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I. Introduction

This discussion paper was prepared in the context of the Eastern Partnership Panel for Migration and Asylum as background and preparatory information for the Panel Meeting on legal labour migration that is to be held on 6-7 November 2014 in Warsaw. It has been developed based on the input received from 11 European Union Member States (EU MS)¹ and its 6 Eastern Partners² (EaP countries) to a specific questionnaire developed to that end. The purpose of the present paper is to provide an overview of i. approaches to labour migration in terms of national legislation and its practical implementation in the EU and within the EaP countries, ii. share observed labour migration trends in the EU MS and its Eastern Partners.

International labour migration is defined as the movement of people from one country to another for the purpose of employment. Today, an estimated 105 million persons are working in a country other than their country of birth. Labour mobility has become a key feature of globalization and the global economy with migrant workers earning US\$ 440 billion in 2011, and the World Bank estimating that more than \$350 billion of that total was transferred to developing countries in the form of remittances. However, despite the efforts made to ensure the protection of migrant workers, many remain vulnerable and assume significant risks during the migration process. When properly managed, labour migration has far-reaching potential for the migrants, their communities, the countries of origin and destination, and for employers. While job creation in the home country is the preferred option, demographic, social and economic factors are increasingly the drivers of migration. As a result, a growing number of both sending and receiving countries view international labour migration as an integral part of their national development and employment strategies. On one hand, countries of origin benefit from labour migration because it relieves unemployment pressures and contributes to development through remittances, knowledge transfer, and the creation of business and trade networks. On the other hand, for destination countries facing labour shortages, orderly and well-managed labour migration can lighten labour scarcity and facilitate mobility³.

Equally, for countries of origin, labour migration does not only mean loss of work force, but also has important potential in terms of remittances, brain gain and investments, all of which are factors of economic growth and development.

Labour migration can take different forms in terms of duration (long-term, short-term, circular, seasonal), of categories concerned (manual work force, skilled, highly-skilled, etc) and of status of the migrant worker. Each of these modalities requires a thorough regulatory and practical framework to ensure that the objectives are met and the process is beneficial for both the country of origin and the country of destination. Due to the close ties between labour migration and the economy, a number of public and private actors play a role which needs to be clearly defined. In this context, the labour migrant him/herself must be offered a certain guarantees to be protected from risks such as exploitation and also be able to access certain socio-economic benefits such as the right to pension or social protection.

¹ The following EU MS provided input: the Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Luxembourg, Poland, Romania, Slovakia and Sweden.

² The following EaP countries provided input: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

³ <http://iom.int/cms/en/sites/iom/home/what-we-do/labour-migration.html>

In their responses to the questionnaire (see Matrix), the countries highlighted this need to find a balance between regulating, facilitating and protecting, in order to achieve safe and efficient labour migration mechanisms. To reflect the answers and nuances provided, the discussion paper will focus on legislative frameworks for labour mobility; trends and practical observed as indicated by the responding countries; and the challenges and solutions in place for the protection of the migrant workers.



II. Executive summary

The EU and its Eastern Neighbours identified labour migration as one of their joint key priorities for exchange and cooperation in the context of the Eastern Partnership Panel for Migration and Asylum, thus stressing the importance of this issue in their mutual relationship and for their national practices.

Mobility traditionally plays an important role in the EU MS and their Eastern neighbours. Historically a region of origin for (labour) migration, Europe is today one of the most popular destinations of migrant workers. In addition, the mobility inside the EU and between the EU and its Eastern Partners is intense. Concerning the Eastern Neighbours, the EU MS are destination for around half of the emigrating work force. In addition, the EU MS observe a clear tendency of labour migration from old to new MS.

AGING AND SHRINKING SOCIETIES BENEFIT FROM LABOUR MIGRATION

Over the last years, **demographic decline** in many of the EU MS and the EaP countries renders considerations pertaining to facilitating the immigration of workers even more pertinent. This recently applies to the newer Member States, which, in addition to aging and shrinking societies notice also important **outbound labour migration**. Combined with accelerated **economic development**, such as highlighted *inter alia* by Hungary, Latvia, Lithuania and Poland, the need for additional workforce to fill the gaps in the labour market becomes evident. But also certain Eastern Partnership countries, such as Azerbaijan and Moldova, notice that they have lately increasingly been opening their labour market to migrants.

LABOUR MIGRATION HAS MULTIPLE POSITIVE IMPACTS IN THE EU AND THE EASTERN PARTNERSHIP COUNTRIES

Positive effects of labour migration have been highlighted by both countries of origin and destination of labour migrants. Immigrants can not only **fill labour market shortages**, but also bring skills and knowledge (**brain gain**) and contribute to supporting the overall **development of the economy**. Emigrants, even if leaving a gap behind, often continue to support the economy in their home country, be it through **remittances** or direct **investments**. The fact that the list of positive effects of labour migration provided in the replies to the questionnaire is considerably longer than the one of negative effects (brain drain, shortages on labour market), allow to conclude that the participating countries generally see the benefits of facilitating labour mobility.

LEGISLATION COULD FURTHER BE DEVELOPED TO SUPPORT LABOUR MIGRATION AND MIGRANT WORKERS

Whilst all respondents clearly recognize the importance of labour migration for and in their economies, and some (e.g Hungary and Slovakia) enshrine this in their overall migration strategies. Whilst **none** of the EU MS that responded and very few EaP countries have an **explicit legislative framework** at the national level that would address labour migration specifically and in a comprehensive manner, the options to address Labour migration through immigration and/or labour legislation is more commonly used. A more detailed assessment is needed to ascertain if all specific needs and requirements that are connected to labour mobility are taken into account.

In terms of international instruments, all responding state have concluded several bilateral and/or regional **agreements** aiming either at the establishment of **facilitated labour migration schemes** or at ensuring mutual **social protection** of migrant workers. However, they also indicate that these agreements have a **low level of implementation** in practice.



It is also noteworthy that in terms of policy priorities and legislation, **EaP countries** currently **focus** predominantly on their **own nationals** who work abroad, looking for possibilities to protect them and facilitate their reintegration.

FRAMEWORKS COULD FURTHER BE HARMONIZED TO ENSURE FULL AND EQUAL ACCESS TO RIGHTS

Labour migrants are protected by a **multitude** of international, regional and national **instruments** as well as supported by public and non-government structures. At the same time, those international Conventions that target the rights of migrant workers (such as for example the ILO Conventions) have a **low level of ratification** in both the EU MS and the EaP countries, whilst the regional or bilateral tools on social protection are often **not implemented practice**. Labour migrants' rights are thus largely entrusted to national legislation, mechanisms and structures that are foreseen either for the protection of migrants or the rights of employees. Comprehensive support and protection of rights and interest of migrant workers could, according to the responding countries, **be enhanced** through the existence of comprehensive and **effective** bi- or multilateral **agreements** and schemes.



III. Legal aspects of labour migration

A. International legal framework

The international legal framework which defines labour migration for the EU MS and EaP countries is composed by a variety of legal instruments developed under the auspices of the International Labour Organization (ILO), the United Nations (UN), the Council of Europe (CoE) and the European Union.

➤ ILO Conventions and legal instruments

- **The ILO Convention No. 97: Migration for Employment Convention (revised), 1949⁴** is a legally binding instrument providing for adequate assistance to and orderly recruitment of migrant workers. It is aimed at migrant workers in a broad sense, excluding however frontier workers, short-term workers in liberal professions and artistes and seamen. The convention lies out non-discriminatory principles in terms of social security benefits and overall treatment of migrant workers.
- **The ILO Migration for Employment Recommendation No. 86 (revised), 1949⁵** is complementing the Convention No. 97 with detailed standards regarding the treatment of migrant workers and guidelines on the employment of refugees and displaced persons.

The ILO Convention No. 97 was ratified by two EaP countries (Armenia, Moldova) and 10 EU MS (Belgium, Cyprus, France, Germany, Italy, the Netherlands, Portugal, Slovenia, Spain and the UK).

- **The ILO Convention No. 143: Migrant Workers (Supplementary Provisions), 1975⁶** is another a legally binding convention, which supplements the Migration for Employment Convention with more comprehensive responses to abusive conditions and irregular employment of migrants workers as well as equality of opportunities and treatment for the latter.
- **The ILO Migrant Workers Recommendation, 1975⁷** supplements the Convention No. 143 and further elaborates on the specific measures ensuring equality of opportunity and treatment, proper social policy, employment and residence issues of migrant workers.

⁴ The text in English:

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312242:NO and Russian: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_c097_ru.htm

⁵ The text in English: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:R086 and Russian: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_r086_ru.htm

⁶ The text in English: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C143 and Russian: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_c143_ru.htm

⁷ The text in English: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:R151 and Russian: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_r151_ru.htm



The ILO Convention No. 143: Migrant Workers Convention was ratified only by one EaP state (Armenia) and 5 EU MS (Cyprus, Italy, Portugal, Slovenia and Sweden).

- **The ILO Multilateral framework on Labour Migration**⁸ constitutes a complex set of non-binding principles that serve as practical guidance to maximize the benefits of labour migration.
- **The United Nations International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, 1990**⁹ focuses on the human rights standards of migrant workers and their families, be it in documented or undocumented situations, lays out specific rights applicable to certain groups of migrant workers and promotes humane conditions in international labour migration. Adopted in 1990, it entered into force in 2003 and has a low ratification rate.

The International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families was ratified only by Azerbaijan and signed by Armenia. None of the EU MS has ratified this Convention.

- **The Council of Europe Convention on the Legal Status of Migrant Workers (CETS No. 093), 1977**¹⁰ addresses the legal status of migrant workers and prohibits their discrimination, as well as widely promotes facilitation of social advancement of migrant workers and members of their families.

The European Convention on the Legal Status of Migrant Workers was ratified by the two EaP countries Moldova and Ukraine. Out of the EU MS it was signed by Belgium, Germany, Greece, Luxembourg and ratified by France, Italy, Netherlands, Portugal, Spain and Sweden.

Please see [Annex I](#) for detailed information on ratification of the international conventions concerning labour migration by each state.

- **Common EU legislation.** These common legal instruments are relevant for the EU MS and constitute the general legal framework which serves as a basis for their national labour migration legislations.
 - **The Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (the Blue Card Directive)**¹¹ is designed to facilitate the admission of highly-skilled labour migrants who have a work contract or a binding job offer in one of the EU MS. The harmonizes the status of this category of persons in the EU as well as the applicable rules for their entry and residence

⁸ The text in English: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_178672.pdf and Russian: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_178677.pdf

⁹ The text in English: <http://www2.ohchr.org/english/bodies/cmw/cmw.htm> and Russian: <http://www.ohchr.org/RU/ProfessionalInterest/Pages/CMW.aspx>

¹⁰ The text in English: <http://conventions.coe.int/Treaty/en/Treaties/Html/093.htm> and Russian: <http://conventions.coe.int/Treaty/RUS/Treaties/Html/093.htm>

¹¹ The text in English: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0050>

- **The Directive 2011/98/EU 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 (*the Single Permit Directive*)¹²** provides for a single procedure granting both residence and work permits at once for third-country labour migrants and emphasizes the principle of equal treatment.
- **The Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (*the Seasonal Workers Directive*)¹³** determines the conditions of entry and stay of seasonal workers, defines their rights and principles for the protection of vulnerable groups of migrants. This is the first directive that covers short-term labour migration.
- **The Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer¹⁴** specifies the conditions of entry and residence, as well as the rights of intra-corporate transferees..
- **The Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (*Employer Sanctions Directive*)¹⁵** prohibits of employment of irregular migrants and lays out a system of fines, administrative and criminal sanctions to be applied in case of violations.

B. National legislation and policy priorities

1. Legislation

The national legislation regulating labour migration is determined by a variety of factors such as the overall priorities of the migration policy, the national employment situation, the needs of the internal labour market as well as political and historical relationships that exist with other countries. If in the EU, the common legal framework has harmonized applicable rules to a certain degree, the policies are rather distinct amongst EaP countries.

In general, the sphere of labour migration is often regulated by, on the one hand, the migration legislation (in terms of entry/exit conditions, status of stay, work and residence permit) and, on the other hand, by the labour legislation (in terms of employment procedures, rights and obligations of workers) which does not address labour migrants as a specific category. At the same time, certain countries have also developed specific legal acts on labour migration or migrant workers as such.

Belarus, Moldova, Romania have specific labour migration laws in place, Armenia and Ukraine have developed draft laws on external labour migration which are to be adopted

¹² The text in English: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011L0098>

¹³ The text in English: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.094.01.0375.01.ENG

¹⁴ The text in English: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1408605420964&uri=CELEX:32014L0066>

¹⁵ The text in English: <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32009L0052>

*by national governments, while **Georgia** is currently working on the development of labour migration legislation.*

Please see [Annex II](#) for detailed information on the legislation regulating labour migration issues by country.

2. External factors determining labour migration priorities

A variety of factors affect the way national labour migration policies are structured prioritized and developed.

➤ **Historic and political determinants**

Although labour migration is a dynamic phenomenon, which is sensitive to changes and developments of the political settings, two historic facts were mentioned by the responding countries as having considerably shaped the policies. These are the collapse of the Soviet Union (mainly for the EaP countries and the Baltic States) on the one hand and the accession (or aspirations in this respect) to the EU. Re-defined borders and statuses, legislative gaps and transforming economies were importing factors for the design of labour migration policies.

*Under the Soviet Union, immigration to **Estonia** was intense and by 1991 about one third of the country's population was non-citizens. Therefore, since regaining its independence in 1991, Estonian immigration policy has been restrictive towards immigration, including labour migration.*

***Slovakia** indicates that with its accession to the EU in 2004 and the Schengen zone, the migration inflows have been constantly rising. Most labour migrants were coming from neighbouring countries, in particular from **the Czech Republic and Hungary**.*

➤ **Economic factors and unemployment**

Labour migration is closely dependent on the state of the economies of both the sending and the receiving countries and may impact them in different ways.

*While previously considered strict, **Polish** regulations on the access of third country nationals to the labour market have been gradually liberalized. The process started in 2006, as a response to the growing demand for labour force in the country which was caused by the positive economic developments, the increase of investments and the post-accession outflow of Polish citizens.*

***Lithuania** also indicates a strong relation between the number immigrating migrant workers and the overall economy. Before the recession, the number of work permits issued to foreigners was on a rapid rise, which halted during the recession. The number of foreign employees has grown with the revival of the economy.*

The economic situation and high unemployment rates in the traditional countries of origin of labour migration, combined with higher wages in countries of destination, lead to important outflows and thus incite governments to adopt policies that on the one hand would protect the internal labour market, and on the other hand protect own nationals working abroad.



In Armenia and Georgia the unemployment rates are very high, acting as a push factor for numerous persons to seek employment abroad. At the same time, certain segments of the internal labour market are occupied by irregular labour migrants from other countries. Both countries highlight that in this context efficient labour migration policies are key priorities for the government.

- **Labour market needs** and challenges in terms of both, quantity and quality might be solved through policies that attract qualified labour migrants.

Estonia highlights that several amendments were made to its Aliens Act over recent years in order to increase the competitiveness of the economy, through the facilitation of the immigration of top specialists, scientists and international students to the country.

When Poland experienced an economic boom and when the increase of investments accompanied by post-accession outflow of own nationals entailed a growing demand for labour force, the government's response to labour shortages in certain sectors of the economy was to establish simplified procedures and gradual liberalization of the provisions regarding work permits.

- **The inconsistency of legislation and/or lack of institutional capacities** were highlighted by the EaP states as an important challenge and they indicated that the government is working on further developing the basis for an adequate labour migration management.

Armenia and Georgia highlight that they see a need to develop their state agencies in charge of labour migration. Belarus is amending its labour migration law so to better suit current needs, while Ukraine is approving the draft law on external labour migration.

The experience of Moldova can be stressed as a model, since the reorganization of the state institutions in 2006 led to the development of new legislation that set new standards in labour migration management. The Law on labour migration comprehensively incorporated numerous rules and regulations into a single legal act and eliminated all the outdated and controversial provisions.

3. National labour migration policy priorities

According to the responses received to the questionnaire, national labour migration policies reflect the influence of the national situation on the labour migration priorities. Certain countries also promote the observance of labour migrants' rights and facilitate development opportunities of labour migration. The following labour migration policy priorities can be highlighted:

- **Protection of the internal labour market** from labour migrants that arrive and work irregularly as well as securing the right of own nationals to be employed first (*Azerbaijan, Belarus, Hungary, Moldova and Ukraine*).



Hungary promotes the concept of "controlled openness", where, along with internal labour market protection measures, it still realizes and emphasizes the necessity to efficiently take advantage of economic development opportunities of migration by welcoming third-country nationals who contribute to the economic development, .

- **Promotion of labour migration** based on needs identified on the internal labour market (*Armenia, the Czech Republic, Hungary, Lithuania, Moldova, Poland, Slovakia and Sweden*).

Hungary notes that there is considerable emigration of Hungarian work force in certain sectors, making additional work force a necessity. This concerns mainly skilled and unskilled manual workers as well as highly skilled intellectual workers and Hungary has specific programmes to attract these categories.

- **Attraction of high-skilled labour migrants** and economic migration (*the Czech Republic, Estonia, Latvia, Poland and Slovakia*).

*While the current demand for skilled and highly skilled workers in **Poland** remains moderate, it is expected to grow in the near future, due to the development of the economy and the relatively rapid demographic changes. In light of these forecasts, Poland works on preparing an active policy of economic immigration in relation to high skilled workers.*

The Czech Republic applies tailored solutions for selected groups of immigrants, introducing special immigration projects (fast-track procedures) for the staff of important foreign investors and some other groups of migrants.

- **Promotion and extension of labour migrants' rights**/addressing exploitation and of labour migrants (*Armenia, Belarus, the Czech Republic, Moldova*).
- **Support to own nationals** working abroad (*Armenia, Ukraine*) as well as support of own nationals returning to the country (*Latvia*).

Armenia has adopted a state employment strategy for 2013-2018 which inter alia emphasizes the importance of systematic labour migration management and promotes the protection of rights of own nationals who work abroad, as well as regulates the employment conditions for foreigners inside of the country.

- **Development of a proper labour migration system** in terms of legislation and institutional capacity (*Georgia*) and creation of attractive systems (*Sweden*).

To summarize, the responses allow to draw the conclusion that the EaP states tend to prioritize legislative developments and to protect their labour markets, whilst EU MS seem to look into the opportunities labour migration can offer. Moreover, traditional countries of origin of labour migrants pay attention to the conditions of their nationals who work abroad.

Please see [Annex III](#) for detailed information on the labour migration policy priorities by country.

Possible topics for discussion *How well / quickly do you think that your labour migration policies are able to evolve with changes in the labour market? Do you carry out labour market tests to guide your policies?*

In connection with recent demographic and migratory developments, do EaP countries (as well as traditional country-of-origin EU MS) see a need to revise their policies from protective towards opening to foreign labour force?

What impact did the 2008 financials crisis have on your labour migration policies?

Do you see a need and / or possibility for having a specific labour migration law?



IV. Labour migration in practice

A. Labour migration trends

Concerning the EaP countries, the EU is one of the main destinations for labour migration. But the responding states also indicate that important labour migration takes place towards Russia from Armenia, Azerbaijan, Belarus, Moldova and Ukraine, as well as to Turkey from Georgia. All respondents stress that there is a constant tendency of labour migration between neighboring.

- *Armenia, Azerbaijan, Belarus, Georgia, Hungary, Latvia, Moldova, Romania and Ukraine* identify themselves as mainly being **countries of origin** for labour migration. *Armenia* reports high rates of external labour migration.
- The *Czech Republic, Luxembourg, Poland and Sweden* see themselves as **countries of destination**.
- **Countries of origin that have recently started becoming also countries of destination** are *Azerbaijan, Belarus, Georgia, Greece, Moldova and Romania*. These states which highlight various reasons for becoming favorable and/or attractive for foreign labour force.

In Azerbaijan thanks to the implementation of big international business projects, migrant workers from Turkey, the UK, India and China are attracted to come for work. Similarly, various international investment projects encourage migrants from Turkey, China and Central Asia to seek employment in Moldova.

The situation is slightly different in Georgia, where liberal migration policy during 2005-2012 stimulated many labor migrants to come for both legal and illegal employment.

It is also noticeable that *Azerbaijan, Hungary, Moldova, Poland and Romania* are becoming destination countries for increasing numbers of labour migrants from Turkey, China and other Asian countries.

Over the recent years, Hungary noted that the trends seem to begin to change – while labour migration from the neighbouring countries is decreasing every year, the presence of third-country workers – in particular from China – is growing.

- **Destination countries that have recently started becoming also countries of transit** such as *Lithuania*.

Certain foreigners who come to Lithuania under a labour contract then leave or attempt to leave for other EU Member States, as Lithuania is losing the competitive struggle over highly-qualified professionals to other economically stronger EU countries that offer higher salaries and better conditions.

The *Czech Republic, Lithuania, Sweden* observe relatively low rates of labour migration inflows, whereas *Poland and Hungary* have noticed an increase since the late 2000s.

In the Czech Republic, despite of economic growth, the inflow of new labour immigrants remains weak due to very low creation of employment opportunities and relatively high domestic unemployment rate.



The prevailing types of labour migration for the responding EaP countries and the EU MS are following:

- **Circular migration:** *Azerbaijan, Belarus, Georgia, Greece, Lithuania, Poland, Romania, Ukraine.*
- **Seasonal migration:** *Armenia, Georgia, Greece, Sweden, Ukraine.*
- **Skilled/qualified migration:** *Latvia, Sweden.*
- **Low skilled migration:** *the Czech Republic, Poland.*
- **Long-term migration:** *Azerbaijan, the Czech Republic, Georgia, Romania, Slovakia.*

Circular labour migration was mentioned by many responding countries as one of the dominant type of labour migration that takes place. All recognize that well managed and legal circular migration can be beneficial for both the sending and the receiving country and thus many respondents indicate that they put considerable efforts into the facilitation of circular migration.

*The Government of **Georgia** actively promotes legal circular migration, **Estonia** facilitates temporary and circular labour migration by simplifying certain employment procedures, **Moldova** is currently working on a circular labour migration agreement with Russia.*

*However, in **Latvia** the concept of circular migration has not been introduced into the national legal framework and, in spite of the fact that seasonal employment is allowed, this opportunity is not often used since there is a relatively high unemployment rate in Latvia and employers do not go through the procedures and efforts to employ foreign nationals for a short period of time.*

Please see [Annex IV](#) for detailed information on labour migration trends by country.

B. Positive/negative impacts of labour migration

As a complex phenomenon, labour migration affects economies, labour markets and societies of both countries of origin and destination in many ways. Well managed labour migration support the beneficial side of these influences states and individuals, stimulating development and providing opportunities. However, labour migration, if not properly managed and acknowledged, could also be risk-exposing for migrants and challenging for state policies.

Based on the questionnaire, the following **positive effects** of labour migration have been identified by the responding countries:

- **Economic development** either through remittances sent home by labour migrants or by direct investments into national economies (*Armenia, Belarus, the Czech Republic, Georgia, Moldova and Ukraine*).
- **“Brain gain”** effect either through new skills, knowledge and languages acquired by migrant workers who return to their country of origin or through foreign qualified labour migration (*Armenia, Belarus, the Czech Republic, Luxembourg and Moldova*).
- **Coverage of workforce shortages** in the internal labour market (*the Czech Republic, Greece and Latvia*).

- **Increasing competitiveness of internal labour market** (*Estonia*).

Challenges connected to labour migration that were highlighted by the responding countries include:

- Certain countries indicate that they observe a “**brain drain**” effect, consisting of skilled and highly-skilled professionals leaving the country for better work conditions and higher wages (*Armenia, Belarus, the Czech Republic, Latvia, Moldova, Slovakia and Ukraine*).
- **Undeclared work** of foreign nationals and irregular stay (*the Czech Republic and Georgia*).
- **Fraudulent intermediaries** between labour migrants and employers that expose the migrants to risks (*the Czech Republic*).
- **Demographic impact** such as population decrease due to people leaving the country (*Armenia, Georgia*) and family separation (*Moldova, Ukraine*)

*Although having its advantages, for **Armenia** external labour migration of young and highly qualified labour force leads to a lack of specialists that cannot be compensated by the older generation. This leads to inconsistent territorial development and increases the chances of outward migration of whole families.*

The responding countries also elaborated on the mechanisms that they developed in order to overcome certain challenges of labour migration. **Azerbaijan** stressed the importance of developing favorable economic conditions in the countries of origin as a measure to prevent brain drain. **Sweden** made reference to its national approach, which allows for longer periods of absence of labour migrants without implications for their rights. **Belarus** mentioned its national demographic security programme, which facilitates the returning home of migrants.

Please see [Annex V](#) for detailed information on positive and negative effects of labour migration by country.

Possible topics for discussion

How do you work on addressing the challenges, such as brain drain?

How do you react to increasingly becoming a country of destination (having been a country of origin until recently)?

Do you compensate the labour migration induced demographic decline through facilitation of in-bound migration?

C. Actors involved in the implementation of labour migration policies

A **public service** dealing with employment exists in every one of the responding countries, with the exception of Georgia. The degree of their involvement in labour migration varies however from one state to another.

Georgia has been working on the creation of a State Employment Service and municipal Employment Centers since December 2013.

Some of the labour migration related key services provided by the public employment agencies in the responding states include the following:

- **Issuance of work permits/registration** of employment (*Azerbaijan, Hungary, Moldova and Poland*)
- Execution of **labour market test** (*Belarus, the Czech Republic, Hungary, Latvia, Luxembourg and Poland*)
- Provide **information and advice on employment** inside or outside the country (*Armenia, Azerbaijan, Estonia, Moldova, Slovakia and Ukraine*)

Territorial employment centers in Armenia comprise Migration Resource Centers which provide information, orientation and training to persons (mainly to labour migrants), who intend to emigrate and work abroad, as well as promote and support the reintegration of migrant workers.

In Poland certain categories of unemployed or job seeking third country nationals are entitled to various forms of support by Polish public employment services such as, among others, job placement and professional counseling.

- **Facilitation of contact between employer and migrant job seekers** (*Armenia, the Czech Republic and Estonia*)
- **Determining quotas** for employment (*Romania and Sweden*)

The Swedish Public Employment Service is not directly involved in the employment of third country nationals, but does support the Migration Board in the process of establishing a "shortage list" which indicates occupations for which there is a lack of potential employees on the Swedish labour market. This is done in collaboration with social partners, i.e. trade unions and employers' organizations. Third country nationals applying for jobs found on the shortage list can apply for a work permit while in Sweden (as opposed to jobs not found on the list which must be applied for from abroad).

The *ILO Private Employment Agencies Convention No. 181* from 1997 lays out some basic principles for the operation of **private employment agencies**. Private employment agencies can contribute to facilitating the functioning of the labour market and mobility but certain guarantees, such as proper registration and licensing in the country of operation and the prohibition to charge fees to employees, need to apply.

The Private Employment Agencies Convention was ratified by Belgium, Bulgaria, the Czech Republic, Finland, Hungary, Italy, Lithuania, the Netherlands, Poland, Portugal, Slovakia, Spain as well as by the Eastern Partners Georgia, Moldova.

Armenia, Belarus, Poland and Ukraine expressly mentioned that all private employment agencies need to obtain government approval and license to operate on their territory. Respondents also indicate that private agencies are not allowed to issue work permits to migrant workers, since this remains a state prerogative.

Private employment agencies can support labour mobility through a variety of services, including:

- **Provision of information** and advice on employment opportunities (*Armenia, Poland*)



- Facilitation of **legal ways of labour migration** (*Belarus*)
- **Mediation between employer and migrant job seeker** (*the Czech Republic, Ukraine*)

*In **Moldova**, private employment agencies, at the same level as the public employment authorities, can register employment agreements between foreign employers and Moldovan nationals before the latter leaves the country, thus adding a degree of safety for the employee to be.*

Please see [Annex VI](#) for detailed information role of public and private employment agencies by country.

Possible topics for discussion

How do you ensure control and regular monitoring over private employment agencies?

D. Bilateral or regional labour migration agreements/schemes

Bilateral labour agreements are an inter-state cooperation tool allowing to regulate labour mobility in a certain field or for certain categories of migrant workers. When carefully designed and implemented they can serve political, economic and development purposes for both the sending and the receiving country, ensuring a better supply-demand relationship, whilst ensuring protection of migrants' rights.

EaP countries indicate that several of those agreements are in place with other former Soviet Republics (**Azerbaijan** with Moldova, Ukraine, Belarus; **Belarus** with Russia and Kazakhstan, **Moldova** with Russia, Ukraine and Belarus; **Ukraine** with Azerbaijan, Belarus, Armenia, Moldova and Russia). These bilateral agreements address mainly social protection and pension issues of labour migrants and provide for simplification of employment procedures. Armenia and Georgia do not indicate agreements of this kind.

The responding countries all mark a low level of practical implementation of said bilateral agreements.

As the same time, **Azerbaijan** has a labour migration agreement with Turkey; **Georgia** carries out circular migration schemes for qualified workers with France, Greece and Austria; **Moldova** implements temporary employment schemes with Italy and Israel; **Ukraine** has signed agreements with Vietnam, Latvia, Lithuania, Slovakia, Lybia, Poland, Portugal and Switzerland.

*Although **Ukraine** has concluded 13 bilateral labour migration agreements, in practice only two of them work (with the Czech Republic and Slovakia).*

As for the EU MS, **the Czech Republic, Estonia, Hungary, and Poland** carry out working holiday schemes and youth mobility programmes (New Zealand, Australia, Canada, Korea, etc.)

*For example, the working holiday program in **Hungary** encourages cultural exchange by allowing young adults (aged 18-30/35 years) from partner countries, to have an extended holiday in Hungary, and young Hungarians to have holidays in partner countries. During these holidays they may engage in work or study.*

Slovakia does not have any bilateral labour migration agreements and indicates that the national policy concerning labour migration from third countries is not country-specific.

Estonia, Lithuania and Poland have agreements with certain EaP countries.

***Poland** stresses that the bilateral agreements on employment with Ukraine and Belarus signed by Poland in the 90's have not been implemented in practice, and the provisions contained therein have soon become outdated.*

Based on its own experiences with bilateral agreements, **Ukraine** underlined that one of the reasons such agreements do not work in practice is that the social security conditions in the receiving countries are more favorable than those stipulated in the agreements. **Azerbaijan** explained that, in their experience, the bilateral agreements work when the legislative framework in both countries is stable. **Belarus** made reference to the cooperation of the Customs Union of Russia, Belarus and Kazakhstan, where employment procedures are simplified to a great extent.

Please see [Annex VII](#) for detailed information on bilateral labour agreements by country.

***Possible topics
for discussion***

Do you plan on reviving the agreements that are currently left unimplemented? How?



V. Protection of labour migrants' rights

There are only few countries that have adopted specific national norms to guarantee the protection of the rights of migrant workers. More general instruments however do apply and offer a certain number of protective measures. In addition, bilateral or regional labour migration agreements often include provisions that ensure the benefit of certain rights connected to mobility.

A. Human rights applicable to migrant workers

The rights of labour migrants are targeted, directly or indirectly, by a variety of international, regional and national instruments and can be summarized as follows:

- **Essential human rights and freedoms** (including the elimination of exploitation and all forms of forced labour)

These human rights remain applicable even in case employment and entry are irregular.

- **Equality of opportunity and treatment** (eliminating of all forms of discrimination, including between labour migrants and own nationals)
- **Social security rights** (maternity protection, healthcare, access to social services, maintaining certain rights even when leaving country)
- **Employment rights** (ensuring proper conditions of work, occupational safety, right to freedom of association, access to additional trainings)
- **Economic rights** (remuneration for work of equal value, protection of wages, pensions)

The majority of responding countries indicate that there is no targeted legislation that would specifically aim at protecting the rights of labour migrants. The latter are protected through a more general human rights framework, composed by international and regional human rights instruments as well as **immigration and labour** legislation (*Armenia, Belarus, Moldova, Poland and Romania*).

However, Belarus, Moldova, Hungary and Poland have separate provisions in their national legislations aimed specifically at ensuring the protection of labour migrants' rights.

In general, migrants who are legally employed enjoy almost the same rights as own nationals. These rights are more limited in case entry and/or employment are irregular.

The responding countries highlighted the following specific measures that can ensure protection of labour migrants:

- **Preventive work and awareness raising campaigns** (Belarus, Czech Republic and Ukraine).
- **The employment contract** should describe all rights and obligations in detail (Belarus, Estonia, Moldova and Poland).

- **Monitoring of working conditions/workplace** is carried out in Azerbaijan, Belarus, Greece, Moldova, Poland and Sweden.

*According to the **Estonian Equal Treatment Act of**, the employer must take appropriate measures to protect employees against discrimination.*

***Lithuania** mentions that non-state control over compliance with labour laws, applicable regulatory acts and collective agreements is exercised by trade unions, inspectorates within their chain of command as well as by other institutions operating in accordance with laws and other regulatory acts.*

*In **Poland**, the latest amendments to the act on promotion of employment and labour market institutions introduce a change to the definition of illegal work in order to minimize the penalization of the third country national in case the responsibility can be attributed to the entity which assigned the work (for instance the absence of a written work contract).*

The Employer Sanctions Directive (2009/52/EC) sets minimum standards on sanctions and measures applicable to employers of illegally staying third-country nationals and requires the EU MS to adopt effective measures to counteract the employment of irregular migrants. Through the exercise of greater control over the employers, the risk for migrants to be exposed to exploitation or other abusive treatment is equally reduced.

Please see [Annex VIII](#) for detailed information on the protection of migrants' rights by country.

Possible topics for discussion

How do you protect migrants in irregular (employment) situation?

Could the EU MS tell more about how they implement the Employer Sanctions Directive? Successes in that respect?

How is full access to health care guaranteed? What about those in irregular situation?

B. State and non-state actors protecting the rights of labour migrants

As per the responses received, none of the participating countries has assigned a specific institution to specifically monitor the access of migrant workers to their rights. This function is generally divided between several state structures in charge of migration, employment and human rights observance.

In particular, the following agencies were named:

- **State employment authority or Social protection authority** (in *Armenia, Azerbaijan and Moldova*)
- **State labour inspection agencies** (in *Greece, Latvia, Poland, Romania and Sweden*) and State Council on Labour Migration (*Ukraine*)
- **Migration services** (in *Azerbaijan and Estonia*)

- **Ministry of Interior** (in *Azerbaijan* and *Belarus*)
- **Human rights agencies** (in *Czech Republic*, *Georgia*, *Hungary* and *Lithuania*)

In Armenia, Georgia, Latvia, Lithuania and Poland, the role of public services in protecting migrants' rights more important than the one of actors from the private sector.

These state actors are often complemented by NGOs and trade unions which, within a broader mandate, also look into the specific challenges migrant workers are faced with and offer their assistance in this respect.

- NGOs operating in the field of **migration and migrants' rights** assist labour migrants in the *Czech Republic*, *Estonia*, *Hungary*, *Lithuania*, *Moldova*, *Slovakia* and *Sweden*.
- NGOs providing **legal assistance** are relevant for *Azerbaijan*, *Estonia* and *Georgia*.
- NGOs protecting **human rights** help labour migrants in *Belarus*, *Georgia*, *Estonia*, *Moldova* and *Slovakia*.
- NGOs specializing on **social assistance** to vulnerable groups support labour migrants in *Lithuania*.
- **Trade unions** are listed as an effective actor for the protection of labour migrants' rights in the *Czech Republic*, *Hungary*, *Latvia*, *Lithuania*, *Luxembourg*, *Slovakia* and *Sweden*.

Please see [Annex IX](#) for detailed information on the state and non-state agencies protecting the rights of labour migrants by country.

C. International agreements protecting the rights of labour migrants

International agreements protecting of labour migrants are inter-state instruments providing for social security schemes in order to preserve the rights of labour migrants both in the country of destination and in home countries in terms of equal social protection, medical treatment, recognition of skills and certificates, portability of entitlements, payment of benefits and pensions, etc. As a rule, these agreements are signed between countries that are already closely connected important labour migration flows or in order to facilitate these.

The EU MS note that they either have agreements on various protection and benefit measures with the countries of that provide important work force, either, when applicable, with those where their own nationals work.

In the EaP region all countries except *Georgia* have bilateral agreements with other countries to regulate social protection issues. *Armenia*, *Azerbaijan* and *Belarus* have mainly signed these with former Soviet countries, whereas *Moldova* and *Ukraine* have also concluded a number of agreements with EU MS.

Apart from bilateral agreements, the CIS countries also have regional instruments aimed at guaranteeing the rights of labour migrants. These are

- the Agreement on cooperation in the field of labour migration and social protection of migrant workers from 1994 (relevant for *Armenia*, *Azerbaijan*, *Belarus*, *Moldova* and *Ukraine*)



- the Convention on the legal status of migrant workers and their family members from, 2004 (relevant for *Armenia, Azerbaijan, Belarus* and *Ukraine*)

However, the responding EaP countries indicate that, whilst the provisions of and rights envisaged by these agreements are crucial, they lack implementation mechanisms, and do thus not serve their purpose.

The same remark is made with regard to many of the bilateral agreements that have been concluded by EU MS and EaP countries and that are in practice not being implemented. All respondents however emphasize that the functionality and thorough implementation of such agreements could not only serve the purpose of guaranteeing the rights of labour migrants, but also contribute to promoting legal employment.

Please see [Annex X](#) for detailed information on the international agreements protecting the rights of labour migrants’.

***Possible topics
for discussion***

What would be your suggestions to improve the effectiveness of the protection mechanisms of said instruments in practice?



VI. Annexes

Annex I. Information on ratification of the international conventions on labour migration

	ILO Migration for Employment Convention, 1949	ILO Migrant Workers Convention, 1975	CoE Convention on the Legal Status of Migrant Workers, 1977	UN International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, 1990	ILO Migration for Employment Convention, 1949
Armenia	+	+	-	+ <i>(signed, not ratified)</i>	+
Austria	-	-	-	-	-
Azerbaijan	-	-	-	+	-
Belarus	-	-	n/a	-	-
Belgium	+	-	+ <i>(signed, not ratified)</i>	-	+
Bulgaria	-	-	-	-	-
Croatia	-	-	-	-	-
Cyprus	+ <i>Has excluded the provisions of Annexes I to III</i>	+	-	-	+ <i>Has excluded the provisions of Annexes I to III</i>
Czech Republic	-	-	-	-	-
Denmark	-	-	-	-	-
Estonia	-	-	-	-	-
Finland	-	-	-	-	-
France	+ <i>Has excluded the provisions of Annex II</i>	-	+	-	+ <i>Has excluded the provisions of Annex II</i>
Georgia	-	-	-	-	-
Germany	+	-	+ <i>(signed, not ratified)</i>	-	+
Greece	-	-	+ <i>(signed, not ratified)</i>	-	-
Hungary	-	-	-	-	-
Ireland	-	-	-	-	-
Italy	+	+	+	-	+
Latvia	-	-	-	-	-
Lithuania	-	-	-	-	-
Luxembourg	-	-	+ <i>(signed, not ratified)</i>	-	-
Malta	-	-	-	-	-
Moldova	+	-	+	-	+
Netherlands	+	-	+	-	+
Poland	-	-	-	-	-
Portugal	+	+	+	-	+



Romania	-	-	-	-	-
Slovakia	-	-	-	-	-
Slovenia	+	+	-	-	+
	<i>Has excluded the provisions of Annex III</i>				<i>Has excluded the provisions of Annex III</i>
Spain	+	-	+	-	+
Sweden	-	+	+	-	-
Ukraine	-	-	+	-	-
UK	+	-	-	-	+
	<i>Has excluded the provisions of Annexes I and III</i>				<i>Has excluded the provisions of Annexes I and III</i>



Annex II. National legislation regulating labour migration

Country	Legal acts regulating labour migration
Armenia	Law on employment, Law on foreigners
Azerbaijan	Migration Code
Belarus	Law on external labour migration, 2010
Czech Republic	Legislation corresponds to the European law
Estonia	Aliens Act
Georgia	Law on legal status of foreigners and stateless persons, Labour Code
Greece	Migration Code, 2014
Hungary	Migration strategy
Latvia	Labour law
Lithuania	Law on legal status of aliens
Luxembourg	Law on free movement of persons, Immigration law.
Moldova	Law on labour migration
Poland	n/a
Romania	Law no. 156/2000 on the protection of the Romanian citizens working abroad
Slovakia	The Migration policy of the Slovak Republic - Perspective until the year 2020
Sweden	n/a
Ukraine	Law on Employment



Annex III. Labour migration priorities

Country	Labour migration policy priorities
Armenia	<ul style="list-style-type: none"> • Protection of the rights and interests of the Armenian labour migrants abroad. • Regulation of the employment conditions of the foreign nationals considering the needs of the labour market inside the country.
Azerbaijan	<ul style="list-style-type: none"> • Protection of the internal labour market • Attraction of high-skilled labour migrants • Prevention of brain drain
Belarus	<ul style="list-style-type: none"> • Protection of the internal labour market • Counteracting human trafficking
Czech Republic	<ul style="list-style-type: none"> • Filling gaps on the labour market • Targeted solutions for selected groups of immigrants • Tackling undeclared work, discrimination or exploitation of foreigner workers wherever occurs.
Estonia	<ul style="list-style-type: none"> • Creating a favourable environment for the entry and stay of top specialist and highly qualified workforce
Georgia	<ul style="list-style-type: none"> • Development of proper legislation for labour migration management • Support of international cooperation regarding own nationals working abroad
Greece	<ul style="list-style-type: none"> • Addressing unemployment of young people • Matching available labour force with market needs • Fighting unregistered employment
Hungary	<ul style="list-style-type: none"> • Protection of the internal labour market • Stimulation of economic migration and migration of high-skilled labour force
Moldova	<ul style="list-style-type: none"> • Labour migration flows management • Protection and extension of the labour migrants' rights • Migration serving development
Latvia	<ul style="list-style-type: none"> • Support of Latvian nationals who live abroad (especially highly skilled), who consider the possibility or have already decided to return and work in Latvia or those who wish to establish their own enterprise or develop business network with Latvia
Lithuania	<ul style="list-style-type: none"> • Promotion of economic immigration considering internal labour market needs
Luxembourg	<ul style="list-style-type: none"> • Addressing labour shortages of certain categories of high-level experts
Poland	<ul style="list-style-type: none"> • Ensuring labour supply of qualifications and skills needed by the Polish labour market
Romania	<ul style="list-style-type: none"> • Maximization of labour migration positive effects
Slovakia	<ul style="list-style-type: none"> • Supporting legal labour migration while preserving the conditions of filling vacancies by registered job-seekers
Sweden	<ul style="list-style-type: none"> • Creation of easily understandable and attractive systems in the area of labour migration in order to remain competitive on the global labour market
Ukraine	<ul style="list-style-type: none"> • Regulation of external labour migration of Ukrainian nationals • Regulation of the stay of foreigners in Ukraine



Annex IV. Labour migration trends

Country	Status of the country	The most common type of labour migration for your country	Trends
Armenia	Origin	Seasonal migration	Important emigration due to high unemployment rates. 93% of the migrant workers persons migrate to Russia.
Azerbaijan	Origin (and lately also destination)	Long-term and circular migration	The main destinations for labour migrants are Russia, UAE, Turkey, Germany and Western European countries. The number of labour migrants to Azerbaijan is increasing (from Turkey, UK, India and China).
Belarus	Origin (and lately also destination)	Circular migration	The main destination for labour migrants is Russia. The majority of labour migrants in- and outbound are employed in services.
Czech Republic	Destination	Long-term, low and medium-skilled migration	The number of third-country nationals who are entitled to free access to the labour market has increased over the last few years, in parallel with the increase of permanent residence permits. The inflow of new labour immigrants remains weak. More citizens of EU/EEA come than third country nationals.
Estonia	n/a	Temporary and circular migration	There is an evident need for foreign labour due to decreasing population.
Georgia	Origin (and lately also destination)	Seasonal, circular and long-term migration	Important numbers of low-skilled Georgian labour migrants work irregularly abroad.
Greece	Origin (and lately also destination)	Seasonal migration	Circular migration movements from Albania have recently been detected, Due to the economic situation, an increase in unemployment and unregistered employment is evident.
Hungary	Origin	n/a	Migration destinations for labour migrants are Germany, Austria, the UK and Scandinavian countries. Labour migrants come mostly from neighboring countries such as Romania, Ukraine, Serbia, Slovakia.
Latvia	Origin	Skilled and highly qualified migration to Latvia	Migration destinations for labour migrants are the UK, Ireland, Germany, Russia, Norway and Sweden.
Luxembourg	Destination	Seasonal migration	Most of the residence permits for work are issued to nationals of Brazil and Cape Verde. The Blue card attracts nationals of the US, India, Japan, China.
Lithuania	n/a	Circular migration	1/3 of labour migrants come from EU MS (Poland, Latvia), the rest is from Russia, Belarus and Ukraine. The number of immigrating highly-qualified workers is low.
Moldova	Origin and destination	Circular migration (to Russia) and long-term migration (to EU)	The main destinations for labour migrants are Russia, Italy, France, Greece, Portugal and Spain. Foreign work force mostly comes from Turkey, China and Central Asia
Poland	Origin and destination	Circular, temporary, low-skilled migration	There has been a significant increase in the number of labour migrants since 2008. The main nationalities are Ukraine, China, Belarus and Vietnam.
Romania	Origin, but changing into	Long-term and circular migration	Romania, being a traditional country of origin, is increasingly becoming a country of destination, especially



	destination country		for Moldovan, Turkish and Chinese nationals.
Slovakia	n/a	Long-term migration of foreigners	Most labour migrants are coming from neighboring countries (Czech Republic, Hungary, Romania, Bulgaria)
Sweden	Destination	Seasonal, high-skilled migration	No important influx of labour migrants
Ukraine	Origin	Circular seasonal migration	Migration destinations for labour migrants are Poland, Italy, Czech Republic, Spain, Germany, Hungary, Portugal.



Annex V. Positive and negative effects of labour migration

Country	Positive effects of labour migration	Negative effects of labour migration
Armenia	Remittances, knowledge and skills of the returned migrants, reduction of poverty.	Brain drain, migration of youth, migration of whole families, lack of certain professions.
Azerbaijan	n/a	n/a
Belarus	Remittances, knowledge and skills of the returned migrants	Brain drain
Czech Republic	Coverage of workforce shortages in the internal labour market, brain-gain, new foreign investments (staff of newly founded companies), social and cultural diversity.	Undeclared work of some foreign nationals, brain-waste, strong influence of dubious (informal) intermediaries between labour immigrants and employers.
Estonia	Increasing competitiveness of the economy, facilitating migration of top specialists.	n/a
Georgia	Remittances	Population decrease
Greece	Additional labour force.	n/a
Hungary	Possibility to address needs of the national economy and labour market.	n/a
Latvia	Relief to unemployment problems	Brain drain
Lithuania	n/a	n/a
Luxembourg	Diversity of the labour market, increase of the level of expertise of labour force, addressing shortages of the national labour market.	Need of additional integration measures.
Moldova	Knowledge and skills of returning migrants, remittances, business start-ups.	Family separation, brain drain
Poland	n/a	n/a
Romania	n/a	n/a
Slovakia	n/a	Brain drain
Sweden	n/a	n/a
Ukraine	Reducing tension on the internal labour market, remittances,	Brain drain, family separation, loss of work force



Annex VI. Role of state and non-state actors in the employment of migrants

Country	National employment services role	Private employments agencies role
Armenia	The Ministry of Labour and Social Affairs is in charge of international cooperation and protection of migrants' rights The State Employment Agency provides information, vocational trainings, intermediary between migrants and foreign employers	Private agencies can facilitate internal and external labour migration based on a Memorandum concluded with the Ministry of Labour and Social Affairs
Azerbaijan	The State Employment Service facilitates employment of own nationals and labour migrants residing in the country	Private agencies can facilitate employment of foreign nationals
Belarus	The Committee on Labour, Employment and Social Protection monitors the situation on the labour market	Private agencies facilitate the employment of labour migrants inside the country and of own nationals abroad
Czech Republic	The Ministry of Labour and Social Affairs is responsible for Labour market policy, labour market test, statistical evidence, mediation of employment	Private agencies are allowed only to mediate employment of third country nationals with all type of work permits but they are not allowed to issues them
Estonia	The Unemployment Insurance Fund provides, among other, job mediation, labour market training, career counseling, communication support at interviews, business start-up subsidy.	n/a
Georgia	The State Employment Service is currently being established	n/a
Greece	n/a	n/a
Hungary	The Office for Immigration and Nationality issues	n/a
Latvia	The State Employment Agency ensures that migrant workers have the same right to support in seeking employment as nationals	n/a
Lithuania	The National Employment Service is responsible for issuing work permits, cooperation with employers and provision information related to recruitment of aliens	n/a
Luxembourg	The Agency for Development of Employment executes labour market test.	n/a
Moldova	The National Employment Agency registers employment agreements between foreign employers and Moldovan nationals before leaving the country.	Private employment agencies register employment agreements between foreign employer and Moldovan national before leaving the country.
Poland	The public employment services are not involved in the process of recruitment of foreign labour force	Polish private employment agencies can be



	from abroad, but they play an important a role in the procedure of issuing work permits for foreigners and providing support to job seekers.	helpful when seeking employment in Poland.
Romania	n/a	n/a
Slovakia	The national employment services provide support and assistance to participants of the labour market to seek, change employment and occupy vacancies as well as to employers intending to employ a migrant worker.	n/a
Sweden	The Swedish Public Employment Services are not directly involved in the employment of third country nationals, they however support the Migration Board in the process of establishing a "shortage list" indicating occupations for which there is a lack of potential employees on the Swedish labour market.	n/a
Ukraine	The State employment service provides assistance to jobseekers.	Private agencies act as mediators between employer and jobseeker.



Annex VII. Bilateral labour migration agreements/schemes

Country	Agreements/cooperation schemes with other countries	Core idea/purpose
Armenia	Bulgaria, France, Qatar, UAE Mobility partnership with EU	Labour migration agreements (negotiations ongoing) Circular migration
Azerbaijan	Moldova, Ukraine, Belarus, Turkey; CIS	Protection of labour migrants rights, their social protection, simplification of the employment procedures, exchange of experience and information.
Belarus	Russia, Kazakhstan Armenia, Serbia, Vietnam	Nationals of Russia and Kazakhstan can work without special permit, based on the contract with an employer. Registration and employment procedures are simplified. Bilateral agreements
Czech Republic	New Zealand Canada Korea France, Germany, the Netherlands	Working holiday scheme Facilitation of youth placements Social security benefit abuse and irregular employment
Estonia	Canada Australia Ukraine, Canada	Facilitation of youth mobility Working holiday scheme Social security issues
Georgia	France, Greece, Austria	Circular migration scheme for qualified workers (negotiations ongoing)
Greece	Albania Egypt	Regulation of seasonal employment in sectors with increased labour needs. Regulation of employment of fishery workers.
Hungary	New Zealand, Korea, Taiwan Negotiating with Australia, Canada, Japan, Argentina, Chile	Working holiday scheme
Latvia	n/a	n/a
Lithuania	Ukraine, Russia	Mutual employment of citizens
Luxembourg	No agreements	n/a
Moldova	Russia, Ukraine, Belarus Italy, Israel	Social protection of labour migrants Temporary employment of Moldovan nationals in certain sectors of labour market.
Poland	Ukraine, Belarus, Russia, Moldova, Georgia, Armenia New Zealand, Australia	No work permit required “Work and travel” exchange agreements
Romania	Yes	n/a
Slovakia	No agreements	n/a
Sweden	Yes	n/a
Ukraine	Azerbaijan, Belarus, Armenia, Vietnam, Latvia, Lithuania, Slovakia, Libya, Moldova, Poland, Portugal, Russia, Switzerland.	Protection of labour migrants rights, their social protection, simplification of the employment procedures



Annex VIII. Protection of labour migrants' rights

Country	Legal provisions	Practical mechanisms
Armenia	- The Labour Code forbids any forms of forced labour and provides for equal rights and opportunities for all workers. Forced labour is also forbidden by Constitution.	n/a
Azerbaijan	- The national legislation stipulates a non-discriminative approach in terms of labour relations.	- The state authorities monitor the situation in work places and inform labour migrants on their rights
Belarus	- The national legislation requires a detailed description of rights and obligations of labour migrant in the work contract with the employer and promotes a non-discriminative approach.	- Advice on current legislation is available through state agencies. - Medical treatment of labour migrants is possible at their own expense - The Ministry of Interior cooperates with other countries to investigate cases of fraud and migrants rights violation.
Czech Republic	- Exploitation and discrimination of labour migrants are forbidden by national law	- Information and awareness campaigns implemented by the State Labour Inspection Office and civil society - The cooperation of state officers with the Police and NGOs in case of there is a necessity to assist a migrant in need is legally established and supported by several mechanisms and projects
Estonia	- Non-discrimination policy, Equal Treatment Act	- The employer should protect workers from discrimination - Medical care is based on insurance
Georgia	- The national legislation forbids discrimination of foreign nationals, ensures right to social protection and medical care	n/a
Greece	- The national legislation sets social security standards for legally employed foreigners (minimum wage, benefits by public social security organizations)	- Employer might be fined and imprisoned up to 5 months in cases of irregular employment.
Hungary	- Third-country nationals having long-term residence have the same rights and obligations as Hungarian nationals according to the law	- Equal Treatment Authority conducts proceedings if the principle of equal treatment might have been violated
Latvia	- The national legislation states equality of labour rights and prohibits discrimination in terms of promotion, working conditions, remunerations, trainings and giving notice on termination of contract.	n/a
Lithuania	- All forms of forced and compulsory labour and discrimination are prohibited.	- Labour laws shall be implemented by the State Labour Inspectorate and other institutions. Non-state control over compliance with labour laws is exercised by trade unions, inspectorates within their chain of command and other institutions.
Luxembourg	- The law provides for a working relationship	- n/a



	conform to the requirements laid down by the labor law. The issue of exploitation is covered by the provisions on trafficking and smuggling of human beings.	
Moldova	- Labour migration law	- Description of rights and obligations of labour migrants in their relationship with an employer - Moldovan communities abroad that could provide assistance
Poland	- The national legislation prohibits discrimination on any grounds. According to the Labour Code an employee is entitled to i.e.: holiday pay, sick leave, fair dismissal, severance payment, decent working conditions, right to a written contract, the right to organize in unions, right to at least minimum wage. - Provisions on fair treatment of foreign workers are also found in the regulations on the access of foreigners to the Polish labour market. - The act specifies sanctions for persons violating the rules on employment of foreigners.	- In the case of violations of labour rights (the employee may file a complaint with the National Labour Inspectorate (PIP) and/or a labour court. - The entity entrusting work to a foreigner on the basis of work permit is obliged, inter alia, to conclude a written contract and ensure the foreign worker gets its copy in the language understandable for him/her.
Romania	- National legislation prohibits any manifestation of discriminatory employment practices and covers the conditions governing the principle of equal treatment with national workers as regard the working conditions, trade union membership and enjoyment of the benefits of collective bargaining, accommodation, social security, employment taxes.	n/a
Slovakia	- The Anti-discrimination Act lays out the rights and obligations of foreigners, the right to equal treatment and non-discrimination is part of national legislation as a general principle.	- As regards migrant access to social and healthcare services, Slovakia does not apply a policy of positive discrimination against third-country nationals under which they would have more favourable access to housing, social and healthcare services compared to Slovak nationals.
Sweden	- Labour migrants and their accompanying family members gain access to more or less the same rights and obligations as Swedish citizens (voting rights excluded).	- Trade unions monitor the working and employment conditions on the labour market. The Swedish Work Environment Authority is assigned to ensure that legally required working conditions, such as rules for working hours and health- and safety regulations, apply to all people working in Sweden, irrespective of origin.
Ukraine	- According to the Law on Legal Status of Foreigners, foreigners and stateless persons who stay legally at the territory of Ukraine	- Migrants can address State Employment Service for assistance



	<p>enjoy the same rights and freedoms and fulfill the same duties as Ukrainian nationals</p> <ul style="list-style-type: none">- Law on Employment, Constitution of Ukraine, international agreements promote non-discrimination approach in relation to labour migrants	
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Annex IX. State and non-state agencies protecting the rights of labour migrants

Country	State actors protecting the rights of labour migrants	Non-state actors protecting the rights of labour migrants
Armenia	State Healthcare Inspection, State Employment Agency	n/a
Azerbaijan	Ministry of Labour and Social Protection, State Migration Service, Ministry of Interior	NGOs working on protection of labour migrants' rights and legal assistance
Belarus	Ministry of Interior, state hotline	La Strada NGO
Czech Republic	Minister of the Czech Republic's Government for Human Rights, Equal Opportunities and Legislation; Labour inspectorates; some police and judicial authorities	Some NGOs, official integration centers, trade unions.
Estonia	No specific agencies, rather those authorities who acting to benefit migrants in general	Integration and Migration Foundation Our People – MISA, Legal Information Centre for Human Rights Open Estonia Foundation, the Johannes Mihkelson Centre, Estonian Institute for Human Rights, Estonian Association of National Minorities, Estonian Human Rights Center.
Georgia	No specific agency, Ombudsman	Human rights NGOs
Greece	The Labour Inspectorate and Social Security Organizations Inspectorate	n/a
Hungary	Human Rights Working Group, Equal Treatment Authority	Democratic League of Independent Trade Unions from Hungary
Latvia	State Labour Inspectorate	Trade unions
Lithuania	No specific agency, Office of Equal Opportunities Ombudsman	Lithuanian Red Cross Society
Luxembourg	The Ministry of Labour is assigned to work on labour law and working conditions	The trade unions and NGOs protect migrants' rights.
Moldova	Ministry of Social Protection and Family , National Employment Agency	La Strada NGO, IOM, ILO, Migrants Information Center
Poland	National Labour Inspectorate, Labour Court	n/a
Romania	Labour Inspection	n/a
Slovakia	Center for Legal Aid	Migration Information Center, Slovak National Center for Human Rights, trade unions
Sweden	Swedish Work Environment Authority	"Crossroads project"
Ukraine	State Council on Labour Migration	n/a



Annex X. International agreements protecting labour migrants' rights

Country	Agreements with countries	Core idea/purpose
Armenia	Georgia, Russia, Ukraine, Belarus CIS	Employment and social protection of labour migrants Agreement on protection of social rights of labour migrants
Azerbaijan	CIS, Kyrgyzstan, Kazakhstan, Georgia, Ukraine, Italy, Russia, Moldova, Belarus	Agreement on protection of social rights of labour migrants
Belarus	CIS Russia, Ukraine, Moldova, Poland, Armenia, Azerbaijan, Serbia, Vietnam	Agreement on protection of social rights of labour migrants Ensuring fundamental rights of labour migrants
Czech Republic	Yes	Social protection of labour migrants
Estonia	International conventions and EU directives	n/a
Georgia	No agreements	n/a
Greece	1961 European Social Charter	n/a
Hungary	Canada, Croatia, Montenegro, Bosnia, Korea, Quebec, Mongolia	Social policy and social security agreements
Latvia	n/a	n/a
Lithuania	Ukraine, Russia	n/a
Luxembourg	n/a	n/a
Moldova	Bulgaria, Portugal, Estonia, Romania, Luxembourg, Austria, Czech Republic, Belgium, Hungary, Poland, Lithuania Turkey, Greece	Agreements on protection of social rights of labour migrants Negotiations ongoing
Poland	Ukraine, Moldova	Social security arrangements for labour migrants
Romania	n/a	
Slovakia	Turkey, Ukraine, Israel, USA, Serbia, Canada, Australia, Korea	Social coverage of labour migrants
Sweden	n/a	n/a
Ukraine	Azerbaijan, Belarus, Georgia, Moldova, Russia, Hungary, Mongolia, Romania, Bulgaria, Estonia, Spain, Latvia, Lithuania, Poland, Portugal, Slovakia, Czech Republic.	Agreement on protection of social rights of labour migrants

