

# Position paper

## **UEAPME position on proposal for a directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers - COM (2013) 236 final**

As a matter of principle, UEAPME welcomes measures facilitating free movement of workers within the European Union. In order to facilitate a better enforcement and implementation of the various pre-existing directives and regulations dealing with the free movement of workers, the new proposed directive should use existing infrastructures and bodies already in place for rights enforcement and information provisions.

UEAPME acknowledges that free movement of workers within the EU can be one of the important means for:

- Contributing to the supply of qualified workers in countries and regions where the economy and notably SMEs are suffering from a lack of skilled workforce,
- Facilitating a better matching between labour supply and demand since in several EU countries there is an increasing gap between unemployment rates and job vacancies,
- Promoting the internationalisation of SMEs through the hiring of EU migrant workers.

However in order to fully grasp the economic benefits of freedom of movement for workers and to avoid unfair competition, UEAPME considers that it is equally important to complement it with a correct and full enforcement of rules within the single market. This should notably apply in the case of posting of workers. In the same way, UEAPME recalls the need to tackle the risks of fraud and breach of what has been qualified as “social tourism”.

As regularly highlighted, European citizens including European workers are still showing a rather low mobility rate. According to the Eurobarometer<sup>1</sup> on free movement for workers only 10% of European citizens have worked in another Member State in 2011, but more than half of the EU population is simply not interested in working abroad. The main reasons for that are the language barriers and family considerations.

UEAPME sees it necessary to put more efforts into dissemination of information, changing mindsets, making people more aware of work and career opportunities abroad as well as on their rights and obligations, which is one of the EURES network’s main tasks. This might also be supported by more active foreign language learning.

As a good means to promote mobility of workers within the EU, UEAPME would like to emphasise the importance of fostering learning mobility of young people during their education pathways notably for those in vocational education and training. Having a mobility experience duly recognised in education should become the rule. The implementation of the European Credit Transfer Systems in Vocational Education and training (ECVET) is the right way forward.

On the current proposal for a directive, UEAPME takes note of the four objectives:

- Lessening discrimination against EU migrant workers on the grounds of nationality
- Closing the gap between EU migrant workers’ rights on paper and their exercise in practice
- Reducing the incidence of unfair practices against EU migrant workers
- Empowering EU migrant workers to ensure their rights are respected

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<sup>1</sup> September 2011, special Eurobarometer 363

However while supporting the main objectives UEAPME would like to insist on the importance to prevent and tackle unfair competition for small companies as well as to apply the European commitments for a simplification and better regulation agenda. It should materialise in this new legislative proposal by avoiding red tape, new administrative obligations and additional requirements for small businesses.

### **On the various articles of the proposal for a directive:**

#### Article 2: scope

The better regulation principle should particularly apply to the following matters:

- Access to employment
- Conditions of employment and work in particular as regards remuneration and dismissals
- Access to social and tax advantages
- Access to training

#### Article 5: promotion of equal treatment, structures and bodies

The designation of a structure in charge of promoting, analysing, monitoring and supporting equal treatment is certainly useful. However UEAPME does not see the need for creating new structures or bodies.

In difficult economic times and tight budgetary situations giving priority to more synergies and interactions with already existing structures at national or accordingly regional level seems to be more appropriate.

This is why we welcome the use of existing information and assistance services developed in the Member States with the support of the EU such as SOLVIT, Enterprise Europe Network, Your Europe, Points of Single contacts and with a special emphasis on the EURES network where business organisations and social partners are already active players.

#### Article 6: dialogue

UEAPME welcomes the promotion of dialogue between various types of organisations from the civil society and notably with social partners. As mentioned above, they are already active in certain existing structures such as EURES, notably in the cross-border partnerships and can play an important role for promoting the diversity of workforce and fight against discrimination.

#### Article 7: dissemination of information

Clear and easily accessible information is the basis for ensuring equal treatment of mobile workers. UEAPME agrees that it should primarily be the task of Member States. However in areas where social partners have specific competences such as conditions of employment and work, cross-industry but also sectoral social partners can play a decisive role for supporting dissemination of information. This is also the case for posting of workers as acknowledged in the current discussions on the new proposal of the enforcement Directive 96/71/EC.

Social partners should be further supported for such dissemination of information towards their respective members at all levels.

#### Article 8: minimum requirements

UEAPME agrees with the principle allowing Member States to introduce or maintain more favourable provisions for equal treatment. However this should not prevent Member States to make a screening of their existing legislation in view of its simplification notably concerning obligations imposed to small businesses.

### **Conclusions:**

UEAPME positively assesses the current EC proposal for facilitating the freedom of movement of workers, which we consider being too low in Europe while avoiding unfair competition. However this might also be a good opportunity to further assess existing national legislations and apply the simplification and better regulation agenda if need be.

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