

In **Belgium**, a 2018 cooperation agreement between the Immigration Office and Inspection Services improved coordination and information-sharing. A Justice Platform was also created to facilitate collaboration between

<sup>132</sup> See, among others, PICUM (2020), *A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice* <https://picum.org/wp-content/uploads/2020/03/A-Worker-is-a-Worker-exec-sum-EN.pdf>; Giammarinaro, M. G. (2021), *Revising EU Directive on human trafficking? For bad or good reasons?*, available on <https://giammarinaro.net/en/revising-eu-directive-on-human-trafficking-for-bad-or-good-reasons/>.

<sup>133</sup> EMN (2025), *Illegal employment of third-country nationals: 2017-2022 situation analysis*.

<sup>134</sup> Ibid.



inspectors and the judiciary, supporting data mining, risk analysis, and the effective prosecution and follow-up of labour cases.

In 2019, **Lithuania** launched a Risk Analysis Centre and Joint Operational Centres to improve coordination between inspection and law enforcement bodies and to promote a unified approach to tackling the shadow labour market, particularly the illegal employment of TCNs.

In many countries, initiatives aimed at strengthening cooperation between various stakeholders also involve **social partners, NGOs and international organisations**. Their involvement is crucial in terms of addressing the complex issue of undeclared work and labour exploitation holistically and ensuring that workers' rights are promoted and protected.

### Cooperation with NGOs and international organisations

In **Belgium**, the Labour Inspectorate of the Federal Public Service for Employment, Labour and Social Dialogue receives complaints from third-country nationals, primarily concerning the non-payment of wages to those staying in the country illegally, via the NGO FAIRWORK Belgium and the Federal Centre for Migration (Myria).

In **Italy**, the National Labour Inspectorate (INL) and the IOM cooperate to provide timely and effective assistance to exploited migrant workers. They appoint cultural mediators and support workers in taking the necessary steps to obtain help and protection, thereby fostering relationships of trust between the Labour Inspectorate and workers.

Some Member States have implemented cooperation initiatives that also involve **employers' organisations**. For example, in 2010, the **Norwegian** government established **Branch Sectorial Programmes**, a tripartite cooperation between representatives of employee and employer organisations, as well as relevant government authorities. The aim of these programmes is to combat work-related crime and promote fair working conditions through the identification of common risks and the development of joint campaigns, training, and inspection targets for the relevant sectors. Currently, the sectors covered by these programmes are characterised by a significant presence of TCNs<sup>135</sup> and include cleaning services, transport, restaurants, bars and nightclubs and the car industry.<sup>136</sup>

Many Member States have introduced measures to prevent employers from engaging in illegal employment practices. These include **mandatory requirements to notify the relevant authorities** when employing TCNs. In **Lithuania**, for example, the Law on the Legal Status of Foreigners, which came into force on 1 March 2021, requires employers to inform the State Labour Inspectorate of any TCNs they are employing temporarily. The authorities then carry out checks to verify compliance with labour conditions.<sup>137</sup>

Many Member States have also developed significant **information campaigns**, in many cases coordinated and supported by ELA. Several campaigns have focused on sectors and activities featuring a high presence of TCNs,

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<sup>135</sup> See, for instance, J. Tvedt (2023), *Norwegian road transport of goods and the use of foreign hauliers and drivers*, <https://www.toi.no/getfile.php?mmfileid=76739>; J. Orupabo, M. Nadim (2019), *Men doing women's dirty work: Desegregation, immigrants and employer preferences in the cleaning industry in Norway*, in *Gender Work Organ*; See also ELA (2023), *Currently, the sectors covered by these programmes are characterised by a significant presence of TCNs and include cleaning services, transport, restaurants, bars and nightclubs, and the car industry*.

<sup>136</sup> ELA (2022), *Branch Sectorial Programmes*, Norway, [https://www.ela.europa.eu/sites/default/files/2022-01/GP-fiche\\_NO\\_Branch-sectorial-programmes.2022\\_EN.pdf](https://www.ela.europa.eu/sites/default/files/2022-01/GP-fiche_NO_Branch-sectorial-programmes.2022_EN.pdf)

<sup>137</sup> EMN (2025), *Illegal employment of third-country nationals: 2017-2022 situation analysis*.



such as the 2021 campaign on seasonal work, informing seasonal workers and their employers about rights and obligations to promote working conditions across the EU. Subsequent campaigns also covered sectors that often have a large presence of TCNs, such as the 2022 campaign in the transport sector and the 2023 campaign focusing on construction work.

In terms of improving the protection of TCNs and promoting safe reporting mechanisms, some Member States have adopted important legal instruments that aim to enable migrant workers to leave abusive employers and stay in their country of employment enforcing their labour rights.

### Residence permits in case of labour exploitation: the Finnish Aliens Act and Italian Article 18-ter of Consolidated Act on Immigration

In 2021 in **Finland**, amendments to the Aliens Act introduced a residence permit for victims of labour exploitation, to enable them to look for jobs without losing the right to reside. Additionally, it permits these individuals to immediately change employer and to work in declared work, with no need to apply for a residence permit. This right is also extendable to family members. Unlike the high threshold required for identifying cases of human trafficking, this residence permit is granted following a relatively “light” assessment based on the worker's credible account, supported by limited evidence. This residence permit is granted only to individuals who already hold a residence permit in Finland that includes the right to work, whereas a residence permit for a human trafficking victim may also be granted to individuals who do not currently have a residence permit in Finland.<sup>138</sup>

A noteworthy development in **Italy** was the introduction of a new legal instrument in 2024, Article 18-ter of Consolidated Act on Immigration (Legislative Decree No. 286/1998), which permits a residence permit to be granted to victims of labour exploitation, regardless of whether they have filed a formal complaint. The victim must contribute meaningfully to criminal proceedings in a way that helps clarify the facts and identify those responsible. These proceedings can be started based on reports, complaints or statements from third parties, or ex officio when relevant facts come to light during police operations, investigations or labour inspections by the National Labour Inspectorate. Further, TCNs granted a residence permit under Article 18-ter are entitled to assistance measures that promote training and social and labour market inclusion through personalised programmes. These measures aim to support beneficiaries in building decent employment and living opportunities. According to the crucial provision of art 18-ter, residence permits are also granted to **family members** of victims of exploitation.

Many countries have also implemented **awareness-raising initiatives**. For example, in **Austria** the SEZONIERI Campaign offered language classes for seasonal workers, which also included information about their rights.<sup>139</sup> In 2017, **Estonia** launched a free migration counselling service offering settling-in advice to third-country nationals, as well as support for employers, businesses, and educational institutions hosting foreign nationals. The service, available in Estonian, English, and Russian, provided assistance in person, online, and by phone, delivering on average over 18,000 consultations annually between 2017 and 2022.

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<sup>138</sup> For information about the Finnish scheme: <https://migri.fi/en/residence-permit-or-certificate-due-to-exploitation-by-employer>.

<sup>139</sup> SEZONIERI Campaign for the Rights of Seasonal Harvesters in Austria is a joint initiative of trade unions and civil society actors (Sezonieri, 'Home', n.d., [https://www.sezonieri.at/en/startseite\\_en/](https://www.sezonieri.at/en/startseite_en/))



Lastly, it should also be noted that the **gender dimension**, often overlooked in many activities, has received more attention in recent years. For example, in Italy, since 2023 the Labour Inspection Programming Document has placed specific focus on gender equality and on combating forms of gender-based discrimination.

## 7.0 Thematic day: working group session

The thematic day on 4 November 2025 included a session dedicated to small-group discussions on the topic of tackling undeclared work among TCNs, focusing on examples from the agri-food sectors such as agriculture, fisheries and forestry.

The objectives of the afternoon session were to facilitate detailed discussions on the participants' experiences, on the main topic; to exchange information and to foster critical dialogue; and to create an inclusive environment in which everyone feels comfortable participating. The outcomes of the working groups' discussions have also fed into this output paper.

### Discussion questions

#### Enforcement and policy questions

- ▶ From your experience, could you notice specific trends and patterns regarding the recruitment of third country nationals?
- ▶ Agriculture and forestry sectors are considered as particularly sensitive sectors and often involve a high number of third country nationals. Do you have in place specific inspections plans or policy measures to address undeclared work in these sectors?
- ▶ What are the main challenges and enforcement issues in relation to posting of third country nationals?

#### Prevention and information

- ▶ Are penalties or sanctions – for employers and/or intermediaries – effective deterrents in practice?
- ▶ Do you make use of other instruments – for example nudging, raising awareness campaigns – to prevent undeclared work among third country nationals?

#### Training and capacity building

- ▶ Do you receive specialised guidance for tackling undeclared work among third country nationals in sectors such as agriculture, forestry (e.g., checklists, multilingual materials, etc.)? Do you use specific tools?

#### Inter-agency cooperation

- ▶ Do you collaborate at national and international level with other enforcement authorities, social partners organisations and NGOs to tackle undeclared work among third country nationals?

#### Guidance questions

- ▶ Are there specific rules in place in your country, ensuring safe reporting in case of undeclared work or labour exploitation?
- ▶ Are there measures in your country to tackle undeclared work among third country national when labour intermediaries are involved?



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