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Workers without borders? The rights of workers from the Balkans in the EU

Abstract

EU citizens and third country nationals are formally in very different situations when it comes to mobility and rights in the EU, a picture which looks more blurred when we examine workers from south-east Europe. The newest, poorest members of the EU and their neighbouring accession countries in the western Balkans are not only experiencing demographic decline, youth exodus and a 'brain drain'; they are also effectively subsidising the economic growth and lifestyle of richer European countries through their investment in the training of workers who leave their countries of origin, and via the subsequent loss of social security contributions. Based on interviews with mobile workers themselves and a wider literature review, we argue that the EU, governments and trade unions need to enforce existing legislation better and prevent exploitation; empower workers to understand, access and advance their rights; and ultimately rethink the economic relationship between the EU and the region of south-east Europe based on establishing a more balanced, more sustainable and more socially just development.

Keywords: *emigration, 'brain drain', Covid-19, precarity, posted workers, social security, employment agencies, trade unions*

Introduction

Labour migration in south-east Europe is omnipresent. Before the 90s, the emigration of workers from ex-Yugoslavia was an inherent problem: in the middle of the seventies, 1.1 million workers aged 20 to 45 left Yugoslavia, the main reason for which was excessive unemployment.

Correspondingly, in the last decade, slow growth and low socio-economic standards, combined with political stagnation and a general feeling of missing opportunities, created mass disaffection that led to a new emigration of workers from the south-east Europe region towards the EU. The western Balkans has proven to be a permanent source of skilled, educated and professional workers for EU countries. At the same time, the impact of this 'brain drain' on societies in south-east Europe is immense: in 2019 alone, statistics show that 228 000 people left the western Balkans and became residents of EU countries, mainly Germany. Additionally, the Covid-19 pandemic has shown how much the healthcare sector is affected by the loss of skilled personnel.

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While the case of migration from western Balkans countries is particularly staggering, emigration affects a large portion of eastern Europe too. EU countries such as Bulgaria, Romania and the Mediterranean countries are also experiencing demographic decline, youth exodus and a 'brain drain'.

Despite these apparent challenges, the social consequences of this exodus currently going on from the countries of south-east Europe have neither been adequately addressed nor recognised either in the countries of origin or in the EU countries of destination.

While western Balkans governments are doing little to address migration and limit further 'brain drain', western European governments have opened up corridors for the migration of workers via visa liberalisation programmes and the provision of work permits mainly for highly-skilled people from the region. However, little attention has been paid to workers' social protection and social rights after they have arrived or to the impact of mobility in general. This applies particularly to women and vulnerable groups, including highly mobile young workers, freelancers, 'digital nomads' and social entrepreneurs who are also often not organised in trade unions. Neither do the NGOs dealing with the issue of migration have topics like working conditions, social security and living conditions strongly in their focus.

Considering the sizable importance of this social challenge, it is surprising how little research has so far been done on the social situation of these 'workers without borders' who have entered labour markets in western Europe. This has created a gap which our article seeks to address.[1] We pay particular attention to the situation in Germany of western Balkans workers, on the grounds of its economic size and recent visa liberalisation programme, but we also incorporate examples and considerations from throughout the EU. Our article here looks, firstly, at the number of workers moving from the western Balkans to work in the EU; and then at the reality of working life for such people. We then turn to consider what trade unions are doing to address these problems before a final section examines some policy recommendations.

How many workers are moving from the Balkans to work in the EU?

Accurate data regarding people moving between countries is notoriously difficult to establish: countries use different statistical methods to classify entries and departures; and migrants may or may not register for different services, register their residency in the country they arrive in or tell it they are leaving when they have left. Inside the European Union, this is particularly difficult since there is no need for citizens moving between EU countries to conduct any procedure beforehand or show a visa. The quality of statistics is better for citizens of western Balkans countries moving into the EU through regular channels, but the number of people arriving and staying on an irregular basis is hard to estimate. There is, nevertheless, a wide consensus that all the countries featuring in this study have experienced very considerable emi-

1 This article is an edited extract from a research report written by the authors for the Friedrich-Ebert-Stiftung and the civil society organisation European Alternatives. It is produced here by kind permission of FES and, in particular, of Dr. Ralf Melzer, Director of the Friedrich-Ebert-Stiftung Regional Dialogue Southeast Europe. www.fes-soe.org.

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gration to EU countries in recent years, notably of people of working age, and that this trend had been growing until the Covid-19 pandemic began in early 2020.

Using the best statistics available we can say that, in 2010, there were 308 089 Bulgarian citizens registered as living either in the EU or in the four European Free Trade Association countries, but there may well have been many more irregular workers. By 2019, this number had grown to 890 000, potentially including many irregular workers who, having regularised their situations, now had full rights as European citizens to work in other EU countries (Judah 2020). According to Eurostat, in 2018 alone, some 23 000 Bulgarians left to live in other EU countries whereas in 2013 the number was roughly 12 500. Romania has had over 100 000 people leave for other European Union countries every year since at least 2013 while, in 2018, over 200 000 people left (Eurostat 2020: 51). According to World Bank data, over 20 per cent of Romania's working age population was living abroad in 2017 (Judah 2019). Meanwhile, Croatia experienced 30 000 people emigrating to other European Union countries in 2018 whereas in 2013 the official figure was close to 5000.

Eurostat data reports that, in 2018, some 225 500 people from the Western Balkans 6[2] emigrated legally to the EU (based on the issue of residence permits). Of these, 92 000, or about 40 per cent, moved with a work permit while the rest moved for reasons of family reunion, education or for another reason.[3] These figures were slightly higher in 2019. The outflow was highest in 2018 for Albania, from which around 2.2 per cent of the country's population moved to the EU, but Albania had the smallest proportion of emigrants with a work permit (around 17 per cent). Of the 53 000 people leaving Bosnia and Herzegovina (approximately 1.5 per cent of the population), 33 000 had been issued with work permits (over 60 per cent) while, of the 51 000 Serbians who moved (again, roughly 1.5 per cent), over one-half did so on the basis of a work permit.

If Germany has come to be the country issuing the most residence permits to people coming from the six western Balkans countries (see Figure 1), it is not always the country offering the most work permits.

Since 2019, Croatia has started to issue the highest number of work permits to Serbians and Kosovars, in the context of needing seasonal workers with Croatians who used to do this work having gone elsewhere (over 10 000 permits granted to Serbians and 6000 to Kosovars, whereas it was only hundreds before 2018). In comparison, Germany issued 5000 work permits in 2018 to Serbians. Since 2018, Croatia has also been issuing by far the largest number of work permits to Bosnians. Eurostat data also shows that Hungary, Malta and the Czech Republic regularly give significantly higher numbers of work permits to Serbians, and Italy and Greece to Albanians.

2 The Western Balkans 6 is a catch-all term for the region encompassing Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro and Serbia.

3 Eurostat statistics on first permits by reason, length of validity and citizenship (migr_resfirst), extracted on 10 November 2021 from the Eurostat database.

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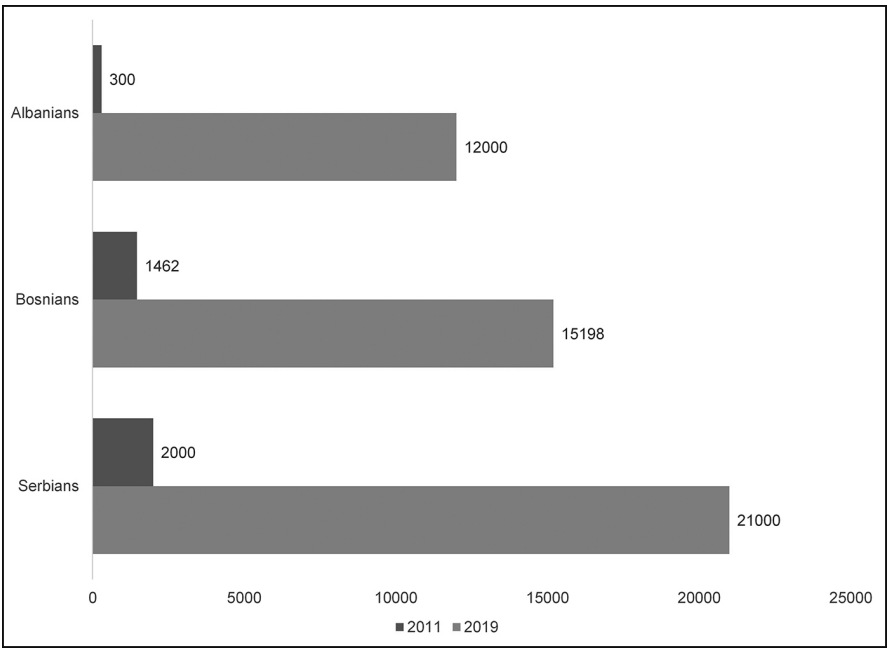
Figure 1: Number of resident permits issued by Germany



The impact of the Covid-19 pandemic on migration

After the onset of the Covid-19 crisis, tens or even hundreds of thousands of citizens returned to their homes in Balkan countries. According to media reports and official data, around 200 000 people returned to both Bosnia and Romania, 110 000-150 000 to Bulgaria, 30 000 to Albania and 24 000 to Croatia. In Serbia, estimates ranged from around 75 000 to an enormous 400 000 as suggested by the country's president.[4] Although some of these workers may have decided to remain in their country of origin, it is likely that the vast majority were returning for the temporary period of lockdowns in which they were unable to work, as a means of saving on rent and other costs, seeing family or because they were not able to access social security and healthcare outside their native country. The pandemic has had an effect on the number of people moving for the first time to the EU from outside: a 24 per cent drop in new residence permits issued to non-EU citizens was recorded in 2020 by Eurostat – the first drop since 2013; this is likely to be a combination of fewer people moving for the first time and slower or paused administrative procedures. As of now, there is little reason to think that the pandemic will, in the future, slow the rates of migration or increase the rates of returning to native countries.

4 In comparison, Germany has reported around 200 000 repatriations (Ćurić 2020).

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The Covid-19 pandemic does, however, have two rather different, wider, implications which apply to workers from the region:

- it is placing many already precarious workers in even more precarious and dangerous situations whether in agriculture, the food industry, delivery, hospitality or care work; and it has created some political impetus to address the worst of these situations
- it is accelerating the digital transition, with much more work being conducted remotely. Some of the workers who have returned to Balkan countries are able to stay and continue to work online, thus being able to 'work across borders' without physically moving. The digitalisation of workplaces is a fundamental challenge to distinctions between national workers, EU citizen workers and third-country nationals.

Virtual workers without borders

While not physically emigrating, an increasing number of workers are 'migrating' digitally by finding jobs in the EU and beyond. This type of self-employment, most commonly associated with the IT sector and creative industries, but also with writing and translation, administration services and other similar tasks that can be conducted online, exemplifies a major shift in the way work is being performed – a change from having a job to working for clients. Remote work, either through platforms in online labour markets, or directly for foreign clients, represents a widespread phenomenon in south-east European countries.

While a large part of the demand for online services in the past came mostly from the USA or the UK, Germany has recently been picking up the pace. The Online Labour Index estimates that Germany is now the sixth biggest such employer, accounting for slightly over 2 per cent of job offers (Kässi and Lehdonvirta 2018). On the supply side, the online labour market is dominated by workers from India, Bangladesh and Pakistan while in Europe, the UK (4 per cent), Russia, Ukraine (both over 2 per cent) and Serbia (1.8 per cent) have the largest share.

The other south-east European countries follow closely behind. Data from February 2021, sourced from three main platforms for online work – UpWork, Freelancer and Guru – reveal that North Macedonia has 229.7 platform workers per one hundred thousand inhabitants with Serbia having 161.5 (Anđelković et al. 2020; see also Figure 2); in each of the cases for which there is data, the 2021 figures represent a sizable increase on those for 2020.

Men dominate the online market and are also better paid. In all of the surveyed countries, the share of men is above 60 per cent, with the share of women being lowest in Bosnia and Herzegovina (25.6 per cent) and highest in Albania and Montenegro (40 per cent). In all countries, the average hourly wage is higher for men than for women, with the widest gap in Croatia (23.95 euros per hour versus 17.78), Montenegro (19.37 versus 14.88), Romania and Bulgaria (21.39 versus 17.17). The gap is smallest in Albania, where women's average hourly wage is only 1.4 euros lower than men.

In terms of occupation, men mainly work in software development, creative services and multimedia; whereas women tend to be found more in creative service and

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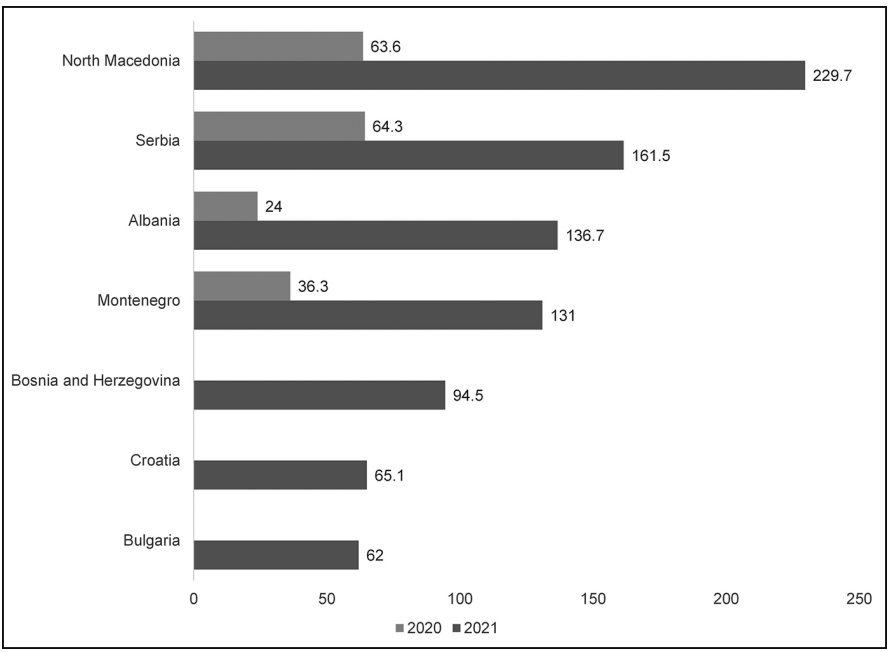
multimedia (in most countries above 30 per cent), as well as in writing and translation.

Figure 2: Number of online workers per hundred thousand inhabitants



Surveys have shown that online workers are often in particularly difficult employment situations lacking access to rights. A recent survey in Serbia found that 19 per cent of online workers are unemployed, 27 per cent inactive, 23 per cent have another job in the offline world and 31 per cent are self-employed. In terms of access to rights and benefits, 20 per cent do not have access to any kind of social rights and benefits while 26 per cent have health insurance but no access to retirement and unemployment protection: some two-thirds of online workers find themselves in hidden employment (their pay is not formally reported) (Anđelković et al. 2019). Moreover, those who are self-employed remain in a significantly worse position than employees since they have practically no access to paid sick leave and parental leave, as well as many of the other rights afforded to standard workers (working hours, paid vacation, etc.) (Savanović et al. 2021).

What is the reality of work for people moving to the EU from the Balkans?

In order to understand the reality of moving to work in the EU both from EU and non-EU Balkans countries, we conducted 26 in-depth interviews with workers:

- 17 interviews were conducted with workers from the Western Balkans 6. Some of these are nurses, while others work in warehouses, trucking and factories –

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including at least one person who was working irregularly. In addition, some are seasonal workers while others are engineers, film directors, architects and web developers

- nine interviews were conducted with Bulgarian citizens. These were employed in care, heavy and light industry, agriculture and hospitality, while at least two were in an irregular situation.

The people we interviewed are either currently or had previously been working in Germany, Croatia, Slovenia, Slovakia, Spain, Sweden and France. These workers have entered into a wide variety of contractual arrangements, reflecting the young, female and mobile workers we spoke to being much more likely to be in non-standard forms of employment than older, male and native workers (ILO 2016).

All the workers we contacted had experienced some problems related to their rights at work, with differing degrees of seriousness. Furthermore, EU citizens and citizens coming from non-EU western Balkans countries alike have experienced similar problems when working abroad. In order to compare EU and non-EU workers, we have organized the output from our interviews in the sections that follow according to the kind of contract and type of work the person is doing.

Furthermore, we also conducted a small number of interviews with specialists in the field so as to provide background and legal context for the material supplied to us by our interviewees; as well as with a number of high-level trade unionists dealing with mobile workers and with policy in this area, and seeking to improve the rights of such workers on the ground.

Temporary work and seasonal work

Temporary work has always existed, most notably in respect of seasonal work, but temporary work contracts have become much more common in Europe over the last 20 years, often promoted as a necessary component of a more flexible economy in a time of technological change (ter Wheel 2018). Such contracts frequently pose significant problems for the worker in terms of access to social security. For example, in many countries there is a minimum period of employment required before a person is eligible for unemployment benefits. This has a particular impact on young workers in their first employment which is much more likely to be temporary.

In Germany, the ‘mini-job’ scheme introduced with the Hartz II reforms in 2003 has long been a source of contention both because of the low pay it promotes and also because mini-jobbers do not usually have pension rights, health insurance or access to unemployment benefits. A scheme that was set up to promote the employment of students or pensioners in marginal employment has increasingly become a scheme of primary employment notably, although not exclusively, of seasonal workers. Even though workers are entitled to 9.60 euros an hour – the statutory minimum wage – they are sometimes underpaid, particularly towards the end of the season before they leave for their home countries, thus being robbed of a significant part of their earnings (Faire Mobilität 2021).

Seasonal workers such as these, although economically active in more than one country, may not be making social security contributions in any of them. During the pandemic, they have therefore not been entitled to financial support during quaran-

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tine/isolation or to unemployment benefits. The precarity of migrant workers leads them to accept jobs in other industries with even more uncertain conditions in order to fill the gaps between periods of agricultural work.

Non-EU seasonal workers need to apply for a visa, work permit or residence permit to stay and work in an EU Member State, a requirement which causes them to face additional problems. During the recruitment phase, they are more likely to rely on the mediation of private agencies than are EU workers because non-EU workers do not have the opportunity to travel freely and find employment on their own. Consequently, they are more exposed to the deceptive practices of these agencies. Moreover, the visas of non-EU seasonal workers are often tied to one particular employer, increasing the risk of becoming trapped in exploitative working conditions in order to keep the job as grounds for legal residence in the destination country. Even if they manage to change their employer, they face other difficulties such as a short timeframe for finding another employer and a suitable contract. For example, a chef we interviewed who worked seasonally in Croatia was discontented with the working conditions offered by his first employer and found a new job with a three-month work visa, but this was shorter than the six-month visa he had with the first employer. His new employer could ask for a visa extension beyond the three months, but this would need to be done during the period of validity of the visa and that was very difficult because the employer could not predict how good the season would be, especially during the Covid-19 pandemic.

Due to the temporary nature of the stay of non-EU seasonal workers, Member States do not need to apply equal treatment for unemployment and family benefits and may limit equal treatment as regards tax, benefits, education and vocational training (Eurofound 2021). Member States may also introduce additional safety measures for essential travel to the EU (encompassing seasonal workers in agriculture) from regions regarded as high-risk one in respect of Covid-19 (European Commission 2020).

Young workers

A large part of the migration flows in the past decade in Europe has been made up of young and well-educated individuals migrating from eastern and southern Europe to the western and northern regions offering more favourable labour market opportunities (Akgüç and Beblavý 2019). In Western Balkans 6 countries, net emigration is particularly high among young people (Leitner 2021), accelerated by the EU's visa liberalisation for the nationals of western Balkans countries (other than Kosovo). The main drivers of youth emigration from both EU and non-EU countries in the Balkans are high unemployment rates, low pay, the backsliding of democracy and social instability in their home countries (Glorius 2021: 5; Fischer-Souan 2019; Leitner 2021; Beharić et al. 2021). Some emigrate to pursue education abroad or to reunite with their families, while others seek out better career opportunities due to a mismatch between educational attainment and career prospects at home.

Plenty of attention has been given to the problems arising from skill shortages and the lack of labour in home countries, while evaluations of the costs and benefits of this migration to host countries have frequently been made, but the experience of

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young people themselves is rarely at the centre of attention with the presupposition that young, fit workers are well equipped to look after themselves.

In reality, young migrants face various disadvantages in finding employment in the EU. These include the lack of work experience, difficulties in the international transferability of skills or recognition of their qualifications and education-occupation mismatches, as well as differential and discriminatory treatment (Sparreboom and Tarvid 2017). Consequently, they exhibit important gaps in comparison with their native peers in the EU regarding employment, unemployment, contract type and over-qualification (Akgüç and Beblavý 2019). Additionally, gender gaps in favour of men in employment and hours worked per week are also obvious among this group (Akgüç and Beblavý 2019). Furthermore, young workers have particular needs and vulnerabilities. These include a lack of previous work experience and knowledge, meaning they can more easily be exploited; a lack of capital resources, forcing them to accept working conditions that workers with some savings could refuse; and a lack of personal networks, risking the isolation of young workers.

The combination of these factors is potentially detrimental to the mental health of young workers, as well as leading to an inability to confront difficult situations such as seeking to rectify unclear contractual relationships. Young workers also have particular requirements in terms of parental leave and childcare, while those who emigrate may have difficulty claiming these rights and state support in the country in which they are actually living.

Posted workers

Another frequently observed form of employment among migrant workers in the EU is so-called 'posted work'. Posted workers from inside the EU are often formally employed by a temporary employment agency registered in their home country, while their principal employer is registered in their host country. Countries preparing for accession to the European Union in the western Balkans have, to different degrees, introduced provisions in their legal orders permitting the posting of workers, in some cases, such as Serbia, building on previous bilateral agreements with EU countries such as Germany. These provisions are often incomplete or inconsistent with other provisions in the legal order, opening up possibilities for abuse by employers and agencies, and leading to many administrative difficulties for workers themselves. Social security coordination for workers posted between EU countries remains work in progress and social security coordination for workers posted from non-EU accession countries to EU countries is even more problematic, largely relying on a patchwork of changing bilateral agreements rather than a systematic EU-wide approach.

Since the 2018 amendments to the EU's Posting of Workers Directive, official working hours and pay requirements are the same for posted workers and regularly employed workers alike. However, these amendments have not yet been harmonised in the legal orders of the accession countries which, in the case of Serbia for example, make no mention of minimum wages or the possibility of postings longer than 18 months.

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Under the amended Posting of Workers Directive, if the employment period is shorter than 183 days, income tax is owed to the home country. Social security contributions are also made in the home country but only for the first two years of employment. An A1 form must be presented on demand to host country authorities to prove the payment of these social security contributions and should, in principle, be given to the employee for their records as well although in reality, often it is not. After the first two years of employment, the employer is required to make social security contributions in the host country. However, in order to contravene this requirement some posting companies register new companies in the home country and transfer the workers' contracts to these before two years have elapsed, thus avoiding contributions payable to the host country. In cases of legal disputes, a worker can take the posting company to court either in their home or the host country, but such disputes are often long in the resolution.

Posted workers are particularly vulnerable to the exploitative practices of employers concerning social security contributions because of the increased possibility of fraud created by declarations being made in different countries. Three posted care workers from Bulgaria interviewed for this research told us of previous employers who paid social security contributions only on the basis of a portion of the wages they actually received, short-changing both the workers themselves and the social security system in Bulgaria.

Some Member States offer reduced social security contributions for posted workers. In others, companies pay contributions on the basis of a much lower wage: in Slovenia for example, companies that post workers abroad pay social security on the basis of 60 per cent of the average wage of all workers in Slovenia. Companies take advantage of the lack of checks over the issue of A1 forms to posted workers by pretending they are being posted 'from Slovenia' even though the workers have never previously worked in Slovenia.

A similar inconsistency in Serbian law means that, while the wages of people posted from Serbia to an EU country must be in line with local wages in that country, the social security contribution is based on 70 per cent of the average monthly salary in Serbia. This leaves a significant shortfall for the workers themselves in terms of social security, coverage for accidents and illness and future pensions, and results in the Serbian social security fund being short-changed with consequences for society at large.

Posted work constitutes an exception to the rule of the equal treatment of EU citizens – while it serves in principle to protect wage levels and leave requirements, it does not grant workers the same access to social security (Apostolova and Hristova 2021). Posted workers' health insurance does not always cover workplace accidents, for example. A European Health Insurance Card (EHIC) proves that a posted worker is insured in their home country, where that is an EU country. However, EHIC coverage is not universal – it is only designed to pay for treatments that cannot be postponed and to ensure that a person's trip or work abroad is not cut short because of a medical condition. If payment for healthcare in another EU country is required up front, then the patient is later reimbursed for these expenses in the home country. The issue is that the home country's healthcare fund can exercise discretion in deciding

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what constitutes 'strictly necessary' treatment. Healthcare funds sometimes take years to reimburse workers who have often had to take out loans in order to be able to afford timely treatment. Workers interviewed for the purposes of this research told us of the obstacles they have faced in seeking reimbursement for health expenses caused by workplace accidents: two Bulgarian care workers in Germany complained of partial and significantly delayed (3 years) payments by the fund and others of never having been reimbursed at all.

One of the major issues that posted workers face, brought up repeatedly in our interviews, is the difficulty of being granted paid leave. Many workers have thus been forced to exploit the Bulgarian healthcare fund and submit fake sickness leave documents in order to take a month's paid leave in Bulgaria. Bulgarian posting companies also thereby cut their expenses by not having to cover the worker's wage for the first three days of sick leave.[5] Furthermore, during the last year workers have been asked to sign addendums to their contracts obliging them to take a month-long period of unpaid leave once per year. According to the Bulgarian legislation, the company is obliged to pay only the minimum social security and healthcare contributions for the month, but not the actual wage for the duration of the unpaid leave. The person we interviewed who worked for such a company had refused to sign this addendum but told us of a number of colleagues who had done so.

On the contrary, the Bulgarian workers we interviewed who had signed permanent contracts with their employer in Spain and in Germany enjoy significant social and healthcare benefits. Overtime is voluntary and remunerated at the wage rate posited by the law. The two workers in question – a male worker in a steel factory and a waitress, both in their 20s – are entitled to days off and rest periods between shifts of at least 12 hours. They are not expected to move across the country for work and can actually afford their own accommodation. Both workers were entitled to apply for Covid-19 compensation schemes and for unemployment benefits. This is clear evidence of a disparity in rights and protection between posted and directly employed workers, as well as inter-sectoral differences.

These problems are greater for posted workers from accession countries who are not covered by EHIC and who are dependent on incomplete and bureaucratically cumbersome bilateral agreements for social security coordination.

The complicated, cross-border procedures involved in posted work make the whole regime particularly prone to abuses by employers. Interviews conducted for the purposes of this research reveal that posting companies in the care sector register firms in Germany while being contracted by bigger local care companies. One Bulgarian posting company offered a Bulgarian care worker the choice between a German contract with their German firm or a Bulgarian contract as a posted worker with their Bulgarian firm. The German firm offered a four-hour contract, meaning less social security payments and more cash in hand, while the eight-hour contract with the Bulgarian firm presupposed higher social security contributions to the Bulgarian

5 Remuneration for the remaining period of sickness leave is covered by Bulgaria's national social security fund.

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scheme and less disposable income. The worker in question switches between the two options depending on her present needs.

Outside the EU, media reports in Serbia have highlighted the way that the posted worker provisions can be used by people posing as legitimate employers at the border crossings with the EU to 'post' workers into the EU on bogus contracts which are never registered with the authorities (Djuric and Tiodorovic 2018).

Informal employment

The most striking cases in terms of exclusion from the scope of labour legislation and lack of access to the social infrastructure are those of informally employed migrant workers. There is, however, no official data about the number of people crossing EU borders to work informally.

The share of informal employment in the EU stands at 16.8 per cent of all employment with the highest shares being in Poland (38 per cent), Greece (32.8 per cent), Romania (28.9 per cent) and Spain (27.3 per cent). In Germany, irregular workers make up 10.2 per cent of total employment, of whom 26.7 per cent are own-account workers while the rest are wage labourers. Informal employment is greater among men – 15.3 per cent versus 13.2 per cent for women; and is most widespread among younger and older populations: 24.7 per cent of employed 15-24 year olds and 38.2 per cent of those employed at 65+ are working irregularly. In terms of sector, agriculture is by far the biggest, with a share of 47.5 per cent, with services coming in second at 14.2 per cent.[6]

Two of the Bulgarian workers we interviewed – a domestic worker in Greece and a care worker in Italy – had never signed any contract with their employers. The domestic worker cleaned the houses of multiple employers but had secured her own accommodation while the care worker lived with her employer and client. Neither contributes to any social security fund. They do, however, cover healthcare payments in Bulgaria themselves and rely entirely on Bulgaria's healthcare system for treatment. Consequently, they are not entitled to any leave or days off; nor can they rely on a pension for the years in which they have been informally employed. The Covid-19 pandemic compensation schemes in EU Member States did not address the condition of such workers as they are not even registered as unemployed or as residents of the host countries.

Informal workers from outside the EU are of course in an even more vulnerable position. After having entered on a tourist visa, one respondent from the western Balkans was banned from entering the EU for three years because he was caught by the police working in the informal sector in France as a construction worker.

Care workers

For decades now, many western European countries, such as Germany and Austria, have struggled to provide long-term care for their growing elderly population

6 Data in this paragraph all from the ILO. See: https://www.ilo.org/budapest/WCMS_751319/lang--en/index.htm; and https://www.ilo.org/re-Search/informality/map1_en.html. For a global overview, see also ILO (2018).

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(European Commission 2021; Gerlinger 2018; Fink 2018). Almost half of the EU's elderly report difficulties with at least one personal care or household activity while almost half of those with a severe difficulty report a lack of assistance with those activities (Eurostat 2019).

Many countries which export care workers to western Europe within the EU, such as Slovakia, Romania and Bulgaria, face difficulties in providing assistance to their own large elderly population. Similarly, non-EU Balkan countries are struggling to ensure care for their elderly (Stokic and Bajec 2018; Gjorgjev 2018). Labour shortages and rising life expectancy account for the scarcity of care in western Europe but, within eastern Europe more broadly, emigration-induced labour shortages, together with underfunded health and social security systems, often unaffordable private care, increases in chronic illnesses and low wages are among the reasons elderly people there are being increasingly left to their own and their family's devices (Knight 2018; Jusić 2019; Stokic and Bajec 2018: 5-6).

Wealthier EU countries have exploited the vast gap in wages with Balkan states, both in and outside the EU, to secure much-needed workers cheaply (Cordini and Ranchi 2017: 104). Specifically, it is female migrant workers who are carrying the burden of the care crisis in western Europe (Sowa-Kofta et al. 2019). Low wages and the rising cost of living force many eastern European women to emigrate, usually once their children no longer need care but before their own parents require assistance. Despite the promise of better working conditions outside of workers' countries of origin, the care sector in host countries is gripped by a range of issues from entirely informal employment, through tax and social security fraud, to minor labour law violations. Migrant care workers have complained of increasing stress, isolation, unpaid overtime and precarious accommodation.

Nevertheless, organised care workers have been making increasing gains in recent years with the help of trade unions and human rights organisations and, during the pandemic, have begun to receive recognition for their work (UNI Europa 2021; ver.di 2020; Nikolova 2021).

Agency work

The agricultural sectors of many EU countries including Spain, the Netherlands and Germany (Open Society European Policy Institute 2020) rely significantly on migrant workers from south-east Europe, many of whom are recruited through employment agencies inside and outside the EU. Those employed in Spanish agriculture are recruited by agencies in their home countries as part of teams of workers. However, some agencies are simply fronts for Spanish temporary employment agencies (Corrado 2017: 11-12).

The situation is very similar in the care sector across EU Member States. Within the EU, it is often the case that an employment agency acts as a front for a foreign employer, while serving as the employer on paper, and contracts carers as posted workers as a way of keeping costs down (agencies from outside the EU cannot currently 'post' workers in this way) (Bruqetas-Callejo 2020: 109-110; Sowa-Kofta et al. 2019: 17).

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Some of the workers interviewed for this study experienced precisely such arrangements – a Bulgarian agency would cooperate with a German company to recruit nationals from central and eastern Europe, but the contract was often signed with the Bulgarian company. Such agencies rarely find certified care workers and usually hire women with no previous professional experience in this line of work. As the stories of our respondents show, some workers prefer to sign a contract directly with a host country company in order to be entitled to healthcare or social security there, while others prefer to contribute to Bulgarian funds, for example.

Agency work across the EU has been criticised for producing dependency as well as greater exploitation and insecurity as a result of excessive fees and the use of zero hour contracts (Open Society European Policy Institute 2020: 8). EU agricultural workers who find employment through recruitment agencies move rather frequently from one EU country to another. One Bulgarian worker we spoke to had worked on farms in Ireland, Czechia and Germany in just two years (and during the pandemic). While she had contacted the recruitment agencies offering work on the Irish and Czech farms herself, the agency looking for employees to fill jobs in Germany had recruited her and others at their accommodation in Czechia. Despite the promise of higher wages, the respondent now receives less than she did in Czechia, has the right to only half a day off and cannot count on timely payments.

For workers coming from non-EU western Balkans countries, agencies are often the only way to find job opportunities in any sector in the EU. Our respondents stated repeatedly that such agencies were highly untrustworthy. As a factory worker in Slovakia recruited by an agency said:

> If 70-80 per cent of what the agency promised is true, that is good.

Worker protection mechanisms with regard to agencies, as defined by national authorities in the western Balkans, seem to be too weak to ensure decent standards of work. In the case of the Serbian law, for example, the provisions regarding labour rights are defined very vaguely: they do guarantee equal treatment of Serbian workers with domestic workers but, at the same time, there are no provisions that oblige agencies to take the responsibility to ensure that these standards are actually met in practice (Reljanović et al. 2019). This often has negative consequences – many workers end up working in terrible conditions, different from what was agreed in the contract, and often even without a contract at all (Radnik 2017). Also, any contracts that they do sign may well encompass clauses that contradict both domestic labour law and the labour law of the destination country.[7]

Workers are often unfamiliar with the content of their contracts since they are written in a foreign language while agencies do not provide them with sufficient support and information on the terms of agreements. This is in clear contradiction with provisions that pinpoint agencies as responsible for worker protection in the employment process, including the obligation to provide them with information about their contractual rights and obligations.

7 From an interview with Mario Reljanović, Institute for Comparative Law, Belgrade.

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Institutional capacities in supervising the operation of agencies also seem to be inadequate to protect workers from the risks they encounter in their employment. Additionally, institutional responses in cases where agencies have not fulfilled their obligations towards workers in employment procedures, including in providing them with information about the employer, job description and the labour protection mechanisms in the destination country, seem to be extremely slow. Moreover, cooperation between institutions is lacking. The institutions responsible for supervising employment agencies, especially labour and trade inspectorates, seriously lack the capacity to react in a timely and efficient manner. Finally, the penalties for agencies who do not fulfil their legal responsibilities are not sufficient to motivate them to work in accordance with the law.[8]

Agency workers also risk working in the informal economy as there are many 'fake agencies' advertising jobs although they are not officially registered, putting workers in danger of working in a completely different setting than agreed (Radnik 2017). Another threat comes from job postings on Facebook and various online portals which make it easy to conceal the real identity of the employer. Analysis of five adverts from a non-specialist online portal conducted in the framework of this research study showed that women are especially targeted through this channel as a potential workforce in the informal economy.[9]

Conclusions

Almost all the people we interviewed in lower paid, lower status forms of work said that their contracts were not properly respected whether through having to work more hours, take less or no holiday, having no breaks during the working day, being given no sick leave, receiving a lower salary than they should, offered substandard accommodation or a combination of these things.

Despite these often severe problems that workers experienced, however, almost all were clear that moving to richer EU countries was worth it, above all for the sizable salary differences but also for social security, a sense of fairness and quality of life. Most of those who had left western Balkans countries expressed that they had no intention of returning to their home country (whereas a greater proportion of those coming from EU countries expressed this as a possibility or a plan). On the contrary, many interviewees expressed a strong desire for more resources to be made available to them to help them integrate (language learning and social occasions away from the workplace).

8 From an interview with an employee of Anti Trafficking Action (ASTRA), an NGO from Belgrade providing support and consultation services regarding human trafficking, domestic violence and labour migration.

9 One job was advertised by a Serbian employment agency that was not registered in the official business register; one was offered by someone allegedly working for a German employer looking for a housekeeper to work without a visa; while another included sex work although it was advertised as a post for a wellness assistant. In three cases, job offers included work on a tourist visa for a period of three months.

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The majority of our interviews confirmed the trends reported elsewhere in the literature that women are independently making the decision to migrate for work, rather than simply following a spouse or partner (Lukić 2018). However, the cost of living in more expensive EU countries means that, particularly at the beginning, workers moving across borders need to pair up to share rooms and other expenses; consequently, couples often move together.

The overall picture is one of a self-reinforcing system: people move relatively easily from less developed and poorer countries, but not always in a 'regular way'; they often experience poor quality employment which is, nevertheless, significantly better paid than what is available in their country of departure; and the country of departure loses out in terms of a reduced workforce and a lower tax and social security take, thereby reinforcing some of the reasons that push people to leave in the first place. The worse this cycle becomes, the more individual workers are potentially likely to face greater pressure and abuses of their rights as the more predatory employers exploit the exodus.

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