Synthesis of the answers to the questionnaire on labour migration

6-7 November 2014

Warsaw
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### ARMENIA

1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.

   Labour migration matters are regulated by RA Law on Employment, RA Law on Foreigners, the Concept of State Migration Management of the Republic of Armenia and by international treaties of Armenia.

   According to RA Law on Employment, both Armenian nationals, foreign nationals and stateless persons who reside at the territory of Armenia may choose freely between employment and unemployment, except in cases stipulated by laws of Armenia.

   Employment of foreign nationals with residence rights (residence permits) and stateless persons is regulated by RA Law on Employment, other laws of RA and international treaties of Armenia.

   The state regulates employment of Armenian nationals, foreign nationals who reside at the territory of Armenia and stateless persons by means of social support.

   Internal labour migration is regulated by provisions of the due legislation of the Republic of Armenia, while external labour migration is additionally regulated by international treaties of the Republic of Armenia.

   RA Law on Foreigners stipulates that foreigners can engage in labour activities in Armenia if granted employment permits. Actually, the provisions on labour permits may be applied only after enactment of some regulations stipulated by the Law.

   In particular, so far, the due RA legislation does not set the authorised state management body in the sphere of labour and employment, as well as procedures of issuance of employment permits to foreigners.

2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?

   Labour migration in Armenia is of an irregular pattern. The Republic of Armenia is a country of origin, and labour migrants prevail in migration flows from the country. In countries of origin, migration tends to promote addressing many economic problems, helps to eradicate poverty and to build capacity for future development of these countries due to inflows of migrants’ remittances and newly acquired knowledge and skills of returning migrants.

   The main underlying cause of labour migration is associated with employment problems. In terms of geographic distribution of labour migration flows, the main migration vector orients towards the Russian Federation - a country of destination for 93% of all labour migrants.

   In comparison to emigration flows, immigration flows are rather low: immigrants are mainly represented by labour migrants, students granted residence permits in Armenia, foreign nationals of Armenian origin and asylum seekers.

   No statistical data on immigrants are available, as laws and regulations on matters of labour activities of foreign nationals are at the stage of development now. RA Law on Foreigners (approved in 2006) stipulates introduction of employment permits for foreigners. However, as no implementing regulations for the Law have been enacted yet, these issues still remain unregulated.
Labour migration is associated with both positive and negative social impacts. On the one hand, labour migration mitigates social tensions due to physical reduction of labour supply and serves as a source of hard currency inflow, in addition, it promotes acquisition of new knowledge and skills by migrants. On the other hand, labour migration promotes “brain drain”, outflow of skilled labour, outflow of capital and economic capacity, it produces shortages of some specialists (young and middle aged specialists migrated from Armenia, while elderly persons remained in the country, they are less numerous and do not meet contemporary requirements to technical skills - such changes aggravate uneven territorial development patterns: now, many small villages simply disappeared due to migration of residents to the capital city). Some new difficulties emerge in the sphere of matrimonial relations, families dissolve and whole families may opt to migrate.

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<th>3. What is the most common type of labour migration in your country (in and outbound). For example circular migration, seasonal migration, long term, qualified workers?</th>
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<tr>
<td>While types and forms of migration tend to change with time, it is seasonal migration that prevailed in the period following independence.</td>
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<th>4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.</th>
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<tr>
<td>Our country does not have bilateral or regional agreements on labour migration matters.</td>
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<th>5. What are the priorities of the national policy concerning labour migration in your country?</th>
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<td>In order to ensure efficient implementation of systemic and purposeful reforms in the sphere of employment, the RA Government drafted and approved the Employment Strategy of the Republic of Armenia for 2013 - 2018 (Decree # 45 of 08.11.2012). In terms of strategic employment reforms, including the sphere of systemic management of labour migration, the following priorities of the conceptual migration management policy are of particular importance: 1) approximation of RA migration legislation and the administrative system with relevant EU legislation and best institutional practices of EU MS; 2) development of the information system for monitoring/registration of migration flows; 3) protection of rights and interests of RA nationals who work abroad; 4) adjustment of terms and conditions of foreigners' employment in RA to demands at the labour market on Armenia and to its development; 5) prevention of illegal migration originating in the Republic of Armenia, and improvement of the legislation on illegal migration matters; 6) organisations of counter-trafficking activities and protection of victims of exploitation; 7) provision of support to RA nationals who returned from foreign countries and supporting their further reintegration in Armenia; 8) management of internal migration processes to meet interests of national security of RA and stable development of the country.</td>
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<th>6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination,</th>
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<td>According to Article 3 of the Labour Code of the Republic of Armenia, all forms of forced labour and violence against workers are prohibited, the law guarantees equal rights and opportunities of workers, as well as equality of labour relations’ parties, regardless their gender, race, ethnicity, language, origin, nationality, social status, religion, matrimonial status, age, views or opinions, affiliations with parties, trade unions or NGOs, other aspects that are not associated with proficiency of a worker.</td>
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<td>of migrant workers?</td>
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<tr>
<td>7. Are there specific state and or non-state actors protecting the rights of labour migrants?</td>
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9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?

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<th><strong>In the framework of state regulation of external labour activities, the RA Ministry of Labour and Social Matters, as the authorised Governmental body in charge of state employment management, in order to regulate labour migration:</strong></th>
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<td>1) concludes - according to legislatively set procedures - international agreements on matters of organisation of external labour activities and on protection of interests of migrant workers;</td>
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<td>2) issues notifications on inappropriateness of labour migration to certain countries in cases of deterioration of inter-state relations or emergencies;</td>
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<td>3) fulfils also other functions and executes other powers as provided for in the RA legislation.</td>
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The State Employment Agency, following legislatively set procedures and operating according to its powers, provides information to persons who ask for vocational training and consultations on labour activities in foreign countries, as well as mediates between such persons and foreign employers; the Agency organises recruitment and retraining of labour migrants for external labour activities in the framework of international agreements of Armenia on matters of organisation of external labour activities and on protection of interests of labour migrants.

Non-governmental employment entities, that wish to cooperate with the RA Ministry of Labour and Social Matters and signed Cooperation Memorandums, may organise external and internal labour migration in the framework of annual state programs for employment management and/or international agreements of Armenia.

According to Law on Employment, the following matters are defined and regulated in the framework of public-private cooperation:

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<td>1) relations and principles of information exchange between governmental and non-governmental providers of employment services, dissemination of best practices, provision of necessary methodological assistance to non-governmental entities;</td>
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<td>2) options to outsource state employment programs to non-governmental employment agencies according to Law on Procurements of the Republic of Armenia;</td>
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<tr>
<td>3) activities of non-governmental organisations in the framework of outsourced programs.</td>
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Structural units of the State Employment Agency under the RA Ministry of Labour and Social Matters and 7 territorial employment services include migration resource centres that inform, provide orientation and training services to persons (mainly to labour migrants), who intend to emigrate and work abroad, as well as promote their reintegration.

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### AZERBAIJAN

1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of

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<th><strong>Labour activities of foreign nationals and stateless persons at the territory of the Republic of Azerbaijan are regulated by the Migration Code of the Republic of Azerbaijan. According to the Code, every employable foreign national or a stateless person of the age of 18 years and over, is entitled to engage into paid labour activities at the territory of the Republic of Azerbaijan. Foreign nationals and stateless persons in the Republic of Azerbaijan may be employed by legal entities, physical persons (individual entrepreneurs) and by subsidiaries or representative offices of foreign legal entities.</strong></th>
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<td><strong>Foreign nationals and stateless persons may work in the Republic of Azerbaijan only if granted work permits.</strong></td>
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| labour needs, unemployment and political/historical linkages to other countries. | Work permits are issued for 1 year and may be extended for maximum 1 year at a time. Applications for issuance of work permits to foreigners for their paid labour activities at the territory of the Republic of Azerbaijan should be submitted by their respective employers.

According to the Labour Code of the Republic of Azerbaijan, after issuance of work permits, employers should conclude labour contracts with labour migrants.

In order to get a work permit, a prospective employer of a foreign national (a legal entity or a physical person) has to apply to the State Migration Service of the Republic of Azerbaijan. The employer may apply for the work permit even before entry of the foreigner to the country. In order to apply for the permit, the employer must provide necessary documents, including passport ID data of the foreigner, copies of diploma or other documents certifying his/her training and professional skills, a justification of the need to employ the foreigner, etc. Work permits are issued for specific jobs only.

Issuance of work permits to employers is subject to state administrative fees. Based on terms of work permits, labour migrants are issued temporary residence permits - within validity terms of their temporary residence permits, labour migrants may depart from the country and return back without limitations.

According to the due legislation of the Republic of Azerbaijan, certain categories of foreigners, such as entrepreneurs, persons with permanent residence permits in Azerbaijan, spouses of citizens of the Republic of Azerbaijan, etc., can engage into paid labour activities at the territory of the Republic of Azerbaijan without the need to be granted work permits.

According to the Migration Code of the Republic of Azerbaijan, every employable citizens of the Republic of Azerbaijan of the age of 18 years and over, is entitled right to engage into paid labour activities abroad. Citizens of Azerbaijan may seek employment opportunities abroad independently or with mediation of legal entities. Physical persons cannot provide mediation services in the sphere of foreign employment.

In order to qualify for provision of foreign employment mediation services, legal entities have to apply for special permits (licenses). Such special permits (licenses) are issued by the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan for 5-years term.

A legal entity operating in the sphere of foreign employment mediation has to conclude agreements with foreign employers, that should address issues of protection of rights and social support of citizens of the Republic of Azerbaijan. Such agreements must be approved by the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan.

The mediators are prohibited to charge citizens of Azerbaijan for provision of their employment mediation services. |

| 2. Please briefly outline the characteristics and trends of labour migration as well as the | At the contemporary stage of socio-economic development of the country, some growth of labour migration is observed in the Republic of Azerbaijan. Besides labour migration of citizens of the Republic of Azerbaijan to other countries, labour migration of foreigners into our country is also observed. |
**positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?**

Labour migration of citizens of the Republic of Azerbaijan abroad started in late 1980s - early 1990s and since that time it underwent major changes in both qualitative and quantitative terms.

Main underlying causes of reduction of foreign labour migration of citizens of the Republic of Azerbaijan include accelerated economic development of the country, economic and political stability and growing living standards of the country's residents.

Analysis of labour migration trends suggests several key flows of labour migration from Azerbaijan, including flows to the Russian Federation, United Arab Emirates, Turkey, Germany and other West European countries. The overwhelming majority of labour migrants from the Republic of Azerbaijan work in the Russian Federation. They mainly operate small businesses and work in trade sector.

Implementation of large-scale international projects in the sphere of extraction and transportation of oil and gas, socio-political stability in the country, inflows of foreign capital and favourable business conditions, macroeconomic stability and high rates of economic development in the country represent main factors that facilitate inflow of foreigners. In the Republic of Azerbaijan, foreigners predominantly work in industry, construction, transport and services. They are mainly represented by nationals of Turkey, UK, India and China.

In the future, we expect domination of ethnic Azerbaijanis living in CIS countries (particularly in the Russian Federation and Georgia) and Turkish nationals at the internal labour market of the Republic of Azerbaijan.

Now, Azerbaijan is both a country of destination and a country of origin.

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<th>3. What is the most common type of labour migration in your country (in and outbound)? For example circular migration, seasonal migration, long term, qualified workers?</th>
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<td>Accounting for labour migration processes, we may conclude that in the case of Azerbaijan, all types of labour migration are common, except seasonal migration. Long-term and circular labour migration from the country, as well as long term migration and migration of qualified workers to the country are particularly common.</td>
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<th>4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.</th>
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| The Republic of Azerbaijan signed bilateral agreements on cooperation in the sphere of migration with Moldova, Ukraine, Belarus and Turkey. These agreements cover protection of rights of labour migrants, their social security, facilitation of employment procedures, exchange of experience and information in relevant spheres.

In the framework of CIS, the Republic of Azerbaijan acceded to the Agreement on Cooperation in the Sphere of Labour Migration and Social Protection of Migrant Workers (1994). The Agreement covers protection of social rights of migrant workers, mutual recognition of diploma/professional records; and provides for exchange of experience and information on migration management matters. |
### 5. What are the priorities of the national policy concerning labour migration in your country?

Azerbaijan has a sufficiently high labour supply, and the share of economically active persons in the overall country's population reaches 50%. In this connection, the labour migration policy seeks to protect the national labour market, to ensure rational utilisation of local labour, to attract highly skilled foreign specialists for economic development of the country, to ensure efficient protection of rights of migrant workers and to prevent illegal migration and brain drain.

### 6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?

According to the national legislation, foreign nationals and stateless persons, regardless their social or income status, race, gender and religion, enjoy all rights and freedoms and fulfil the same duties as citizens of the Republic of Azerbaijan.

In the sphere of labour relations, any discrimination of workers is prohibited on grounds of nationality, gender, race, religion, ethnicity, language, residence, income status, social origin, age, marital status, convictions, political opinion, affiliation to trade unions and other civil associations, job position and other factors of no relevance to professional abilities, skills and performance of workers; as well as direct or indirect setting of benefits and preferences or limitations based on the above factors.

In order to ensure compliance with these legislative provisions, relevant governmental agencies (the Ministry of Labour and Social Protection of the Population, the State Migration Service, the Ministry of Interior, etc.) take necessary measures in their spheres of competence. To this end, governmental agencies conduct periodic workplace inspections, monitoring and surveys.

In addition, a particular attention is paid to provision of information to migrants and their employers, and to implementation of necessary prevention measures.

### 7. Are there specific state and or non-state actors protecting the rights of labour migrants?

Relevant governmental agencies (the Ministry of Labour and Social Protection of the Population, the State Migration Service, the Ministry of Interior, etc.) protect migrants' rights according to their powers. Besides that, many non-governmental organisations deal with protection of migrants' rights, provide legal assistance to them and raise their awareness.

### 8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?


Besides that, the Republic of Azerbaijan acceded to the CIS Convention on Legal Status of Migrant Workers and their Family Members (30.09.2010).

### 9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?

The State Employment Service deals with employment of citizens of Azerbaijan, foreign nationals and stateless persons who reside permanently in the country. Private employment agencies also can recruit foreign nationals for employment in the Republic of Azerbaijan. However, according to the due legislation, work permits to foreign nationals in Azerbaijan should be applied for by their prospective employers, not by private employment agencies.
**BELARUS**

1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.

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| Now, the Republic has provided necessary preconditions for export and import of labour, the country established the necessary legislative framework in the sphere - particularly important legal acts include Law of the Republic of Belarus on External Labour Migration, Decree # 450 of the President of the Republic of Belarus of 01.09.2010 on Licensing Certain Types of Economic Activities and some other regulations.  
At the same time, in order to optimise conditions for regulation of external labour migration in the Republic of Belarus, as well as based on results of monitoring of the due legislative framework in the sphere of external labour migration, the Ministry of Interior of the Republic of Belarus, jointly with other relevant governmental agencies developed draft Law of the Republic of Belarus on Introduction of Changes and Amendments into Law of the Republic of Belarus on External Labour Migration.  
The draft Law seeks to improve legislative regulation of relations in the sphere of labour activities of foreign nationals and stateless persons without permanent residence permits (including the temporary residing/staying ones) at the territory of the Republic of Belarus; and in connection with combating illegal migration.  
According to Agreement on Legal Status of Migrant Workers and their Family Members (St. Petersburg, 19.11.2010), citizens of the Russian Federation and the Republic of Kazakhstan in the Republic of Belarus may engage into labour activities without the need to get employment permits. They are employed according to the due labour legislation of the Republic of Belarus, based on employment contracts - such arrangements facilitate labour migration of citizens of these countries. |

2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?

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| According to Law of the Republic of Belarus on External Labour Migration, immigrant workers may engage into labour activities in the Republic of Belarus, provided being granted special permits for employment in the Republic of Belarus (for 1 year) and provided conclusion of labour contracts, regardless types of their labour activities.  
Citizens of the Republic of Belarus may seek employment abroad with support of legal entities or individual entrepreneurs granted special permits (licenses) for mediation in employment outside the Republic of Belarus; or independently (i.e. without support of such legal entities or individual entrepreneurs).  
Positive aspects of labour migration are associated with the fact that labour migrants return to the Republic of Belarus with their earnings and apply their skills and experience acquired abroad for work in the country.  
A serious problem for the republic is associated with emigration of skilled specialists and scientists - their emigration depletes intellectual capacity of the country.  
At the same time, it is worth to note some trends in changing flows of external labour migration in the Republic of Belarus in connection with |
ongoing processes in the global economy. In particular, the number of citizens who migrate abroad with support of licensed mediators, somehow decreased. The decrease is associated with the fact that the majority of Byelorussian nationals migrate to the Russian Federation for employment independently. Such migration patterns are promoted by lack of borders and language barriers between the Republic of Belarus and the Russian Federation, as well as by international agreements with the Russian Federation on external labour migration matters, including agreements in the framework of CIS.

On the other hand, active development of investment activities in the Republic of Belarus promotes growing numbers of immigrant workers.

So, the Republic of Belarus is both a country of destination and a country of origin of migrant workers.

3. What is the most common type of labour migration in your country (in and outbound). For example circular migration, seasonal migration, long term, qualified workers?

The due legislation of the Republic of Belarus does not define such concepts as "circular migration" and "seasonal migration". At the same time, it is worth to note that some characteristic factors of circular migration are observed in Belarus - e.g. periodic return of labour migrants to the country of origin after work in a destination country.

In first half of 2014, the majority of immigrant workers came to the Republic of Belarus for blue collar employment (75%), while the rest included skilled workers and specialists (11%), agricultural workers (6%), managers (5%), workers of trade and services sector (3%).

The overwhelming majority of emigrant workers also included blue collar workers (61%), followed by migrants seeking jobs in trade and services sector (25%), skilled workers and specialists (9%), agricultural workers (4%), and managers (1%).

4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.


The Agreement stipulates that migrant workers (and their family members) of states-parties of the Agreement (i.e. citizens of the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation) are entitled to enjoy the following benefits and preferences:
- migrant workers are exempt from the requirement to apply for employment permits for their labour activities at the territory of the states-parties;
- migrant workers and their family members are exempt from the requirement of registration (residence registration) by authorised bodies of countries of employment within 30 days from the date of their entry to the territory of the country of employment;
- in the case pre-term termination of a labour contract after 90 days from the date of entry to the territory of a country of employment, a migrant...
A worker may conclude another labour contract within 15 days with another employment, on terms and conditions stipulated by the due legislation of the country of employment.

| 5. What are the priorities of the national policy concerning labour migration in your country? | State migration policies of the Republic of Belarus in the sphere of external labour migration seek to protect the internal labour market from uncontrolled inflow of foreign labour and to ease tensions at the internal labour market by employment of Byelorussian national abroad.  
The leading role of the state (authorised governmental agencies) in management of external labour migration is associated with ensuring efficient combating of illegal labour migration for prevention and combating labour exploitation and trafficking in persons.  
Law on External Labour Migration regulates relations in the sphere of external labour migration, including: employment of citizens of the Republic of Belarus and foreigners who reside permanently in Belarus, and outside the country at the base of labour contracts with foreign employers; employment of foreigners who do not reside permanently at the territory of Belarus based on labour contracts with Byelorussian employers. |
|---|---|
| 6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers? | One of main principles of external labour migration - as stipulated by Law of the Republic of Belarus on External Labour Migration - is associated with inadmissibility of replacement of labour relations under labour contracts with immigrant workers by obligations under civil contracts as stipulated by the due civil legislation of the Republic of Belarus.  
In order to ensure protection of rights, freedoms and legitimate interests of immigrant workers, labour contracts being concluded at the territory of the Republic of Belarus between an immigrant worker and an employer of the Republic of Belarus, in addition to data, terms and conditions as stipulated by the due labour legislation of the Republic of Belarus, should also stipulate terms and procedures for termination, amending and extension of the labour contract, terms and conditions of his/her entry to the Republic of Belarus, living conditions, provision of meals and health care services to the immigrant worker.  
In the course of labour activities of immigrant workers in the Republic of Belarus, they are granted equal pay for equal work (equally to Byelorussian nationals and foreigners who reside permanently in the Republic of Belarus), as well as benefits stipulated by legislative acts of the Republic of Belarus for own nationals and foreigners who reside permanently in the Republic of Belarus, in connection with damages to health, professional capacity or death due to workplace accidents and occupations diseases; they are granted provision of information on legal status of foreigners in the Republic of Belarus by agencies in charge of citizenship and migration matters; as well as provision of information on the due legislation of the Republic of Belarus by governmental bodies (organisations) of the Republic of Belarus.  
Immigrant workers are entitled to:  
affordable health care services to be paid from their own funds, from funds of their employers in the Republic of Belarus and from other sources unless prohibited by the due legislation of the Republic of Belarus;  
pension benefits according to international treaties of the Republic of Belarus;  
free transfer of earnings from the Republic of Belarus according to procedures stipulated by the due legislation of the Republic of Belarus, including international treaties of the Republic of Belarus;  
taking with them tools and equipment items to the Republic of Belarus, if necessary for fulfilment of professional duties, for a period of validity of a
labour contract; other rights as stipulated by the due legislation of the Republic of Belarus.

If a foreign employer violates terms and conditions of a labour contract with a labour migrant who is a citizen of the Republic of Belarus, and who migrated abroad for employment, the labour migrant may apply to a diplomatic mission or a consular facility of the Republic of Belarus that are obliged to take measures for protection of his/her rights, including the right to get relevant benefits and compensations, to terminate the labour contract and to be returned (including his/her family members) to the Republic of Belarus at the expense of the foreign employer.

To address problems in the sphere of internal labour migration, the Department of Citizenship and Migration of MoI of the Republic of Belarus cooperates with competent bodies of other countries, including the Federal Migration Service of the Russian Federation and the State Labour Inspectorate (Moscow). If suspected cases of non-compliance of foreign employers with terms and conditions of labour contracts with emigrant workers, or cases of their failure to pay wages to the workers are identified, relevant requests are sent to competent bodies of other countries asking for assistance in gathering objective information. If information of competent bodies of other countries or inspection results suggest violations of labour legislation, guilty persons are to be prosecuted according to the due legislation of a foreign country.

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<th>7. Are there specific state and or non-state actors protecting the rights of labour migrants?</th>
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<td>According to Article 9 of Law of the Republic of Belarus on External Labour Migration, the Ministry of Interior implements uniform state policies in the sphere of external labour migration, coordinates activities of other national governmental bodies of the Republic of Belarus, cooperates with other governmental bodies of the Republic of Belarus and other organisations, the Department of Citizenship and Migration of MoI of the Republic of Belarus participates in implementation of uniform state policies and takes measures to prevent and combat illegal external labour migration.</td>
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<td>According to Regulation on Licensing Some Types of Activities, approved by Decree # 450 of the President of Belarus of 01.09.2010 r., MoI of the Republic of Belarus issues special permits (licenses) to legal entities and individual entrepreneurs for activities associated with employment outside the Republic of Belarus.</td>
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<td>According to provisions of the above Decree, MoI of the Republic of Belarus, in the sphere of its competence, controls compliance of license-holders with the due licensing legislation, terms and conditions of their licenses.</td>
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<td>According to Article 14 of Law of the Republic of Belarus on External Labour Migration, emigrant workers who are foreign nationals or stateless persons residing permanently in the Republic of Belarus, are granted protection and patronage of the Republic of Belarus in a country of employment.</td>
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<tr>
<td>Diplomatic missions and consular facilities of the Republic of Belarus are obliged to take measures for protection on emigrant workers and to patronise them according to procedures stipulated by the due legislation of the Republic of Belarus, including international treaties of the Republic of Belarus.</td>
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<tr>
<td>If diplomatic missions and consular facilities of the Republic of Belarus are not present in countries of employment, relevant bodies of other countries may fulfil functions of protection of rights and legitimate interests of emigrant workers according to international treaties of the Republic</td>
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In order to ensure provision of information on foreign employment opportunities and labour legislation of destination countries to the country’s residents, hot line services operate in the Department of Citizenship and Migration of MoI of the Republic of Belarus and in La Strada NGO. Besides that, callers may also use these hot lines to check whether their foreign employment mediators are duly licensed or have agreements on employment with foreign employers.

### 8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?

Bilateral intergovernmental agreements on main rights of migrant workers were concluded by the Republic of Belarus with the Russian Federation (24.09.1993), the Republic of Moldova (05.05.1994), Ukraine (17.07.1995), Poland (27.09.1995), the Republic of Armenia (19.07.2000), the Republic of Azerbaijan (02.05.2007), the Republic of Serbia (31.03.2009) and the Socialist Republic of Vietnam (29.11.2011).

In the course of development of the legislative framework of the Common Economic Space (the Republic of Belarus, the Republic of Kazakhstan, the Russian Federation), on November 19, 2010, in St. Petersburg, the following two agreements on labour migration matters were signed:
- Agreement on Cooperation for Combating Illegal Labour Migration from Third Countries;
- Agreement on Legal Status of Migrant Workers and their Family Members.

All the above agreements are already in force.

On October 28, 2011, the Government of the Republic of Belarus and the Government of the Republic of Tajikistan signed Agreement on Temporary Labour Activities of Citizens of the Republic of Belarus in the Republic of Tajikistan and Citizens of the Republic of Tajikistan in the Republic of Belarus. The Agreement was ratified by the both Parties and will enter into force in the nearest future.

CIS countries that did not sign bilateral agreements on labour exchange matters with our country, follow Agreement of CIS Member-states on Cooperation in the Sphere of Labour Migration and Social Protection of Migrant Workers of April 15, 1994 (the Republic of Belarus acceded to the Agreement on November 20, 1997), and the Convention on Legal Status of Migrant Workers and their Family Members of Member-states of the Commonwealth of Independent States, signed in Chisinau on November 14, 2008.

### 9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?

Decisions on issuance of employment permits to employers of the Republic of Belarus and foreign nationals are made accounting for opinions of committees on labour, employment and social protection as these agencies serve as authorised governmental bodies in charge of monitoring the situation at the labour market.

Main functions of non-governmental organisations and private entities in the sphere of external labour migration are associated with facilitation of safe entry and departure of migrant workers, their legal and safe labour activities both at the territory of the Republic of Belarus and abroad.
## CZECH REPUBLIC

1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.

   Labour legislation concerning foreign employment mainly reflects labour market situation, and the European law.

2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?

   The Czech Republic is mainly a country of destination. Although there are no official statistics of Czech nationals working abroad\(^1\), qualified estimations suggest that labour migration inflows far outweigh the outflows.

   The Czech Republic has a flexible supply-driven system of labour immigration based on the principles of (1) protection of domestic labour market in relation to the third countries and (2) free movement of workers from other EU/EEA Member States/Switzerland.

   **Basic characteristics of the Czech immigration system:**

   - equal conditions for all third-country nationals;
   - not a point-based system;
   - no quotas on professions;
   - no national shortage occupation lists;
   - no visas / residence permits for the purpose of job-seeking;
   - all job vacancies that employers want to fill with foreigners (third-country nationals) must be reported to the Labour Office of the Czech Republic;
   - labour market test applied to all job vacancies (registered jobseekers are given priority);
   - knowledge of the Czech language not required from labour immigrants;
   - prevailing single permits system (“employee cards” & EU blue cards) for third-country nationals

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\(^1\) A Czech national leaving the country to work abroad is not obliged to report this fact to any Czech authority. Therefore, qualified estimations are based on statistics collected by other countries (mainly other EU/EEA Member States) that register Czech employees.
**Important trends:**
- The number of third-country nationals entitled to free access to the Czech labour market increased in the last few years since many of them succeeded in obtaining permanent residence in the Czech Republic. This trend still continues.
- In spite of moderate economic growth, the inflow of new labour immigrants remains weak due to very slow increase of new job vacancies and relatively high domestic unemployment rate.

**Positive impacts of inbound labour migration:**
- immigrants cover up shortages of workforce in the Czech labour market;
- brain-gain;
- labour immigration is often associated with new foreign investments in the Czech Republic (staff of newly founded companies);
- social and cultural diversity

**Negative impacts of inbound labour migration:**
- undeclared work of some foreign nationals;
- brain-waste;
- strong influence of dubious (informal) intermediaries between labour immigrants and employers

**Positive impacts of outbound labour migration:**
- improvement of Czech workers’ skills (professional experience & language skills)

**Negative impacts of outbound labour migration:**
- brain-drain

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<tr>
<th>3. What is the most common type of labour migration in your country (in and outbound). For example circular migration, seasonal migration, long term, qualified workers?</th>
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<tbody>
<tr>
<td><strong>Inbound migration:</strong></td>
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<tr>
<td>mostly long-term labour immigration;</td>
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<tr>
<td>mostly low and medium-skilled workers;</td>
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<tr>
<td>more citizens of the other EU/EEA Member States/Switzerland than the third-country nationals</td>
</tr>
<tr>
<td><strong>Outbound migration:</strong></td>
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<tr>
<td>no official data available</td>
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<tr>
<th>4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.</th>
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<tr>
<td>New Zealand - Agreement on Working Holiday Scheme - came into force on 1 September 2005</td>
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<tr>
<td>Canada - Agreement to Facilitate Youth Placements - came into force on 1 October 2007</td>
</tr>
<tr>
<td>Republic of Korea - Agreement on Working Holiday Program - came into force on 1 June 2012</td>
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</table>
The Czech Republic signed an agreement on cooperation in the area of social security benefit abuse and illegal employment with France (2011), Germany (2010) and the Netherlands (2008).

5. What are the priorities of the national policy concerning labour migration in your country?

- Filling the gaps on the labour market;
- Targeted solutions for selected groups of immigrants. (The Czech Republic introduced special immigration projects (fast-track procedures) for the staff of important foreign investors and some other groups of migrants. Positive outcomes stimulated further development of this migration tool);
- Tackling undeclared work, discrimination or exploitation of foreigner workers wherever occurs.

6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?

a) Equal treatment is assured by the law, as well as exploitation, and discrimination are forbidden,
b) information and awareness campaigns and activities are realized by state actors (e.g. State Labour Inspection Office information materials in several languages), and NGOs,
c) raising awareness concerning exploitation and trafficking aimed at officers, and social workers who come in contact with foreign workers is carried out by different educational projects, supported by several financial sources,
d) co-operation of state officers with the Police and NGOs in case of necessity to help foreign migrants in need is supported by the law, by the methodology, and by different projects

e) financial support of projects aimed to prevent exploitation or other maltreatment or to help migrants who have problems is run via state budget, and European funds (e.g. ESF),
f) there are research activities focused on such topics, as a part of different NGOs projects, and there are studies made by state research institutions, both can help to identify main problems, and possible solutions.

7. Are there specific state and or non-state actors protecting the rights of labour migrants?

State: Minister of the Czech Republic’s Government for Human Rights, Equal Opportunities and Legislation; Labour inspectorates; some police and judicial authorities
Non-state: some NGOs, official integration centres, trade unions.

8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?

Bilateral agreements on social security – concerning social security systems coordination

9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?

Ministry of Labour and Social Affairs (The Labour Office)
Labour market policy, Labour market test, statistical evidence, mediation of employment
private employment agencies are allowed only to mediate employment of third country nationals with all type of work permits but they are not allowed to post them.
1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.

The legal bases for a foreigner to entry, stay, reside and work in Estonia, are prescribed in the Aliens Act. For the citizens of the European Economic Area and citizens of the Swiss Confederation and the family members thereof, the Citizen of European Union Act applies.

The entry and stay of aliens is regulated with visas and residence permits issued on clear grounds (for family reunification, for employment, for study etc.). An alien, who is residing in Estonia on the basis of a residence permit, has a right to work in Estonia, unless otherwise stipulated by the law (e.g. an alien, to whom a temporary residence permit has been issued on the basis of legal income, is not permitted to work in Estonia). In addition to the employment in Estonia on the basis of a residence permit, a short-term employment on the basis of a visa is also permitted, however the employment must not exceed six months during a 12 month period and must be registered beforehand with the Citizenship and Migration Board. A citizen of the EU has a right to work in Estonia starting from entering the country for three months and after the right of residence has been granted. Family member of an EU citizen may work in Estonia in case he or she has been granted the right of residence.

Clear quantitative and qualitative restrictions are stipulated in the Aliens Act, such as the annual immigration quota and specific conditions for granting the residence permit (e.g. for employment, studies, family reunification). During the membership of Soviet Union, the immigration to Estonia was intense and by 1991, about 1/3 of the country's population (Statistics Estonia) were not citizens of the country. Therefore, Estonian immigration policy, since regaining its independence in 1991, has been restrictive towards immigration, including labour migration.

2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?

Estonia is facing the same demographic situation as the other EU Member States. The population has been decreasing gradually, with the births outnumbering the deaths and the net migration being negative. In 2013, 4098 persons migrated to Estonia, while 6740 persons emigrated (Statistics Estonia). During last year, 864 temporary residence permits were issued on the basis of employment, compared to 835 the previous year.

Due to demographic trends and external migration, the amount of free work force has decreased steadily (according to Statistics Estonia, the labor force diminished by 7 000 in the previous five years) and the need for foreign labour has become a relevant topic in the society. Given the trends in the economic development, where the focus is on high-tech manufacturing, information technology development and sustainable functioning of the financial sector, a greater involvement of top specialist is a crucial success factor. Therefore, in order to increase the competitiveness of the economy, several amendments to the Aliens Act have been made in recent years, facilitating the migration of top specialists, scientists and international students to the country.

3. What is the most common type of labour migration in your country (in and outbound)? For example circular migration, seasonal migration, long term, qualified workers?

Estonia considers it important that the development of the migration legislation on the European Union level promotes the entry and stay of qualified workers. The government has confirmed its support to further develop and if possible, to implement the concept of circular migration, though it is preferred that the circular migration would occur within a specific agreement between two or more states.

Several aspects in Estonian legislation facilitate temporary and circular migration of third-country nationals. For example it is possible for an alien to work on the basis of a visa up to 6 months in a 12 month period. It is also possible for an alien to register his or her absence from Estonia whilst residing in Estonia on the basis of a residence permit. Top specialists, students and researchers may enter the country on the basis of a visa and start working/studying here. Residence permit may be applied for when already staying in Estonia, should they wish to stay in Estonia permanently.

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2 According to Statistics Estonia, an estimated 150 000-200 000 Estonians live abroad. However as in 2012, also last year a considerable share of immigrants were counted by returnees.
4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.

Estonia has concluded relatively few agreements with third countries with the aim of facilitating work migration. However, on the national level, Estonia has concluded bilateral agreements for movement of youth and other treaties to protect. Bilateral Youth Mobility Agreements have been signed between the governments of Estonia and Canada. A Memorandum of Understanding, relating to working holiday visas, has been signed with Australia. Bilateral agreements have also been concluded regarding social security treaties (besides EU, also with Ukraine, Canada) and double taxation prevention treaties (59 conventions currently in effect).

5. What are the priorities of the national policy concerning labour migration in your country?

Creating a favorable environment for the entry and stay of top specialist and highly qualified workforce, as well as supporting the circulation of talents already residing in EU, in order to ensure the circulation of knowledge and to support the (economic) development of the EU as a whole.

6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?

The general principles of the ban on discrimination, and therefore the safeguard of equal treatment, are provided in the Constitution of the Republic of Estonia. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds. Issues related to discrimination are more precisely regulated with the Penal Code, the Gender Equality Act, the Employment Contract Act and other legislation.

According to § 12 of the Equal Treatment Act, the employer must take appropriate measures to protect employees against discrimination. Similarly, § 3 of the Employment Contract Act stipulates, that an employer must ensure the protection of employees against discrimination, follow the principle of equal treatment and promote equality in accordance with the Equal Treatment Act and Gender Equality Act. Discrimination of persons is forbidden for example when entering into an employment contract, during work, when agreeing on and amending working conditions, giving work orders, remuneration etc. The obligations of the employer, the working and rest time conditions as well as the rights for a holiday are prescribed in the Employment Contract Act.

According to the Health Insurance Act, insured persons are permanent resident of Estonia or persons living in Estonia on the basis of a temporary residence permit or right of residence, for whom social tax is payed. The safeguards against exploitations are provided in the same legislation: f.ex if a person applying for insurance cover would have had the right to receive health insurance benefits if a person obligated to submit documents necessary for insurance cover to commence had performed such obligation as required, the person who violated the obligation must compensate the person applying for insurance cover for the loss incurred due to the failure to receive the health insurance benefits. Everyone whose rights and freedoms are violated, have the right of recourse to the courts according to the Constitution.

7. Are there specific state and or non-state actors protecting the rights of labour migrants?

There are no specific actors protecting the rights of labour migrants, however, there are both state and non-state actors acting for the benefit of migrants in general. Estonian migration and asylum policy is developed by the Ministry of the Interior and executed by the Police and Border Guard Board. The latter is responsible in issues related to arrival of foreigners in the country, their stay in the country, living in and expulsion from the country and preventing illegal immigration. The Ministry of Foreign Affairs in cooperation with the Ministry of the Interior develops the visa policy of the country and cooperates with the police in applications for and issue of residence permits and documents at Estonian foreign representations, and the Ministry of Social Affairs together with its divisions is responsible for the reception, including accommodation of the asylum applicants. The Ministry of Justice is dealing with the issues related to trafficking in human beings and the Ministry of Culture with the tasks related to integration policies. Minority issues are also discussed in the President`s Round Table of National Minorities.

The non-governmental organization Integration and Migration Foundation Our People - MISA -coordinates activities related to immigration and
emigration, and among others deals with counselling and providing of material support to foreignes. The Legal Information Centre for Human Rights provides legal aid in the field of protection of human rights and the rights of national minorities. The Center monitors f.ex the situation of human and minority rights in Estonia and organizes of seminars and training on human rights. The Open Estonia Foundation (non-governmental not-for-profit public benefit foundation) initiates and carries out projects and programs which contribute to the development of democracy, civil society, social responsibility and equal opportunities in democratic decision-making processes. The Foundation conducts open grant competitions to support the endeavours of others, also in the field of migration and integration. In addition, number of smaller NGO-s are active in the field of migration and integration, for example the The Johannes Mihkelson Centre, Estonian Institute for Human Rights, Estonian Association of National Minorities, Estonian Human Rigths Center.

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<th>8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?</th>
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<tr>
<td>Estonia has signed several international conventions where the rights of migrants are proscribed (among others, the European Convention on Human Rights). Estonia has also transposed EU directives 2000/78/EU and 2000/78/EU, which set a general framework for equal treatment in employment and occupation.</td>
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<th>9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?</th>
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<tr>
<td>According to § 3 of the Labour Market Services and Benefits Act, the permanent residents of Estonia as well as aliens residing in Estonia on the basis of temporary residence permits or temporary right of residence, have the right to receive labour market services. The provision of labour market services prescribed in the Labour Market Services and Benefits Act are organized and granted by the Estonian Unemployment Insurance Fund - a quasi-governmental organisation whose operational rules are defined by law. The Unemployment Insurance Fund provides among others job mediation; labour market training; career counselling; communication support at interviews; business start-up subsidy.</td>
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**GEORGIA**

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<tr>
<th>1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.</th>
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<tr>
<td>In Georgia, entry and employment of labour migrants are regulated by two legislative acts: Law on Legal Status of Foreigners and Stateless Persons and the Labour Code. So far, no specialised laws on labour migration matters exist, but on request of the Governmental Commission on Migration, the Ministry of Labour, Public Health and Social Support of Georgia developed draft Law on Labour Migration. Now, the draft Law is being agreed by different ministries and then it will be submitted to international organisations for expert assessment and improvement. It is necessary to regulate the sphere of labour migration - both for promotion of employment of Georgian residents (now, unemployment is the most pressing socio-economic problem of Georgia, and already scarce jobs are often occupied by illegal immigrants), and for protection of rights of labour migrants, as well as for international cooperation in the sphere of labour migration and for improvement of migration's efficiency for all parties involved (i.e. countries of origin, countries of destination, labour migrants).</td>
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<td>2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?</td>
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<tr>
<td>3. What is the most common type of labour migration in your country (in and outbound). For example circular migration, seasonal migration, long term, qualified workers?</td>
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<tr>
<td>4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.</td>
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<tr>
<td>5. What are the priorities of the national policy concerning labour migration in your country?</td>
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<tr>
<td>6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?</td>
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<tr>
<td>7. Are there specific state and or non-state actors protecting the right of</td>
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Rights of labour migrants?

Authorised to protect labour and health care rights of migrant workers in Georgia. As for the legal framework, the due legislation of Georgia prohibits discrimination of foreigners who reside in Georgia and they are granted rights to health care and social support services. Now, in necessary cases, rights of foreigners who reside in Georgia, are protected by the Public Defender's Office, as well as by human rights NGOs (e.g. the Association of Young Lawyers).

8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?

So far, Georgia has not concluded agreements on protection of labour migrants with other countries. However, the Parliament ratified several articles of the European Social Charter (Revised) of relevance to protection of rights of labour migrants.

9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?

Starting from December 2013, works are under way for establishment of the State Employment Service. In particular, in the framework of the Social Services Agency under the Ministry of Labour, Public Health and Social Support, the Department of Employment Programs was established - the sphere of its competence covers functions of establishment of employment centres at the municipal level. Now, the web-portal www.worknet.gov.ge is operational (the portal allows to register vacancies and job-seekers), in municipal departments of social services consultants were appointed (one consultant per department), however these developments are not sufficient for establishment of an efficient national employment service. These services will provide assistance to labour migrants residing in Georgia legally and entitled employment rights.
In June 2014 a new Code of Migration and Social Integration entered into force in Greece. It is a collection of all pertinent legislation on migration (Law 4251/2014) including for the first time in a single unified text

1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.

More specifically, in regard to labour migration management, according to the new Migration Code, Greece implements a system of volumes of admission of third country nationals/non EU citizens for the purposes of dependent/salaried employment, which are included in a joint ministerial decision issued every two (2) years setting the maximum number of jobs for salaried employment by Region and specialty jobs. For this decision to be issued, the opinions of competent bodies (Economic and Social Council of Greece; Greek Manpower Employment Organisation, the Regions of the country) are taken into consideration regarding the current employment needs in the Greek territory; these needs are defined mainly according to the following criteria: consultation between the Region authorities and employer agencies, the interest of national economy, the feasibility of the employment, the labour offer by Greek nationals, citizens of the European Union or legally residing in Greece third country nationals per specialty and the percentages of unemployment per section of employment.

On the basis of this maximum number, employers who wish to employ salaried staff should apply to the Decentralized Administration of their place of residence, submitting also i) a valid work contract of at least one year, where it is clearly mentioned that the monthly remuneration of the person to be employed will amount to at least that of an unskilled worker and ii) a tax certificate where it is evidenced that the employer can actually pay this remuneration. The General Secretary of the Decentralized Administration can only approve the employment of non EU citizens by the specific employee if the specialization in question is included in the aforementioned joint ministerial decision and the number allowed has not been covered already. This approval is being sent to the consular authority where the
employees concerned are informed to present themselves in order to sign the employment contract and receive their visa to enter the country.

Responsibilities are shared between Ministries as shown in the table below:

| Ministry of Interior | General Secretariat for Population and Social Cohesion | • migration policy and social integration for third country nationals  
| | Decentralized Administrations (former Regions) | • issuance of certain types of residence permits  
| | | • citizenship legislation and procedure  
| | | • first issuance and renewal of certain types of residence permits  
| Ministry of Labour, Social Insurance and Welfare | | • assessment of labour market needs  
| | | • recording of applications for invitations of third country employees  
| | | • establishing criteria for residence permits renewal (e.g. social insurance)  
| | | • Implementation of labour legislation through monitoring by the Labour Inspectorate  
| Ministry of Health and Social Solidarity | | • Access to  
| | | • Health services  
| | | • Welfare benefits
2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?

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<th>3. What is the most common type of labour migration in your country (in and outbound)? For example circular migration, seasonal migration, long term, qualified workers?</th>
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<tr>
<td>Although Greece has had a long history as a country of origin of migrants, it is now a country of destination for labour migration. Due to the characteristics of national economy and the structure of the labour market, low skilled migrants have been attracted especially in the sectors of tourism, agriculture and construction. Through the years, these sectors have provided jobs for large numbers of legal migrants enjoying social security rights in the country. Especially the sectors of agriculture and construction have benefited the most from this additional available work force. A large number of job openings lead to illegal entry in the country of persons seeking mostly seasonal employment. However, the economic crisis has affected especially the sector of construction and as a result a great number of workers have been unemployed; this has lead to an increase in the unregistered employment, a negative effect on employment conditions.</td>
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<th>4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.</th>
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<tr>
<td>Although not officially recorded, seasonal migration can be considered the most common type of labour migration in Greece due to the special characteristics of national economy. Tourism, agriculture, fisheries are three sectors of economic activity that are seasonal by nature and they attract migrant workers. Lately and under the circumstances shaped by the economic crisis, a circular migration movement can be detected from neighbouring Albania, since legal residents Albanian nationals move between their country and Greece to make the most of employment opportunities. Greece has entered into two bilateral agreements on seasonal labour migration, namely with Albania (1997) and Egypt (1984). These agreements regulate the cooperation between Greece and each contracting country on seasonal employment in sectors with increased needs for labor force during specific seasons of the year. As for the agreement with Egypt, it refers strictly to fisheries workers and has been implemented ever since.</td>
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5. What are the priorities of the national policy concerning labour migration in your country?

The main priority in recent years has been dealing with unemployment especially of young people. All efforts are being put forth to match labour force available in the country either Greek nationals, EU citizens or legally residing third country nationals with the real needs of the labour market, a task which is far from easy due to decreasing number of jobs because of the economic crisis. Efforts are being put forth to fight unregistered employment which has also an important effect on the national social security system.

6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?

A key objective of our policy regarding third countries nationals’ employment is to ensure their labor and social security rights protection and to combating undeclared work according to the existing legislation, that is L.4251/2014 (the Migration Code) and L.4052/2012 by which Directive 2009/52/EC on “imposing minimum standards on sanctions and measures against employers of illegally staying third-country nationals” is transposed into national legislation.

More specifically, in paragraph 1 of Article 15 of the Migration Code provides that a third country national who is granted a residence permit for employment shall be paid, at a minimum, the monthly wages of an unskilled worker. Also, in par. 2 of Article 21 of the same law provides that third-country nationals legally residing in the country enjoy the same social security rights as Greek workers and, therefore, enjoy the same benefits by the public social security organisations.

Furthermore, provisions in the Migration Code are a key tool for combating undeclared work of third country nationals. According to these, employment of illegally staying third country nationals is prohibited. In the case of infringements of the prohibition referred to, employers are subject to administrative sanctions (five thousand Euros (5,000) per illegally employed third country national) and criminal penalties (imprisonment of at least five (5) months). The purpose of these measures is to deter employers from employing illegally staying third country nationals and to reinforce their intention to employ regular third country nationals contributing, in this way, to the fight against undeclared work.
### HUNGARY

1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.

In September 2013 Hungary adopted its Migration Strategy and the seven-year strategic document related to Asylum and Migration Fund established by the European Union for the years 2014-2020. The migration trends and flows indicate that Hungary – situated in the junction of the main migratory routes from the East and South-East – is a country of transit migration. Hungary is in a specific situation as most of the foreigners living on its territory are ethnic Hungarians arriving from neighbouring countries. In accordance with the Strategic Principles on National Policy for Hungarian Communities, the founding principle of the Migration Strategy – as stated in the Fundamental Law of Hungary – is that Hungary feels responsibility for the Hungarians living outside its borders.

Third-country nationals primarily come for purposes of gainful (economic) activity to Hungary. Currently, the county development and training committees are involved in determining the needs of the national economy based on labour market information and employment data, but these assessments are used primarily for the development of national vocational training, not for attracting foreign labour for shortage occupations. Among the workers from third countries, the number of work permits issued to the nationals of neighbouring countries has decreased significantly. In parallel, the number of permits issued to workers from countries outside Europe has risen. The highest number of permits was issued for Chinese,

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| 7. Are there specific state and or non-state actors protecting the rights of labour migrants? | The Labor Inspectorate (line: 15512, [http://www.ypakn.gov.hu](http://www.ypakn.gov.hu)) and the Social Security Organisations Inspectorate are the competent state authorities for supervising the application of legislative provisions that safeguard migrant rights to employment and social security. |
| 8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries? | Greece ratified in 1984 and implements the 1961 European Social Charter which safeguards economic and social rights. |
| 9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment? | Third countries nationals who are legally residing in the country have the same rights and enjoy the same benefits in regard to national employment services and private employment agencies as Greek workers. |
Ukrainian and Serbian citizens in 2012. Because of national economic and demographic reasons it is necessary to stimulate the arrival of those coming with the economic purposes and purposes of carrying out gainful activities, as well as the range and number of incoming knowledge-based migration, but it is crucial to enforce safety aspects as well. For the safety of Hungary and the European Union, it is essential that a particular emphasis is given to the "controlled openness". It is necessary to take advantage of economic development opportunities of migration more efficiently by welcoming third-country national migrants that contribute to economic development by their investments, creation of jobs. Although it is still important to ensure the protection of the Hungarian labour force, however, based on the needs of our country’s economy and labour market, particularly observing stronger emigration of Hungarian labour in certain sectors, receiving additional migrant labour is a necessity. This concerns mainly skilled and unskilled manual labour as well as highly skilled intellectual workers, as long-term deficit show an increasing trend in these segments among the specific sectors of the labour market.

The decrease of number of third-country national employees from neighbouring countries is expected to continue, especially that ethnic Hungarians in neighbouring countries can acquire Hungarian citizenship by means of a simplified naturalization, while an increase in the number of third-country national workers from Asia is expected. As from 2014 after the transposition of the Directive 2011/98/EU of the European Parliament and of the Council, Hungary is applying a single application procedure for all the migrants coming to our country to work, and to a number of other migrants who also have a right to employment. A single permit is issued as a result of a single application procedure after the examination of the conditions of work and residence. Giving authorization for work and residence in one single procedure completely transformed the law and practice of authorization that affects the institutional structure as well.

<table>
<thead>
<tr>
<th>2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?</th>
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<tr>
<td>Hungary is rather a country of origin of labour migration. The labour emigration of Hungarians has grown since 2007 continuously therefore labour emigration is an issue of concern. The most important target countries are Germany, Austria and the United Kingdom but Scandinavian countries became important destinations especially for the highly skilled. Labour emigration appears to be most significant among younger workers and among health professionals. The Hungarian Government has introduced several measures in order to promote return migration, to prevent labour shortages in the health sector and to improve the labour market situation of youth. The proportion of foreign workers is relatively low in Hungary. On 31st December 2013 in total 72,354 foreign workers were present at the Hungarian labour market of which 19,348 persons (27%) were hired with a valid work permit (within 280 seasonal work permits) and 53,006 (73%) with registration. The number of the valid EU blue cards was three. Almost half of the foreign workers (46%) were Romanian, 13% Slovakian and 9% Chinese national. In Hungary labour market participation of immigrants is somewhat higher than of Hungarian nationals. According to the statistics of EUROSTAT employment rate of foreign citizens (15-64 yrs.) was 64.9% compared to 63.2% of Hungarians in 2013. There was a 2.5% gap between EU-citizens (65.3%) and non-EU-citizens (63.0%). The employment rate of EU-citizens was 2.1% higher while of non-EU citizens 0.2% lower than of Hungarians.</td>
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<th>3. What is the most common type of labour migration in your country (in and outbound). For example circular migration,</th>
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<tr>
<td>Traditionally, Hungary is a transit, source, and destination country of (regular and irregular) migration. Its geographical location, European Union membership and relative prosperity act as a pull factor for migrants from neighbouring countries. The main reason of immigration to Hungary is employment. Traditionally, labour migrants mainly come from the neighbouring countries, especially from Romania, Ukraine, Serbia and Slovakia. In the recent years the trends seem to begin to change – while labour migration from the neighbouring countries is year by year lower, the implication</td>
</tr>
</tbody>
</table>
seasonal migration, long term, qualified workers? of third-country workers – especially from China – is growing. Citizens of the European Economic Area do not need a work permit to access the Hungarian labour market; however, their employers have to register the fact of the employment at local employment centres. Third country nationals – with some exemptions – do have to hold a valid work permit, which entitles to be employed at a certain employer in the same job up to 2 years. However, workers posted by an EEA undertaking with the nationality of a third country do not require a work permit. The main approach of the work permit system is that third country employers can enter into jobs that cannot be filled in with Hungarian or EU nationals. Despite the recent labour shortages in certain sectors and further shortages in the long term, there is no strategy or common policy approach on the management of labour immigration. However, such a strategy could successfully handle the mismatches between labour supply and the labour market needs.

The most important target countries of Hungarian workers are Germany, Austria and the United Kingdom but Scandinavian countries became important destinations especially for the highly skilled. Labour emigration appears to be most significant among younger workers and among health professionals.

4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.

With Hungary’s EU accession, as a result of the opening of the member states’ labour market the old bilateral labour migration agreements with the neighbouring countries were no longer required and consequently these agreements expired. Consequently, there are no international agreements Hungary has concluded specifically on labour migration, yet the so-called Working Holiday Scheme Agreements are related to employment of third-country national.

The Working Holiday Scheme (WHS) agreements are important types of bilateral employment agreements. The working holiday program 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 but the primary reason for the visit is the holiday. WHS Agreement was established with New Zealand in 2011, with the Republic of Korea in 2012 and with Taiwan in 2014. Hungary is currently negotiating WHS Agreements with Australia, Canada, Japan, Argentina and Chile.

5. What are the priorities of the national policy concerning labour migration in your country?

The Hungarian Migration Strategy, adopted in September 2013, emphasizes the fact that although the foremost priority is still to ensure the protection of the national labour force, based on the needs of the country’s economy and labour market, receiving additional migrant labour is a necessity. Attracting knowledge-based migration is also set as a goal, but there is no developing tendency of highly qualified third-country nationals applying for the EU Blue Card, as a possible way to gain residence permit in an EU country.

6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?

According to Act IV of 1991 on facilitating and employment and supporting unemployed sets out provisions on the rights of migrant workers as well. Beneficiaries of international protection as well as third-country nationals having gained long-term residence right in Hungary, furthermore those having the right to free movement and residence have the same rights and obligations as Hungarian nationals according to the law. Based on the Single Permit Directive (2011/98/EU) migrant workers, who have had their residence permit for six months also enjoy the same rights and have the same duties as Hungarian nationals regarding being registered as unemployed and the support to unemployed. Those being employed are secured by the National Health Security System. Rules on general prevention of discrimination apply in Hungary regardless of nationality. The Equal Treatment Authority conducts proceedings if the principle of equal treatment might have been violated either at the request of the injured party or upon its own motion (ex officio) in cases set forth by law in order establish whether any discrimination occurred. Ombudsman can also be turned to equally by Hungarian and foreign nationals.

7. Are there specific state and or non-state actors protecting the

In February 2012 the government established the Human Rights Working Group. Its main task is to monitor the human rights enforcement in Hungary, engage consultation with civil society organizations, advocacy and professional organizations, as well as constitutional bodies and also to help communication related to the enforcement of human rights.
### Rights of Labour Migrants?

The Equal Treatment Authority conducts proceedings if the principle of equal treatment might have been violated either at the request of the injured party or upon its own motion (ex officio) in cases set forth by law in order to establish whether any discrimination occurred. Ombudsman can also be turned to equally by Hungarian and foreign nationals. In compliance with the provisions of the Single Permit Directive (2011/98/EU) migrant workers also equal treatment as for the right to freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation. Among such associations, trade unions, e.g. LIGA, Democratic League of Independent Trade Unions from Hungary, can also represent the rights of migrant workers.

There are also further non-state actors taking actions to represent the interests and rights of migrants towards the political, administrative, governmental and municipal bodies and in the media. Menedék - Hungarian Association for Migrants was established in January 1995 as a civil initiative, the Association operates as a non-profit organisation, independent from governmental institutions. Similarly, the Hungarian Helsinki Committee also advocates equal treatment. International organizations, such as IOM and UNHCR, having offices in Budapest, are also very active in carrying out activities in the protection of migrants.

### 8. Which International Agreements (or other forms of cooperation) on Rights of Labour Migrants Has Your Country Concluded with Other Countries?

Over the last decades, Hungary concluded bilateral social policy and social security agreements with several countries, a number of which has been replaced by EU coordination regulations. The main point of agreements on social security (Hungarian-Canadian, Hungarian-Croatian, Hungarian-Montenegrin, Hungarian-Bosnian, Hungarian-Korean, Hungarian-Québec and Hungarian-Mongolian agreements) is that if one is eligible for provision under the national law of the given country, then it is national entitlement that will be established. If an applicant is not eligible on their own right for national benefits, the service time acquired in the two countries will be added up and the pension portion appropriate to the ratio of the service time acquired in the given country to total service time will be established and disbursed.

Social policy agreements can be based on the territorial principle (Hungarian-Soviet agreement) or they can be pro-rated agreements on social policy (Hungarian-Czechoslovakian, Hungarian-Yugoslavian agreements). The essence of the agreement based on the territorial principle is that claims are settled by the competent institution of the state in which the applicant resides on the basis of the service/insurance time acquired in both countries. The scope of the Hungarian-Soviet agreement includes the former Soviet Successor States, with the exception of Latvia, Estonia, Lithuania, Uzbekistan, Moldavia, Belarus and Azerbaijan. The core concept of the agreements founded on the principle of pro-rated assumption of charges is that the service time acquired in the two countries is added up in all cases; however, the competent organs of each country only establish and disburse the pension part appropriate to the ratio of the service time acquired in the given country to total service time. With respect to the successor countries the provisions of the Hungarian-Soviet and the Hungarian-Yugoslavian agreement must be applied with certain exceptions.

### 9. What Are the Roles of the National Employment Services (or Equivalent Bodies) and Private Employment Agencies (If Existent) in the Process of Migrant Employment?


The permit is to be issued by Office of Immigration and Nationality, labour centres are involved as specialized authorities. Labour centres are responsible for carrying out a labour market test in 15 days that is checking of national or EU work force is available for the specific vacancy in which a third-country national is to be employed. Further compliance with Hungarian employment rules are also checked by the Hungarian employment services during the single application procedure. Based on the result of the labour market test and checking other employment criteria, employment authorities send their official position whether they give their consent to the employment of the third-country national or not. After gaining residence and work rights and staying in the country for more than 6 months third-country nationals also gain the right to get access to all the services of employment centres.
Besides the single application procedure, the issuance of separate work permit is still applicable in certain cases. The most important difference between the two permit processes is the length of the employment. If it takes more than 90 days the single permit process has to be applied (with certain exceptions). If the employment is shorter than 90 days, the employer should issue the work permit for the foreign worker at the labour centres.

**LATVIA**

1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.

For the immigration of labour the labour market test is applied to ensure protection for the low qualified jobs as the wage requirements are set. Employer has to register the vacancy at the State Employment agency (SEA) and if the vacancy is not filled with suitable candidate within one month, employer may ask The Office of Citizenship and Migration Affairs to approve invitation for visa request or a sponsorship for request of residence permits to a foreigner.

There are specific conditions regarding the employment of third country nationals - when preparing an employment contract, the employer has the duty to request that a third-country national presents a visa or residence permit, as well as a work permit, if in accordance with regulatory enactments such permit is necessary. This regulation shall not apply to citizens and persons who have free rights of movement in accordance with Article 2(S) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (Section 53 (3) of Labour Law). In those cases when third country national is employed legally (according to the binding legal enactments), all conditions of Labour Law is applicable. It is prohibited to employ third country nationals may be employed only if they have not received a work permit, except in the cases specified in regulatory enactments. It is prohibited to employ a person who is not entitled to reside in the Republic of Latvia (Section 37 of Labour law). Section 75 1 of Labour law states: “If an employer has employed a person who is not entitled to reside in the Republic of Latvia, he or she has the duty to pay this person all the unpaid work remuneration.” Additionally Section 41(3) of Labour law prescribes that in case the employer does not ensure entering into an employment contract in writing and the employer or the employee cannot prove other duration of existence of employment legal relations, specified working time and work remuneration, it shall be considered that the employee has been employed for three months already and that a normal working time and minimum monthly salary has been specified for him or her.

Latvia has successfully transposed the requirements of Directive 96/71/EC into Labour law. Thus Section 14 of Labour Law sets out the general principles concerning the posting of an employee. In short - if an employee has been sent to perform work in Latvia, irrespective of the law applicable to the employment contract and the existing employment relationship, such employee is entitled to benefit from the working conditions and employment provisions provided for by Latvian law, as well as by collective agreements which have been recognized as generally binding, and which regulate the following:

- minimum annual paid leave;
- minimum wage rate, as well as supplementary payment for overtime work;
- provisions regarding securing workforce, especially through work placement agencies;
- safety, health protection and hygiene at work;
- protection measures for persons under 18 years of age, pregnant women and women during the period following childbirth, as well as the provisions of work and employment of such persons;
- equal treatment of men and women, as well as prohibition of discrimination in any other form.
### 2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?

Latvia may be characterised currently as a labour sending country. The most recent wave of emigration is associated with the economic crisis, which affected Latvia much more than most European countries. Although the assumptions on the emigrants differ, according to Population Census data, from 2000 to 2010 the number of emigrants exceeded 220 thousand. Main target countries include the UK, Ireland, Germany, Russia, Norway, and Sweden. The key sectors include agriculture, construction, care services (inc. au pair).

Emigration was mainly caused by high unemployment (25% at the end of 2009) and wage rate differences in other countries. One of the solutions for Latvians (also highly skilled and educated) was seeking a job abroad. Lack of jobs and low earnings remained the main reasons for emigration, yet non-economic reasons (uncertainty, general dissatisfaction, etc.) have gained importance, especially among university graduates. One of the drivers for emigration has been the formalization of national communities in particular destination countries which facilitate the overall integration (social network effect) and decreasing migration costs.

The recent data show that the largest share of emigrants in 2013 (18.7 thousand or 82.8%) were aged 15 to 61 years of age; in 2012 this indicator was 81.3%. It should be pointed out that almost 23% of emigrants at working age or 4.3 thousand were aged 15-24, and this number is not decreasing (in 2012, 4.2 thousand young people aged 15-24 left the country).

While heavy emigration may provide limited short-term relief to the region’s unemployment problems, the region’s demographic issues may pose serious economic and political challenges over the long run. This hurts human capital, as it makes it more difficult to build a sufficient workforce in the knowledge economy, as it has already been shown through the concept of the “brain drain”.

### 3. What is the most common type of labour migration in your country (in and outbound)? For example, circular migration, seasonal migration, long term, qualified workers?

27% of emigrants who emigrated because of crisis, have higher education. Also the share of university graduates among returnees (18%) is lower than among emigrants, suggesting that emigrants with higher education are less likely to return. Brain drain is also influenced by high school graduates who emigrate to study abroad. As reported in various surveys, on average, 8% of emigrants intend to (or would like to) return within six months while about 20% of emigrants entertain the possibility to return in five years.

Regarding immigration to Latvia mostly skilled and highly qualified migrants apply for a right to employment, e.g., truck drivers, ship construction specialists, IT specialists, managers, etc. The concept of circular migration has not been introduced into national legislative acts. In spite of the fact that seasonal employment is allowed, foreign seasonal workers are not usually being employed as there is relatively high unemployment rate in Latvia and employers are not interested to employ foreign nationals for a short period of time.

### 4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.

n/a
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>5. What are the priorities of the national policy concerning labour migration in your country?</td>
<td>The implementation of the „Remigration support measure plan for year 2013-2016“ has been launched in 2013 with an aim to support those Latvian nationals and their families 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. The goal of the plan is to provide information and consultations as well as ensure coordinated and quality public and local government services to those people who have decided or are planning to return to Latvia and to reinforce their ties with Latvia while they are living in their host-country.</td>
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<tr>
<td>6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?</td>
<td>The principle of equal rights is defined in the Labour Law by stating that everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair work remuneration. The rights provided shall be ensured without any direct or indirect discrimination – irrespective of a person’s race, skin color, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation or other circumstances. Differential treatment is prohibited when establishing employment legal relationships, as well as during the period of existence of employment legal relationships, in particular when promoting an employee, determining working conditions, work remuneration or occupational training or rising of qualifications, as well as when giving notice of termination of an employment contract.</td>
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<tr>
<td>7. Are there specific state and or non-state actors protecting the rights of labour migrants?</td>
<td>The State Labour Inspectorate implements state supervision and control in the field of employment legal relationships and labour protection. Labour Inspectorate possesses the authority to impose administrative fines on employers not respecting applicable labour laws. According to Section 10 (3) of Associations and Foundations Law, an association and a foundation the articles of association of which have specified goals towards the protection of human rights or individual rights, has the right with the consent of the injured natural person to turn to institutions or to a court and defend the rights or lawful interests of such persons in matters, which are related to the violations of the prohibition of unequal treatment, or with employment of such persons who are not entitled to stay in the Republic of Latvia.</td>
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<tr>
<td>8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?</td>
<td>n/a</td>
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<tr>
<td>9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?</td>
<td>Migrants are entitled to receive the same rights to the support for the unemployed persons and for persons seeking employment, including being involved in active employment measures and preventative measures for unemployment reduction as nationals. List of person categories who have the right to receive the support for unemployed persons, persons seeking employment and persons subject to the risk of unemployment in order to facilitate their ability to compete in the labour market: 1) a Latvian citizen or Latvian non-citizen, or a person who has a permanent residence permit in Latvia or the spouse of the referred to person who has a temporary residence permit in Latvia; 2) a citizen of the Member States of the European Union or a state of the European Economic Zone, or the Swiss Confederation, or a family member of the referred to person who have a European Union citizen family member residence permit or European Union citizen family member permanent</td>
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residence permit in Latvia;

3) a person who has a temporary residence permit in relation to the granting of alternative status in Latvia, or a family member of the referred to person who has a temporary residence permit in Latvia;

4) a person who has a permanent residence permit in relation to the granting of refugee status in Latvia, or a family member of the referred to person who has a permanent residence permit in Latvia;

5) a person who has a European Community long-term resident residence permit in relation to the granting of European Community long-term resident status in Latvia, or the spouse of the referred to person who has a temporary residence permit in Latvia;

6) a person who has a temporary residence permit in relation to the granting of temporary protection status in Latvia;

7) a person who has a temporary residence permit in relation to the performance of scientific work in Latvia;

8) a person who has a temporary residence permit in relation to the granting of victim of traffic of human beings status in Latvia;

9) a person who is a holder of a European Union blue card, residing in Latvia during the validity term of the card (hereinafter – person, who is a holder of a European Union blue card).

As lack of Latvian language skills is mentioned being an obstacle for integration of migrants into the labour market, Latvian language training is offered by the SEA (4 programs available, 5.7 thousand participants in 2013, plan for 2014 – 3.9 thousand).

**LITHUANIA**

1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.

The Law on the Legal Status of Aliens, which came into force on 30 April 2004, is the main national legal act that currently regulates issues relating to foreigners migration management. From the start of the EU membership, Lithuanian migration policy (with the exception of emigration and reversed migration) has been fundamentally determined by obligations, where respective EU provisions are transposed into national legislation.

The reviving economy in 2004-2008, intensive emigration and the increasing demand for workforce, then trends of immigration to Lithuania have moved upwards, which has resulted in the need of certain legislation (the following documents were adopted: the Economic Migration Regulation Strategy; the Lithuanian Immigration Policy Guidelines, NOT VALID ANYMORE!). The key objectives and principles of the migration policy, as well as defining major policy trends are set in the Lithuanian Migration Policy Guidelines.

Lithuania has ensured the application of the principle of free movement of persons to EU and European Free Trade Association Member States nationals and their family members, and it has simplified procedures for residence in Lithuania for the aforementioned citizens and their family members.

Third country nationals (hereinafter referred to as foreigner) to live and work in Lithuania must obtain temporary residence permit and work permit.

Following the Law on the Legal Status of Aliens’, currently, temporary residence permits for foreigners are issued for one year on grounds that include family reunification, employment, studies and lawful business operations in Lithuania, and can later be prolonged for a period of one year. A long-term EU residence permit for the Republic of Lithuania is issued after a person has lived in the country continuously for 5 years using
temporary residence permits and has complied with other conditions for permanent residence (such as knowledge of the national language and the basics of the Constitution of the Republic of Lithuania). In 2008-2012, the right to permanent residence was granted on average to 500-700 foreigners annually.

Following the Law on the Legal Status of Aliens’ a foreigner must obtain a work permit before his entry to the Republic of Lithuania. A work permit is a document allowing a foreigner to work in Lithuania for an indicated period of time and shall be issued to a foreigner and revoked by the Lithuanian Labour Exchange under the Ministry of Social Security and Labour of the Republic of Lithuania. The conditions and procedure for issuing work permits are being set by the Minister of Social Security and Labour, upon co-ordination with the Minister of the Interior.

A work permit shall be issued for a period of up to two years specifying the job (position) and enterprise/or organization where the foreigner will be employed, for seasonal employment - up to six-month period in a year from the first day of entry in Lithuania, for employment as an intern or trainee - for a period of one year.


Following the Register of Foreigners, 33.3 thousand foreigners lived in Lithuania in the beginning of 2013, thus accounting for 1.1 per cent of the population. Some 3.3 thousand of these were citizens of the EU and European Free Trade Association Member States, including nearly half of the residents that were from Latvia, Poland and Germany. The other 30000 were from other countries, including two-thirds from Russia, Belarus and Ukraine.

<table>
<thead>
<tr>
<th>2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?</th>
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<tr>
<td>According to the Statistics Lithuania, only a third of all the immigrants to Lithuania are from the EU (mainly from neighboring Poland and Latvia), but their number is growing. The number of third-country immigrants is still prevalent (70 per cent of immigrants in 2012), with the absolute majority from Russia, Belarus and Ukraine. Before 2011, most temporary residence permits were issued on the grounds of family reunification. The situation is changing as the economy rebounds. The main reasons for issuing permits in 2012 were on employment grounds or for engagement in lawful operations (48 per cent); and for family reunification (39 per cent). The number of immigrant students is growing continuously (426 temporary resident permits were issued on this basis in 2010, compared with 1316 in 2011 and 1331 in 2012). The recent years have seen a growing number of temporary residence permits issued on the grounds of other lawful operations, which do not require a work permit: 1900 permits were issued in 2011 (including 993 issued to foreigners on first visit or revisiting), compared with 2800 in 2012 (including 1700 issued to foreigners on first visit or revisiting). The rate of labour immigration in Lithuania is considerably low as regards labour market demands, and is mostly concentrated in several industries. The number of foreigners who immigrate on the grounds of employment is closely related to economic indicators. Before the recession, the number of work permits issued to foreigners was on a rapid rise (nearly 8000 work permits were issued in 2008), which showed a significant slowdown during the recession (1800 work permits - in 2010). The number of foreign employees has grown with the revival of the economy (4600 work permits were issued in 2012; 5036 - in 2013). According to the data of Lithuanian Labour Exchange, almost all foreign workers are employed in the sectors of service (85 per cent in 2013) and manufacturing (14 per cent). Most work permits were issued (extended) to international logistics specialists, vessel hull welders, metal vessel hull assemblers and restaurant chefs; permits are required in other economic sectors as well. Foreigners made 2.6% of all persons employed in 2013.</td>
</tr>
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</table>
The number of immigrating highly-qualified workers is low. 2014 before the 1 September 78 temporary residence permits (on employment grounds) were issued to highly-qualified labour force. (40 - in 2013).

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

Work permits, issued to aliens, by countries 2012-2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Country</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>2012</td>
<td>Ukraine</td>
<td>42%</td>
</tr>
<tr>
<td></td>
<td>Russia</td>
<td>3%</td>
</tr>
<tr>
<td></td>
<td>China</td>
<td>4%</td>
</tr>
<tr>
<td></td>
<td>India</td>
<td>1%</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>3%</td>
</tr>
<tr>
<td>2013</td>
<td>Ukraine</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>Russia</td>
<td>2%</td>
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<tr>
<td></td>
<td>India</td>
<td>1%</td>
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<tr>
<td></td>
<td>China</td>
<td>2%</td>
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<tr>
<td></td>
<td>Sri Lanka</td>
<td>1%</td>
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<td></td>
<td>Georgia</td>
<td>1%</td>
</tr>
</tbody>
</table>

3. What is the most common type of labour migration in your country (in and outbound). For example circular migration, seasonal migration, long term, qualified workers?

The most common type of Labour migration in Lithuania is circular migration.

4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content

Lithuania has bilateral agreements with Ukraine and Russia on mutual employment of citizens. The main provisions are that the citizens of contracting parties, who are posted to the other party for work, are subjects to the legislation of the state of work; they have to obtain a work permit, etc. In practice matters regarding foreigners living and working in Lithuania are regulated by the Law on the Legal Status of Aliens, Labour Code of Lithuania and other related legal acts.
<p>| <strong>5. What are the priorities of the national policy concerning labour migration in your country?</strong> | The Republic of Lithuania, being a European Union member state, keeps to the following principle: to admit as many economic migrants as necessary considering the internal labour market needs. Economic immigration of third-country nationals should not promote the economic emigration of the member state nationals. Following the Law on the Legal Status of Aliens’ work permit shall be issued to a foreigner taking into account the needs of the Lithuanian labour market, if there is no specialist in Lithuania meeting the qualification requirements set by employer. |
| <strong>6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?</strong> | In Lithuania all forms of forced and compulsory labour are prohibited. In Lithuania it is also regulated that all workers in Lithuania can not be discriminated. These articles are applicable for all workers, including migrant workers. Legal acts of the Republic of Lithuania implement provisions of the Directive 2009/52/EB of the European Parliament and of the Council providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. Labour laws, other regulatory acts and collective agreements shall be exercised and prevention of infringements of the said acts shall be effected by the State Labour Inspectorate and other institutions, within their competence established by laws. Non-state control over compliance with labour laws, other regulatory acts, collective agreements shall be exercised by trade unions, inspectorates within their chain of command and other institutions operating in accordance with laws and other regulatory acts. Trade unions may be founded by Lithuanian nationals and foreigners who have legal capacity. |
| <strong>7. Are there specific state and or non-state actors protecting the rights of labour migrants?</strong> | There is no specialized state institution which solely focuses on the protection of the rights of labour migrants. However institutions within their competence established by laws, such as the Office of Equal Opportunities Ombudsman takes overall responsibility for the supervision and implementation of the Law on Equal Treatment (2005) in Lithuania, investigates individual complaints on the grounds of gender, age, racial or ethnic origin, religion and beliefs, disability, sexual orientation, language, social status. Unfortunately, in Lithuania no specialised non-governmental organisation is solely focused on the issues of migrant workers or promoting their rights as well. Nevertheless some non-governmental organisations, such as, Lithuanian Red Cross Society plays a huge role improving the situation of foreigners in Lithuania and to ensuring effective implementation of their rights. In collaboration with various non-governmental organisations and government agencies, the Lithuanian Red Cross Society implements projects aimed at improving the integration of migrants. The main focus is on the social assistance, legal advice, psychological counselling, Lithuanian language training. |
| <strong>8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?</strong> | See question 4. |
| <strong>9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?</strong> | Being responsible for issuing work permits, cooperation with employers and provision information related to recruitment of aliens, national employment services play the crucial role in the process of migrant employment. |</p>
<table>
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<th><strong>LUXEMBOURG</strong></th>
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<tr>
<td><strong>1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.</strong></td>
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</table>
| The amended law on the free movement of persons and immigration law of August 29, 2008 is the legal framework regarding legal migration in Luxembourg.  
NB: In 2013, 86.2% of non-Luxembourg nationals are citizens of the European Union and 13.8% are nationals of third countries. 44.2% of domestic employment is provided by cross-border workers. |

| **2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?** |
| In 2013, the Directorate of Immigration has issued a total of 4,781 first residence permits and, in parallel, renewed 4,720 residence permits, while in 2012, 4,390 first residence permits were issued. These figures represent an increase of 8.9% between 2012 and 2013. The characteristics correspond to nationalities, which are dominated by Cape Verdeans and Brazilians.  
The positive impacts of labor migration are diversity in the labor market and the fact that the level of expertise at national level and the number of researchers can increase through third countries. In addition, the requirements of the Luxembourg labor market can then be completed at all levels. Consideration is the need for additional integration measures.  
Historically speaking, Luxembourg is more of a country of destination than country of origin. |

| **3. What is the most common type of labour migration in your country (in and outbound). For example circular migration, seasonal migration, long term, qualified workers?** |
| The most common are long-term residents and family members. Regarding the situation of third-country nationals applying purely for a residence permit to work in the Grand Duchy, the residence permit for employment is well ahead, with Brazil and Cape Verde as dominant nationalities. Moreover, the EU Blue Card also attracts third-country nationals to Luxembourg, including the United States, India and Japan as the dominant states in this category. For the IT sector, it is mainly Indian and Chinese nationals while for the finance sector, it is mainly Chinese. |

| **4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.** |
| No |

| **5. What are the priorities of the national policy concerning labour migration in your country?** |
| Shortages of labor are phenomena specific for every MS and thus reflect national priorities. The categories identified include high-level experts and highly qualified people. |

<p>| <strong>6. How do you ensure equal</strong> |
| The aforementioned law provides for a working relationship conform to the requirements laid down by the labor law. Moreover, the issue of |</p>
<table>
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<tr>
<th><strong>treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?</strong></th>
<th>exploitation is covered by the provisions on trafficking and smuggling of human beings.</th>
</tr>
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<tbody>
<tr>
<td><strong>7. Are there specific state and or non-state actors protecting the rights of labour migrants?</strong></td>
<td>The Ministry of Labour has an assignment on labor law and working conditions, which generally covers this issue. The unions are also involved in the issue of workers' rights. A number of NGOs are also engaged in the field of protection of human rights.</td>
</tr>
<tr>
<td><strong>8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?</strong></td>
<td>The Agency for the development of employment in Luxembourg is reviewing the employment situation with a “market test” to ensure that no national candidate or EU citizen is available to fill the position within a determined timeframe. This is the rule of &quot;Community preference&quot;.</td>
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**MOLDOVA**

<table>
<thead>
<tr>
<th><strong>1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.</strong></th>
<th>Laws and regulations of the Republic of Moldova in the sphere of international labour migration. Sound governance in the sphere of labour migration is associated with coordinated laws, policies and institutions pertaining to management of labour migration management. Political objectives of migration management include development of a sound labour migration policy, underlying laws and regulations, and promotion of efficient labour migration management, based on international instruments and social dialogue. At the contemporary stage, the following key legislative acts cover the sphere of labour migration: Law # 180 of 10.07.2008 on Labour Migration; Law # 200 of 16.07.2010 of the Regime for Foreigners in the Republic of Moldova; Law # 270 of 18.12.2008 on Asylum in the Republic of Moldova; Law # 269 of 09.11.1994 on Departure from the Republic of Moldova and Entry to the Republic of Moldova;</th>
</tr>
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</table>
Law # 274 of 27.12.2011 on Integration of Foreigners in the Republic of Moldova;
The National Strategy in the Sphere of Migration and Asylum (2011 - 2020);
The Action Plan for 2011 - 2015 for Implementation of the National Strategy in the Sphere of Migration and Asylum (2011 - 2020);

Reorganisation of some competent public agencies and migration-related developments of 2006 necessitated development of a new legislative framework to provide a qualitatively new norms for labour migration management and to facilitate more efficient development in the sphere.

In particular, Law on Labour Migration was drafted in connection with the need to unify in a systemic manner multiple laws and regulations applicable to the labour migration sphere. Many of these legal acts were outdated or contradictory, and such a situation resulted in legal gaps and facilitated illegal migration.

In addition, the Republic of Moldova ratified and enacted ILO Convention # 181 on Private Employment Agencis (2001), ILO Convention # 97 on Migration for Employment (2005), the European Convention on Legal Status of Migrant Workers (2006) - as a result, the country needed to harmonise the national legislation with European and international standards.

Provisions of Law on Labour Migration meet principles of the above conventions and the Action Plan for Implementation of the National Strategy in the Sphere of Migration and Asylum.

Draft Law on Labour Migration includes 27 articles in 5 chapters and two annexes:

Chapter I. General provisions defining the subject matter and the sphere of application of the Law.

In order to ensure compatibility with international practices of labour migration, with provisions of treaties and conventions in the sphere ratified by the Republic of Moldova, the range of persons who are exempt from requirements of the Law was extended, including:

a) arts and culture figures in short-term visits (up to 90 days);
b) freelancers;
c) sailors;
d) persons who enter the country/depart from the country for education or training;
e) foreign nationals and stateless persons who reside permanently in the Republic of Moldova;
f) citizens of the Republic of Moldova who reside abroad permanently;
g) religious figures/workers.

Chapter II. Labour migration of foreign nationals and stateless persons to the Republic of Moldova. The Chapter contains provisions on terms of immigration of foreign nationals and stateless persons to the Republic of Moldova for employment purposes, rules of documenting and employment of persons of the above category.
According to principles set in Law # 235-XVI of 20.07.2006 on Main Principles of Regulation of Business Activities, the draft Law lists all necessary documents that must be submitted for issuance/extension of employment permits.

It is worth to note, that the Chapter contains some provisions associated with certain documentation-related privileges for some foreign nationals at managerial positions in investment entities - the preferences depend on amounts of the investments made. In particular, foreign nationals who invested more than $250 thousand, are granted rights for employment and temporary stay for purposes of employment up to 5 years (with possible extension to a new term), while other categories of foreigners are granted these rights for 1 year only.

In addition, it was important to amend the Law by provisions to close legal gaps associated with labour activities of posted workers. The due laws and regulations do not specify clear terms and conditions for posted foreign nationals and stateless persons - such a situation might cause disputes and damages for economic actors operating at the territory of the Republic of Moldova.

In order to protect the national labour market, the draft Law provides for terms and conditions of labour immigration of foreign nationals and/or stateless persons into the Republic of Moldova. In particular, labour immigration is allowed in cases when vacancies cannot be filled by national employees. To this end, the Law stipulates that employers must register their vacant jobs in territorial employment agencies and post their employment offers in newspapers with nation-wide circulation, specifying necessary qualifications and wages offered. In such a way, employers may apply for employment of foreigners only if local labour is not available.

**Chapter III. Temporary employment of citizens of the Republic of Moldova abroad. The Chapter deals with management of labour emigration of citizens of the Republic of Moldova.**

It is worth to emphasise importance of coordinating activities of private employment agencies that employ citizens of the Republic of Moldova abroad. Chapter III of the draft Law includes provisions that ensure efficient coordination of employment agencies, setting clear conditions for granting, termination and withdrawal of licenses for operations in the sphere of mediation in employment abroad; as well as provisions that specify rights and duties of private employment agencies.

In order to ensure registration of persons who depart abroad for employment, the Law requires economic actors that mediate in foreign employment of citizens of the Republic of Moldova to provide quarterly reports to the National Employment Agency and the National Statistics Office on persons who were provided employment mediation services and who were employed abroad.

In order to reduce numbers of underage children left by their parents who migrate abroad for employment, the Law stipulates that such parents are obliged to submit declarations issued by competent district/sector bodies in charge of children welfare in their places of residence certifying that their children were duly registered - the declarations should be submitted to the National Employment Agency.

**Chapter IV. Supervision and control of compliance with the labour migration law**

**Chapter V. Finalising and transitional provisions.**
As an important safeguard for protection of rights of citizens of the Republic of Moldova who emigrate abroad for employment, the annex to the draft Law contains minimal provisions of individual labour contracts, as well as mandatory terms and conditions of agreements on cooperation between foreign mediators/ employers and private employment agencies that mediate in foreign employment of citizens of the Republic of Moldova.

After the impact assessment of Law of the Republic of Moldova on Labour Migration (Law # 180-XVI of 10.07.2008), the Ministry of Labour, Social Protection and Family developed a draft Law on introduction of changes and amendments into the Law on Labour Migration. In particular, the amendments allowed to reduce substantially the necessary time for processing and issuance of documents to foreigners, to extend validity terms of residence permits for foreigners depending on amounts of investments, to reduce the range of necessary documents for documenting foreigners, to eliminate labour immigration quotas and to set special conditions for foreigners in business trips for up to 90 days. The Parliament approved the draft Law on December 26, 2012; and its new provisions became effective since January 15, 2013.

According to provisions of Law # 274 of 27.12.2011 on Integration of Foreigners in the Republic of Moldova, foreigners are granted access to different services:
Access to health care services - foreigners and stateless persons who are employed in the Republic of Moldova based on individual labour contracts, as well as foreign nationals and stateless persons who reside in the Republic of Moldova, have the same rights and duties in connection with access to health care services as citizens of the Republic of Moldova, according to the legislatively set conditions.

Access to the social support system - foreigners have access to the state social insurance system and to the national social support system according to legislatively set conditions equally with citizens of the Republic of Moldova.

Access to education - foreigners have access to pre-school, primary and secondary education on the same conditions as citizens of the Republic of Moldova.

Conditions of access to secondary professional, secondary special and higher education are regulated by law.

2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?

The RM Government neither facilitates, nor limits international movements of Moldavian citizens. No specialised programs are used in the sphere, except bilateral agreements on promotion of labour emigration of Moldavian nationals. As for potential migrants, contemporary activities in the sphere seek to provide them information on working/living conditions in EU and CIS countries, including information on potential risks involved. The State Employment Service and its territorial offices provide information and consultations to promote free movement of labour. The above services include, in particular, support for job seekers and provision of information on working/living conditions abroad. Measures to minimise adverse impacts of emigration were particularly focused on our nationals, accounting for their return to Moldova after short-term migration.

We consider family separation and shortage of specialists in some economic sectors as main adverse effects of migration.

According to a study of the RM Ministry of Labour, Social Protection and Family (the study was implemented with support of the relevant Italian
Labour outflows result in some tensions at the national labour market, particularly in construction, light industry, education and health care sectors.

As positive effects of migration we consider opportunities to study new practices in different spheres non-existent in our country, to invest savings and launch or develop own businesses (relevant operational programs include PARE 1+1, IFAD agricultural projects, etc.).

The Republic of Moldova is mainly a country of origin of labour migrants, who mainly migrate to the East (to the Russian Federation) and to EU countries (Italy, France, Greece, Portugal, Spain). Smaller shares of migrants work in Israel or in North America. Now, in connection with imposition of limitations for entry of our nationals to the territory of Russia, we expect reorientation of labour migration flows to other countries, maybe to EU countries (in connection with visa liberalisation).

Besides that, RM is also a country of destination. According to the Extended Migration Profile Report (2012), more than 20 thousand foreigners work now in RM (mainly from Turkey, China and NA countries). In recent years, due to development of different large-scale investment projects, the number of foreign workers (mainly qualified specialists) increased.

With support of one Mobility Partnership project, 3 information centres and a hot line service were launched and operate. Another project - NEXUS - also launched 3 information and consultation centres. The centres focus on provision of practical information to nationals who return from other countries - the information should facilitate their return to Moldova and their successful reintegration at the labour market and in the social sphere.

**3. What is the most common type of labour migration in your country (in and outbound). For example circular migration, seasonal migration, long term, qualified workers?**

<table>
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<tr>
<th>Most common forms of migration in RM include circular migration to Russia and long-term labour migration to EU countries. In the case of Russia, the majority of migrants work for 3 months, return and after a short break depart to work again, often for another employer. Labour migration in the construction sphere is of a seasonal pattern - from April to November.</th>
<th>The program for organised circular migration was discussed in the course of negotiations on a draft agreement on labour migration with Russia. However, the agreement has not been signed yet, notwithstanding that the both Parties completed their internal procedures in 2012.</th>
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<tr>
<td>In Moldova, mainly qualified foreign specialists work (in connection with implementation of different investment projects or in free economic zones).</td>
<td>In 1994, in the framework of CIS, the Inter-governmental Agreement on Cooperation in the Sphere of Labour Migration and Social Protection of</td>
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Migrant Workers. The Agreement regulates main spheres of cooperation of CIS countries in the area. As an important aspect, the Agreement provides for mutual recognition of diploma and work records. Working conditions are regulated by labour legislation of a country of employment.


The main objective of the Agreement and its Implementation Protocol was (and still is) associated with ensuring legal employment process - to be fair, transparent and well informed for citizens of the Republic of Moldova who seek employment in Israel.

According to the Agreement and its Implementation Protocol, the Government of Israel proposed to cooperate in temporary employment of 1000 qualified construction workers. Recruitment and temporary employment of foreign workers were conducted according to the due legislation of Israel, accounting for needs of the national labour market and Israeli policy on sectors with jobs available for employment of foreign workers, as well as for annual quotas for temporary foreign workers and conditions for issuance of work permits for every particular sector. In particular, Israel needs such specialists as shutterers, steel fixers, tilers and plasterers.

A brief overview of the Agreement on Labour Migration between the Government of the Republic of Moldova and the Government of Israel:

Workers eligible for employment under the Agreement and the Protocol should meet the following criteria:

- a) Citizenship of the Republic of Moldova.
- b) Men of the age group from 25 to 50 years.
- c) No records of prior employment in Israel.
- d) No close relatives who are working in Israel (except brothers and sisters)
- e) Physical and mental health.
- f) No diseases of the following list: TB, hepatitis, syphilis, gonorrhoea, AIDS.

According to provisions of the Agreement and the Implementation Protocol, the responsible agencies include:

- on the side of the Republic of Moldova - the National Labour and Employment Agency and La Strada International Centre;
- on the side of Israel - the Office of Border Crossing Points, Population and Immigration under the Ministry of Interior of Israel (VIRA).

So far, the employment quota was not reached.

It is worth to note that beneficiaries of the Agreement pay only for their transport costs at the territory of the Republic of Moldova, medical examination (LEI 1000), fees for issuance of certificates on lack of criminal records (LEI 60 ) and for air travel (€240 - 260).

In the course of pre-departure orientation sessions, potential employees were informed on key provision of Israeli labour law, terms and conditions of individual labour contracts, rights and duties of employers in Israel. They were also provided emergency contact data, including the phone number of the Ombudsman in the Ministry of Industry, Trade and Labour in charge of human rights matters of foreign employees.
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<th>S. What are the priorities of the national policy concerning labour migration in your country?</th>
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<tr>
<td>The state policy in the sphere of labour migration covers issues associated with national policies and programs, laws and regulations, intergovernmental agreements and multilateral labour migration processes. Priority objectives in the sphere of labour migration include:</td>
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<td>- Efficient management of migration flows;</td>
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<tr>
<td>- Protection of rights and extension of opportunities for migrant workers;</td>
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<tr>
<td>- Migration for development.</td>
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</table>

Sound governance in the sphere of labour migration is associated with coordinated laws, policies and institutions pertaining to management of labour migration management. Political objectives of migration management include development of a sound labour migration policy, underlying laws and regulations, and promotion of efficient labour migration management, based on international instruments and social dialogue. The Republic of Moldova has already established its basic legal framework that is being constantly adjusted in response to relevant needs:

a) strengthening existing governmental agencies with resources to promote employment of foreign workers and to protect rights of migrant workers in Moldova and abroad;

b) development of a comprehensive legislation in the sphere of labour migration management and protection of migrant workers;

c) ensuring sound protection of migrant workers by conclusion and implementation of bilateral agreements in the sphere of labour migration and social protection of migrant workers;

d) strengthening social dialogue and engagement of key stakeholders, including the Government, employers’ and employees’ organisations, employment agencies and the civil society into development of proposals for improvement of policies, programs and legislation in the sphere of labour migration,

Protection of rights and extension of opportunities for migrant workers

This second policy provision incorporates protection of migrant workers against abuse, abusive practices and exploitation. In order to ensure due provision of information in the sphere of migration, the Government should strengthen pre-departure orientation and disseminate information on migration processes, allowing migrants to make informed choices.

Political objectives of protection of migrant workers include application of a human rights approach to prevention of and protection against illegitimate employment practices; ensuring compliance with the due laws and regulations according to international legal standards and existing regional instruments. Main results:

a) elimination of misleading adverts on labour migration matters, establishment of information centres providing information on labour migration before employment, while working abroad, after return and in the course of reintegration of returning migrants;

b) introduction of legislative acts and policies with efficient implementation and compliance mechanisms, including sanctions for non-ethical employment practices (provisions in the RM Criminal Code) such as termination or withdrawal of licences for employment in the case of non-compliance (provisions in Law # 451 on Licensing);

c) coordination of actions with migrants-receiving countries in connection with adoption of standardised and feasible labour contracts;

d) improvement of the situation of Moldavian labour migrants on the labour market by enhancement of their skills due to appropriate vocational training, improving thus their employment capacity and reducing their vulnerability to exploitation (implementation of the
Protocol to the Agreement with Italy); and
e) ensuring access to efficient protection for all migrant workers if their rights are infringed and provision of accessible channels to migrant workers, allowing them to file complains on abusive practices and fraud (the Agreement with Israel - processing complains with support of the Ombudsman and the RM Embassy).

Migration and development

Migration promotes growth and development by three mechanisms: a) Changes in labour supply; b) Changes in labour efficiency; and c) Remittances of labour migrants. In the case of our country as a country of origin of labour migrants, migration might provide positive effects if workers are employed successfully, including: remittances, acquisition of new skills, reduction of unemployment, improvement of national hard currency reserves and poverty reduction.

Political objectives of labour migration for development include: (1) incorporation of labour migration issues into national development plans and the program for ensuring decent labour in the country, (2) establishment of a system for recognitions of skills learned abroad, (3) promotion of efficient utilisation of remittances of legal migrants, and (4) provision of services associated with return and reintegration.

As key implementation measures, the following ones may be worth mentioning:

a) incorporation of labour migration issues into the National Strategic Development Action Plan and into the National Employment Policy (National Strategy Moldova - 2020);
b) strengthening public and private employment agencies to provide consultative assistance and to match demand in skilled labour and return of labour migrants (operations of 3 Information and Consultation Centres (including on-line functionality) for returning migrants and the ones intending to return, Governmental Approval of the Action Plan for 2014 - 2016 to support reintegration of migrants, etc.);
c) promotion of learning new skills abroad and minimisation of brain drain in key economic sectors (joint activities with ETF), endorsement of the new National Education Code, etc.

6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?

Law # 180 of 10.07.2008 on Labour Migration is the key document in the sphere of labour migration management.

The Law regulates temporary labour activities of labour immigrants, terms of granting, extending and withdrawing rights for employment and temporary stay for employment purposes, as well as terms and conditions of temporary employment of citizens of the Republic of Moldova.

According to the due legislation, the state ensures protection of immigrant workers without any differentiation on grounds of race, nationality, ethnic origin, language, religion, opinions, political affiliations, income status or social origin.

Contract-based employment is a recognised form of protection that should guarantee certain economic safeguards. Employment by labour contracts is a key provision of the bilateral agreements on labour migration matters signed. In addition, those migrants who arrange their employment abroad independently, prior to departure, should register their labour contracts in the National Employment Agency, that checks them
for compliance with the minimal standards set. The minimal standards include: wages, social benefits, free travel to and from the destination country, paid leave, days off, working hours and overtime work, compensations for workplace injuries, etc.

At the background of growing trans-border labour mobility and intensive migration of employable residents - the problem faced by Moldova in recent decades - coordination of social protection systems is an important component of social policies of the state and a form of protection of rights of labour migrants.

So far, 11 bilateral agreements on social insurance matters were concluded between the Republic of Moldova and the following countries: Bulgaria, Portugal, Estonia, Romania, Luxemburg, Austria, the Czech Republic, Belgium, Hungary, Poland and Lithuania.

Now, the Republic of Moldova negotiates bilateral agreements on social insurance matters with Turkey and Greece.

Ensuring recognition of Moldavian diploma abroad might substantially improve living standards and protection of our citizens. Unfortunately, now, the majority of European countries do not recognise Moldavian diploma - as a result, many qualified workers cannot work abroad in their professional spheres. The problem may be addressed by acceding to different international instruments, by review of curricular programs and their harmonisation with international standards.

Another option to protect Moldavian workers abroad includes establishment of their associations or communities. Migrants are particularly vulnerable in the period of their stay in a country of destination - such vulnerability is not limited to legal problems, their psychological state also matters. In addition to maintaining contacts between migrants and countries of origin, such associations should provide legal, social and other assistance to migrants, they should ease migrants’ adaptation to conditions in destination countries, etc. Now, the Migration Department intends to establish such organisations in countries with large numbers of labour migrants from Moldova. In order to strengthen contacts with Moldavian nationals abroad, in 2012, the Office for Relations with Diaspora was established - its sphere of competence covers assistance in establishment of migrants’ associations.

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<th>7. Are there specific state and or non-state actors protecting the rights of labour migrants?</th>
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<tr>
<td>1. <strong>State authorities</strong> in charge of protection of rights of labour migrants in the Republic of Moldova and associated matters include:</td>
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<tr>
<td>1. <strong>The Ministry of Labour, Social Protection and Family of the Republic of Moldova</strong></td>
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<tr>
<td>In the sphere of labour migration, the Ministry:</td>
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<tr>
<td>• drafts and submits draft laws and regulations on matters of labour activities, social and legal protection of migrant workers;</td>
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<tr>
<td>• develops mechanisms to regulate labour migration processes;</td>
</tr>
<tr>
<td>• analyses impacts of labour migration on socio-economic situation in the country and proposes measures to reduce adverse effects of the phenomenon;</td>
</tr>
<tr>
<td>• drafts, negotiates and concluded bilateral agreements on labour migration management and protection of rights of migrant workers;</td>
</tr>
<tr>
<td>• promotes cooperation with key destination countries of Moldavian migrant workers at bilateral, regional and multilateral levels;</td>
</tr>
<tr>
<td>• reviews international instruments in the sphere of labour migration and social protection of migrant workers for potential incidence to these instruments and implements agreements ratified by the Republic of Moldova;</td>
</tr>
</tbody>
</table>
2. The National Employment Agency

In the sphere of labour migration, the Agency:
- ensures maintenance of registration records on migrant workers by registration of labour contracts between citizens of the Republic of Moldova and foreign employers;
- coordinates activities associated with issuance, extension and termination of work permits of foreign nationals and stateless persons;
- controls compliance with regulations on employment of foreign nationals and stateless persons at the territory of the Republic of Moldova;
- monitors operations of private foreign employment agencies;
- ensures collection, maintenance, processing, dissemination and exchange of information on labour migration processes both domestically and internationally;

Contacts: [http://anofm.md/anofm](http://anofm.md/anofm)
MD-2009, Chisinau, 1 Alexandru St.
phone.: (+ 373) 022 -72 10 03;
fax: (+ 373) 022-22 77 61

II. Non-governmental organisations/entities dealing with protection of rights of labour migrants in the Republic of Moldova include:

1. LA STRADA - international NGO
   Contacts: [http://migratiesigura.lastrada.md/](http://migratiesigura.lastrada.md/)

2. The Information Centre for labour migrants
   Contacts: [http://muncitorimigranti.md/](http://muncitorimigranti.md/)

3. IOM - Mission of the International Organisation for Migration in Moldova
   Contacts: [http://www.iom.md/](http://www.iom.md/)

4. ILO - Office of the International Labour Organisation in Moldova

8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other

See answers to questions ## 4 and 6
9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?

| Article 15 of the Law stipulates that citizens of the Republic of Moldova may be employed abroad: 1) individually - i.e. based on individual labour contracts with employers concluded prior to departure from the Republic of Moldova, 2) with use of services of private employment agencies granted due licenses, or 3) according to provisions of bilateral agreements.  
The National Employment Agency maintains registration records on labour migrants by registration of individual labour contracts between foreign employers and citizens of the Republic of Moldova in the case of individual employment.  
Besides that, private employment agencies have to register individual labour contracts between foreign employers and citizens of the Republic of Moldova in the National Employment Agency prior to departure of emigrant workers from the country.  
Personal data of emigrant workers cannot be used for other purposes except for purposes of their employment abroad. Collection, selection, maintenance, dissemination or any other use of information on emigrant workers are dealt with on the basis of confidentiality.  
Economic actors operating in the sphere of mediation in foreign employment of citizens, have to:  
- provide - free of charge - full and reliable information to persons seeking foreign employment, including information on foreign employment opportunities, terms and conditions of individual labour contracts, climate, working/living conditions and culture of a destination country;  
- control compliance with terms and conditions of individual labour contracts between citizens of the Republic of Moldova and foreign employers in destination countries; and participate in dispute settling;  
- register individual labour contracts/draft contracts in the National Employment Agency; submit quarterly reports to the National Employment Agency on persons who were provided employment mediation services and who were employed abroad (according to a set reporting format);  
- submit new agreements on cooperation with foreign partners to the Licensing Office, accompanied by copies of licenses and other documents certifying authorisation of a partner from a destination country to mediate/employ foreign nationals (the copies should be certified according to procedures set by the legislation of the Republic of Moldova and destination countries; and submit new draft labour contracts;  
Citizens of the Republic of Moldova, who seek temporary foreign employment, enjoy all rights guaranteed by the Constitution of the Republic of Moldova, the due legislation and by international agreement ratified by the Republic of Moldova.

**POLAND**

| 1. Please present the main legal framework for labour migration | Basic principles taken into account in the process of elaborating the legal provisions in force governing the employment of foreigners in Poland are the primacy of labour market needs and the complementarity of this type of employment in relation to the domestic supply of labour. |
management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.

Generally, in order to perform work in Poland a third country national is obliged to obtain work permit and must have a valid residence permit. Work permit is issued by territorially competent provincial governor (wojewoda) at the request of an employer. As a rule, a prerequisite to grant a work permit is that no appropriate job seekers are available on the local labour market. The employer must also satisfy the requirements set out by the relevant legislative provisions. On the basis of work permit consul grants a visa. Since May 1, 2014, a third country national who is already in Poland may apply for a temporary residence and work permit in a single procedure to a territorially competent provincial governor (if case the period of employment exceeds 3 months).

There are however several categories of foreigners (for example holders of given residence statuses, performing certain types of work and nationals of selected third-countries) who are entitled to work without having to obtain a work permit. The most numerous group entitled to work without work permit are citizens of Ukraine, Belarus, Russian Federation, Moldova, Georgia or Armenia performing work within the framework of the so called ‘simplified procedure’. Within this procedure foreigner is allowed to work without a work permit for a maximum of six months within the period of 12 consecutive months provided he/she has an employer’s declaration of intention to entrust work to foreigner registered at the local labour office.

Countries from the above region have been selected primarily due to their cultural and geographical proximity, long-term presence on the Polish labour market, stable migration networks.

Previously considered strict, Polish provisions regarding access of third country nationals to the labour market has been gradually transformed into relatively liberal ones. The process started in 2006, when the economic boom and the increase of investments accompanied by post-accession outflow of Polish citizens entailed the growing demand for labour force. The government’s response to labour shortages identified in some sectors of economy was establishing of simplified procedure and gradual liberalization of the provisions regarding work permits.

2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?

Although Poland is still a net emigration country, and the participation rate of foreign population in the labour market is marginal in comparison with other EU countries, its migration status has been changing and the slow transformation towards emigration-immigration country is noticeable. Since the accession of Poland to the EU, a growing trend in the number of immigrants is visible. Statistics on work permits and the employers’ declarations registered in local labour offices indicate that there has been significant increase in the number on labour migrants in Poland since 2008. In 2011 both the numbers of work permits and employer’s declaration reached its peak (40 808 work permits and 259 777 declarations). The economic downturn in 2012 resulted in a slight decrease in the scale of employment of foreigners in Poland, but already the first six months of 2014 indicates an increase in number of work permits in comparison to the analogical period of 2013. Numbers of issued work permits - 19 609 compared to 16 670 in the first half of 2013 (An increase by 17.6%). In addition, 190 977 declarations were registered compared to 146 253 in the first half of 2013 (an increase by 30.6%).

Figure 1. Number of work permits issued in 2007-2013

Figure 2. Number of employer’s declarations on intention to employ foreigner registered in the local labour office

3 The number of registered declarations of intention to entrust work is does not precisely reflect the actual number of foreign citizens working in Poland, which might be up to 40% smaller (i.e. due to i.e. non appearance at work or several declarations registered for the same person etc.)
Main nationalities with respect to whom work permits have been issued in the recent years were citizens of Ukraine (approx. 50% of all work permits), China, Belarus and Vietnam. As for the short term employment on the basis of declaration on intention to employ foreigner Ukrainians constitute over 90% percent of the total.

Labour migrants in Poland are mainly visible in such sectors of economy as agriculture, construction, trade, processing industry and domestic work.

A demand for foreign labour in Poland is concentrated in certain regions of the country and focused on short-term employment in occupations that do not require high qualifications. Demand for short-term employment of foreigners is mainly observed in sectors that are becoming less attractive for Polish citizens, in which labour costs constitute a large part of total costs. Generally the percentage of employed foreigners is not significant in relation to the size of the Polish labour market and employment of third country nationals does not have an impact on the labour market as a whole nevertheless it affects local economies in some regions.

<p>| 3. What is the most common type of labour migration in your country (in and outbound). For example circular migration, seasonal migration, long term, qualified workers? | The inflows of labour migrants to Poland are predominantly of a circular and temporary character and primarily refer to low-skilled professions. |
| 4. Does your country have bilateral or regional labour | There are no labour migration agreements in force except ‘work and travel’ exchange agreements with New Zealand and Australia. |</p>
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<th>migration agreements/schemes? Please briefly outline its content and purpose.</th>
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<td>The bilateral agreements on employment with the Ukraine and Belarus signed by Poland in the 90’s has not been practically executed, and the provisions contained therein have soon become outdated.</td>
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<th>5. What are the priorities of the national policy concerning labour migration in your country?</th>
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<td>One of the main recommendations of the document ‘Migration policy of Poland – current state of play and further actions’ adopted in 2012 is to ensure labour supply of qualifications and skills needed by the Polish labour market. Therefore the identification of needs, skills and occupations that are of particular importance to the economy is set as a priority in the context of designing the effective tools to manage labour migration. While the current demand for skilled and highly skilled workers in Poland remains moderate it is expected to grow steadily due to the development of the Polish economy and the relatively rapid demographic changes in the near future. In the light of these forecasts, the strategic document outlines recommendations for steps to be taken in order to implement an active policy of economic immigration in relation to highly skilled workers. According to the recommendations set out in the policy document the priority groups that should be treated according to preferential rules are, among others: foreigners of Polish origin, students and scientists, self-employed and citizens of selected countries from the area of the geographical preferences (eastern neighbours, and later, the nationals of Caucasian countries). Policy document states that in case of newcomers originated from the preferred region simplified procedure of the access to the labour market should be further pursued and developed.</td>
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<th>6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?</th>
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<td>Polish law prohibits discrimination on any grounds. According to the Polish Constitution, all persons are equal before the law and nobody may be discriminated against in political, social or economic life for any reason. Thus, according to the law migrants working legally in Poland have the same rights at work as Polish workers. The range of labour and social rights for foreign workers depends on the type of concluded contract. Working on the basis of work contract is the most advantageous situation for foreigner as such employee is subject to the provisions of Labour Code. According to Labour Code an employee is entitled to i.e.: holiday pay, sick leave, fair dismissal, severance payment, decent working conditions, right to written contract, the right to organize in unions, right to at least minimum wage. 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. In case of civil law contracts, an employee is only able to assert his/her rights in civil actions. In these cases, however, the pursuing of the claims is connected with incurring the court hearing costs by the complainant. Provisions regarding fair treatment of foreign workers are also to be found in the regulations on the access of foreigners to the Polish labour market (Act of 20 April 2004 of promotion of employment and labour market institutions). One of the conditions of issuing the work permit to foreigner is that salary offered to foreigner is not lower than the remuneration of employees performing work of comparable type or on comparable work post. In case of posted workers the amount of remuneration of the foreigner must not be more than 30% lower than the amount of an average monthly remuneration in a given province, announced by the Head of the Central Statistical Office. 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. The conditions in the work permit and in the contract on the basis of which work can be performed should comply. The work permit will not be granted if the employer was repeatedly found guilty of illegal employment of foreigners, or was sentenced for trafficking in human beings as well as serious offences against the rules on employment of foreigners; It is also important to note that the latest amendments to the act on promotion of employment and labour market institutions introduce a change of the definition of illegal work in order to exclude a possibility of penalizing a non-citizen for the circumstances for which only the entity assigning</td>
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the work is responsible (as for instance not concluding the written contract). The act specifies sanctions for persons violating the rules on employment of foreigners such as entrusting performance of illegal work to a foreigner or forcing a foreigner to perform illegal work by ‘way of deception, exploiting error, exploiting professional dependency or exploiting the inability to properly comprehend the undertaken action’.

The Act of 15 June 2012 on repercussions of employment of foreigners staying in the territory of the Republic of Poland against provisions of law adopted to implement Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 into the Polish law next to stipulating the sanctions for employers entrusting work to irregular migrants introduces solutions favourable to better enforcement of employers’ rights. In case of pursuing claims for a due salary and other allowances for foreigners who had performed work during illegal stay in Poland the employer is liable to pay any outstanding remuneration to foreigner. In case of work contract the level of remuneration is presumed to be as high as triple minimum wage. Those regulations are more favourable than in respect of Polish citizens and other non-nationals not covered by the act who are not protected by the presumption of existence of employment relationship nor the presumption of the agreed salary.

In 2011 Minister of Labour and Social Policy also introduced some changes generally aimed at improvement of conditions and safety of employment of migrants on the basis of simplified procedure (for example written contract requirement).

The recommendations regarding the need to ensure that migrants worker’s rights are equally protected as Polish workers and to disseminate the information on labour rights to foreigners are also to be found in the migration policy document.

### 7. Are there specific state and or non-state actors protecting the rights of labour migrants?

An authority established to execute supervision and inspection of the labour law observance and legality of employment is – PIP (National Labour Inspectorate). Its tasks are, among others: supervision and inspection of the observance of labour law provisions especially the regulations and rules of work safety and health, the provisions on employment relationship, remuneration and other benefits resulting from employment relationship, working time and pursuing infringements of employee’s rights and other cases connected with performing paid labour and legality of employment. PIP provides free of charge advice and information on legality of employment and other labour-related issues.

In case of violations of labour rights foreigner may also file a complaint with the labour court. The Labour Court is a separate division of the common courts, established to hear disputes arising from employment relationships (labour code). On principle, the employee (the complainant) does not bear the cost of processing the complaints by these institutions.

### 8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?

In 1997 Poland ratified European Social Charter which lays down standards governing the main human rights in working life as well as social protection of particular groups such as migrant workers (specifically articles 18 and 19).

With regards to social rights Poland signed the agreements on social security with Ukraine (2012) and Moldova (2013) which are foundations for coordination of social security arrangements between Poland and these countries.

As regards to agreements implemented within the so called Mobility Partnership, Poland acceded to the signed Joint Declarations on a Mobility Partnership between the European Union and Moldova, Georgia, Armenia and Azerbaijan.
9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?

The public employment services in Poland are not involved in the process of recruitment of foreign labour force from abroad, nevertheless local labour offices play an important role in the procedure of issuing work permits for foreigners. Local labour offices provide the information on availability of local workers already registered as unemployed or job seekers for the post advertised by an employer (labour market test). If such persons are to be found in the registry local labour office arranges recruitment process.

Some categories of unemployed or job seeking third country nationals are entitled to various forms of support provided by Polish public employment services such as, among others, job placement and professional counseling. Since May 1, 2014 the scope of categories who could be beneficiaries of public employment services support has been broadened by i.e. foreigners residing on the territory of Poland on the basis of visa for the purpose of work.

Polish private employment agencies could be helpful when seeking employment in Poland. Legally operating PEA’s in Poland should have an entry in the register of employment agencies, confirmed with a certificate issued by the Marshal of Voivodeship. Under Polish law, legal employment agencies must not charge the jobseekers for finding a job.

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**ROMANIA**

1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.

Labour migration

The current legal framework in Romania, in the field of labour migration on/from the Romanian territory, mainly consists of:

A. Labour mobility:
   - the Government Emergency Ordinance no. 102/2005 on the free movement of EU/EEA Member States’ or Swiss Confederation citizens on the Romanian territory, republished;
   - the Law no. 156/2000 on the protection of the Romanian citizens working abroad, republished, subsequently modified and completed;

B. Immigration:
   - the National Strategy on Immigration 2011-2014, enforced by the Government Decision no.498/2011;
   - the Government Emergency Ordinance no. 194/2002 on the regime of foreigners in Romania, republished, subsequently amended;
   - Emergency Government Ordinance no. 56/2007;
   - the Government Emergency Ordinance no. 25/2014 on the employment and posting of foreigners on the Romanian territory;

2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?

For a long time, Romania has been mainly a country of origin – there are approx. 2 Mil Romanian citizens estimated as residing and working today abroad. However, lately, Romania has become a country of destination, especially for the Moldavian, Turkish and Chinese citizens.

3. What is the most common type of labour migration in your country

Labor migration in Romania is mainly a long term labor migration or circular migration. As a result of implementing the Blue Card Directive, statistics on the qualified and highly qualified workers are drafted but they cover only a recent period backward. However, at this point these data
For example circular migration, seasonal migration, long term, qualified workers? are not very relevant and do not cover the entire phenomenon, as a lot of highly skilled workers already in Romania did not apply for a Blue Card, but for normal resident permit for the purpose of work.

4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.

The National Agency for Employment (NAE) is the Public institution of national interest, under the authority of the Ministry of Labour, Family and Social Protection and Elderly, organizing and coordinating at national level the activity of employment and social protection for unemployed persons and implementing employment policies and strategies issued by the Ministry of Labour. Starting 2007, the EURES activity in Romania is coordinated by the International Relations, EURES and Mediation Unit within NAE, having competences in the placement of Romanian labour force in EU/EEA/CH by means of:
- the application of legal bilateral agreements in the field of labour force exchange;
- the EURES Network.
At NAE level, there are 45 EURES advisers, civil servants distributed in Municipal and County Agencies for Employment, specialised on EU Member States and EEA, trained both at national and European level. NAE developed an instrument to promote job offers and information on the vacancies in EU/EEA/CH – Eures Romania Portal, www.eures.anofm.ro.

5. What are the priorities of the national policy concerning labour migration in your country?

In order to streamline the immigration management on the national territory, in full accordance with the EU policies, as well as in order to establish concrete action lines in this field, in 2011, the Government Decision no. 498 adopted the National Strategy on Immigration for 2011-2014, a document which represents our country’s official position towards the migration phenomenon and a follow-up of our country’s efforts to be in line with the international standards;
Among the strategic objectives of the National Strategy on Immigration 2011-2014 it is also included the promoting of the legal migration for the benefit of all the stakeholders: the Romanian society, the immigrants and countries of origin; in this context, the main objective of the authorities is to maximize the immigration positive effects and limit the negative effects for Romania and for the Romanian citizens as well.

6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?

Article 45 of TFEU enshrines the principle of free movement of EU workers within the European Union. This principle is further developed in Regulation (EEC) No 492/2011 and entails the right of citizens who move from one Member State to another for work purposes not to be discriminated on grounds of nationality.
Both article 45 of TFEU and Regulation 1612/68 have direct effect, which means that they produce direct effects and create individual rights that national courts must protect. On the other hand, Regulation 1612/68 is automatically part of each Member State’s national legal system, without the need to adopt national legal measures transposing the provisions of the Regulation.
As regards the persons covered by the provision of the Regulation 492/2011, the protection is guaranteed into Romanian legislation in the legal framework that 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.
Also, the Romanian legislation covers the areas addressed by both Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation: employment and labour-related issues, including social benefits and social protection, access to goods and services, housing, education, access to health, freedom of movement, the protection of the right to dignity.
1) Art. 18 of the Romanian Constitution states that aliens and stateless persons living in Romania shall enjoy general protection of
persons and assets, as guaranteed by the Constitution itself and other laws and the right to asylum shall be granted and withdrawn under the provisions of the law, in compliance with the international treaties and the conventions Romania is a party to. Article 41 of the Romanian Constitution regarding the labour and social protection of labour establishes that the right to work shall not be restricted, and everyone has a free choice of his/her profession, trade or occupation, as well as a work place and all employees have the right to social protection. All these refer to employees' safety and health, working conditions for women and young people, the setting up of a minimum gross salary per economy, weekends, paid rest leave, work performed under difficult and special conditions, as well as other specific conditions, as stipulated by the law.

2) The Law no. 53/2003, republished - The Romanian Labour Code provides that any direct or indirect discrimination against an employee, based on; gender, sexual orientation, genetic characteristics, age, national affiliation, race, color, ethnicity, religion, political option, social origin, disability, family situation or responsibility, trade union affiliation or activity is prohibited. The provision of the Law no. 53/2003 republished will cover any act or conduct, exclusion, difference, restriction or preference, based on one or several of the criteria referred to above, which has the aim or effect of denying, restraining or removing the recognition, use, or exercise of the rights provided for in the labour legislation. Any act or conduct seemingly based on criteria other than those referred to above, but which leads to discrimination, shall represent indirect discrimination.

3) The Government Ordinance No. 44/2004 on the social integration of foreigners who were granted a form of protection in Romania and of the citizens of the Member States of the European Union and European Economic Area aims to facilitate the social integration of the foreigners who were granted a form of protection in Romania, through ensuring their access to certain rights: the right to work, the right to housing, the right to medical and social assistance, the right to social insurance, the right to education, as well as through specific activities cultural accommodation, counselling and learning the Romanian language, joined within integration programs.

4) According to the Government Ordinance No. 137/2000, discrimination shall mean any difference, exclusion, restriction or preference, based on race, nationality, ethnic origin, language, religion, social status, beliefs, gender, sexual orientation, age, disablement, non-infectious chronic diseases, HIV infection, affiliation to a deprived category, as well as any other criteria that has as a purpose or an effect the restriction, removal of recognition, use or exercise, under equal terms, of the human rights and fundamental freedoms or of the lawful rights, in the public, economic, social and cultural filed or in any other branches of public life. The provisions of this ordinance shall apply to all public or private natural or legal persons, as well as to public institutions with competences in these fields:

- the employment conditions, the criteria and conditions of recruitment, selection and promotion, access to all forms and levels of orientation, vocational training and improvement;
- social protection and security;
- public services or other services, access to goods and facilities;
- educational system;
- ensuring the freedom of movement;
- ensuring the public peace and order;
- other domains of public life.
7. Are there specific state and or non-state actors protecting the rights of labour migrants?

The Labor Inspection is the specialized institution within the Ministry of Labor, Family, Social Protection and Elderly that ensures the control of the labor market and the work relations, security and health in working environment.

General responsibilities/tasks of the Labor Inspection are:
- The enforcement of legal provisions, both general and special, in labor relations, occupational health and safety and labor market surveillance;
- Providing information to employers and employees on the enforcement of the law in all areas of competences;
- Inform the competent authorities about the deficiencies or abuses of legal provisions in force by the employers;
- Providing the specific services related to its activities;
- The initiation of proposals to improve the legal framework in this filed, that are forwarded to the Ministry of Labor, Family, Social Protection and Elderly.

8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?

n/a

9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?

Based on the Ministry of Labour, Family, Social Protection and Elderly’s proposal and according to the national policy on migration of labour force and taking into account the situation of the labour market in Romania, the total number of work authorizations to be issued to foreigners is determined by Government Decision;

Such Government Decisions establish the total number of new work authorizations that will be the following year issued to third country nationals on the basis of the posting decision from an employer, in accordance with the provisions of the Emergency Government Ordinance no. 56/2007;

For 2014, by GD no. 992/2013, the Romanian Government established a limit of 5,500 work authorizations for foreign workers, as follows:

1) Work authorizations for permanent workers – 3,000;
2) Work authorizations for highly skilled workers – 800
3) Work authorizations for posted workers – 900;
4) Work authorizations for seasonal workers – 100;
5) Nominal work authorizations – 100;
6) Work authorizations for trainees – 200;
7) Work authorizations for sportsmen – 300;
8) Work authorizations for cross-border workers – 100;

In case the total number of applications exceeds the one established by this act, it can be supplemented by another GD on the basis of a
**SLOVAKIA**

1. **Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.**

   The main strategic document with regards to labour migration in the Slovak Republic („SR”) is „The Migration policy of the Slovak Republic - Perspective until the year 2020“ (”Migration Policy“) endorsed by the Government of the Slovak Republic in its Resolution No. 574 as of 31 August 2011.

   Furthermore, the most important legal regulations applying to labour migration are the following:
   
   a) Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to certain acts
   b) Act No. 5/2004 Coll. on Employment Services and on changes and amendments to certain acts
   c) Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on changes and amendments to certain acts
   d) Act No. 40/1993 Coll. on the Citizenship of the Slovak Republic, as amended;

   The Migration Policy states that the basic criterion applicable to the admission of foreigners within the controlled economic migration is their potential in the form of qualifications and competencies necessary to satisfy the lasting demand for shortage professions on the national labour market with an emphasis on countries close in terms of culture.

   Labour migration policy in the SR is currently not regulated by quotas or similar restrictive measures but preserves the conditions of filling vacancies by registered job-seekers, i.e. first by job-seekers from among the citizens of the SR, EU/EEA countries and the Swiss Confederation.

   Actual unemployment rate in the SR according to the official statistics data is 13, 2% (2.Q.2014).

2. **Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?**

   Traditionally, the SR has been a country of emigration rather than a country of immigration. In the context of further enlargement of EU, the SR imposed no transitional measures for free movement of EU-workers. The share of migrants on overall population of the SR has been low – around 1, 32 %.

   The most numerous categories of foreigners in the SR a is formed by the citizens of neighbouring countries, who are mostly linked to the SR by work, family and social relations. The citizens of the EU countries form two thirds of all foreigners in the SR. In addition to migration based on social reasons, such as family reunification or marriage to a Slovak citizen, the most significant component of legal migration is currently migration for work.

   According to independent researchers conducted in 2011 migrants´ education and qualification obtained in a country of origin is not fully used and decline in terms of qualification ranking is experienced. Comparison of professions in the country of origin with current job positions shows that brain waste is quite spread in the SR. This is considered as the negative side effect of migration. Due to the low rate of labour migrants in the SR the positive effects of migration has not been evaluated or measured.

3. **What is the most common type of labour migration in your country?**

   The overall inflows of migrants to the SR had been constantly rising from 2004, when the country entered into the EU and then the Schengen Area. Most labour migrants are coming from neighbouring countries, in particular from the Czech Republic and Hungary. Also the number of migrants...
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<th>(in and outbound). For example circular migration, seasonal migration, long term, qualified workers?</th>
<th>from Romania and Bulgaria has considerably increased after the accession of these two countries to the EU in 2007. Since the accession of SR into the EU in 2004, the number of legally living foreigners has increased more than three times (from 22,108 migrants in 2004 to 71,649 in 2013). The most common type of labour migration in the SR, in case of foreigners is the form of long-term migration (over 1 year). Internal labour mobility in the SR has been continuously low (around 4% of active population) prevailing ageing group of 25-34. In view of internal migration flows, Bratislava remains the most attractive region in the SR due to more employment possibilities which is caused by the regional disparities.</th>
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<tr>
<td>4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.</td>
<td>Slovak legal order or the strategic document on migration do not encompass any particular processes aiming at concluding bilateral agreements/schemes between the SR and third countries to attract qualified labour force. The SR did not conclude any bilateral agreement with third countries on the employment of third-country nationals or agreements aimed to facilitate mobility within the EU of third-country nationals working in another Member State or agreements dealing with the issue of circular migration. The national policy concerning labour migration from third countries is not country-specific, which means that it is not focused on attracting migrants from specific countries, nor is limited to migrants with certain skills for the time being. As to the fostering regional labour migration in the Slovak Republic, there have been Crossborder partnerships and cooperation projects put in place (Slovakian – Polish cross – border initiative of Zamagurie within the EURES Slovakia network, as well as cross border cooperation with Hungry (within the programme co-funded by the European Regional Development Fund).</td>
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<tr>
<td>5. What are the priorities of the national policy concerning labour migration in your country?</td>
<td>SR continues to support legal labour migration while preserving the conditions of filling vacancies by registered job-seekers, i.e. first by job-seekers from among the citizens of the SR, EU/EEA countries and the Swiss Confederation, and just then by third-country nationals. In this respect, the SR in particular supports the admission and employment of highly qualified workers, researchers, students and graduates from secondary schools or universities in the SR, as well as other qualified migrants.</td>
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<td>6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?</td>
<td>With regard to the rights and obligations of foreigners, the right to equal treatment and non-discrimination is part of the Slovak legislation as a general principle and as a right under the Anti-Discrimination Act and in other legislation falling within the scope of the Anti-Discrimination Act. The principle of equality also relates to the fact that under the Act on Employment Services, the same legal status as the one of a citizen of the SR is also enjoyed by the citizen of a Member State of the European Union, the citizen of a State which is a Contracting Party to the Treaty of the European Economic Area and the citizen of the Swiss Confederation and members of their family as well as a third-country national who is a party to legal relationships established under the Act on Employment Services. As regards migrant access to social and healthcare services, the SR 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.</td>
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<tr>
<td>7. Are there specific state and or non-state actors protecting the rights of labour migrants?</td>
<td>Comprehensive counselling to third-country nationals, similar to the previous years, is provided by the Migration Information Centre (MIC) established by the International Organization for Migration (IOM) and by the Human Rights League in the SR. Information brochures containing information on the different aspects of legal migration for foreigners, published by international and non-governmental organizations are also distributed to the state institutions. Partial information is provided by EURES portal.</td>
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The Centre for Legal Aid established by Act No. 327/2005 Coll. on providing the legal aid to persons is a state budgetary organization of the Ministry of Justice of the SR which provides free legal aid in domestic legal disputes and cross-border disputes. Legal aid in domestic disputes will be given to all natural persons with permanent or temporal residence in the Slovak Republic in civil, family and labour matters under certain conditions.

The Slovak National Centre for Human Rights established by Act No 308/1993 Coll. on establishing under the UN Project (SLO/94/AH/2) is an independent legal person focused on monitoring of human rights and freedoms, providing consulting and legal assistance to discrimination victims and victims of manifestations of intolerance, especially regarding the prohibition of discrimination according to the Anti-Discrimination Act.

Labour migrants have the right to bring a case before civil courts to defend their rights (or in any administrative proceedings).

Confederation of the Trade Unions of the SR is entitled to lodge complaints on behalf of labour migrants, represent them in national proceedings and provide them with legal assistance in labour issues - free of charge.

8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?

The SR has concluded the bilateral agreements in the field of social security (social coverage) with certain third countries: Turkey, Ukraine, Israel, USA, Serbia, Quebec, Canada, Australia, Korea.
Agreement between Czechoslovakia and the USSR on Social Security. (SR acceded to the Agreement on the basis of succession.)
Agreement between Czechoslovakia and the Federative People’s Republic of Yugoslavia on social insurance. (SR acceded to the Agreement on the basis of succession.)

9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?

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.

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**SWEDEN**

1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to

Since 15 December 2008, Sweden has had regulations on labour immigration that make it easier for employers to recruit labour from third countries. The employer’s assessment of the need to recruit foreign labour is the key point when processing residence and work permit applications.

A basic requirement for being granted a work permit in Sweden is that there is an offer of employment that will enable the person to support themselves. The terms of employment offered must be no worse than those specified in relevant Swedish collective agreements or provided by common practice in the occupation or industry. The principle of Union preference must be respected. The principle of Union preference means that residents of the EU, the EEA and Switzerland should receive information about vacancies in the Swedish labour market.
Work permits may be granted for the duration of the employment, but for no longer than two years at a time. Work permits may then be extended on one or more occasions. Such applications for extension may be made while in Sweden. The total duration of a permit may not, as a rule, exceed four years. However, if there are special grounds, the total duration may be extended to a maximum of six years. An employee who has held a residence permit for work purposes for four of the past seven years may be granted a permanent residence permit.

The first time a work permit is granted it is to be tied to a certain employer and a certain type of work. After two years, the work permit is only to be tied to a certain type of work.

Guest students who have completed studies equivalent to 30 higher education credits or who have completed one term of a postgraduate programme may apply for a residence and work permit while in Sweden. However, they must apply for a permit before their residence permit for study purposes expires.

Guest students who have completed at least two terms at a higher education institution in Sweden may under certain conditions be granted a residence permit in order to look for work or to examine the possibilities of conducting business activities in Sweden. This kind of residence permit may be granted for a period of six months.

In certain circumstances, asylum seekers who have received a final decision rejecting their application for asylum can apply for a residence and work permit while in the country. The person must have worked for at least four months and been offered at least one year of continued employment that meets the basic work permit requirements. In addition, the application must be made within two weeks of the final decision rejecting the asylum application.

Almost six years ago, Sweden opened its doors to labour immigration. The regulations, as described above, are designed to make things easier for foreign workers and Swedish companies. They give Sweden one of the world’s most open systems for labour immigration. It is also important to counteract abuse of the regulations and the exploitation of foreign workers.

The regulations changed on 1 August 2014 giving the Swedish Migration Board increased powers to conduct follow-up checks and revoke permits if the conditions of the work permit (e.g. the requirements concerning the terms of employment) are no longer met or if the employment does not begin within four months. An obligation carrying a penal sanction to provide written information, at the request of the Swedish Migration Board, about terms of employment has been introduced for employers of workers who have been granted a work permit.

A residence permit for an alien who has lost their job or resigns during the permit period may be withdrawn if the alien does not apply for a work permit for a new job within three months. If the employment ended after the Swedish Migration Board launched an investigation into whether there are grounds to withdraw the residence permit, the alien must instead apply for a work permit for a new job within four months. To put it another way, a person who loses their job or resigns while in possession of a valid work permit has up to four months to find a new job.

We have not seen a huge influx of labour migrants, but the relatively low influx can, at least in part, be due to the fact that the reform entered into
### Characteristics and Trends of Labour Migration

As the EU is a country of destination, origin and both, it experiences labour migration during a global financial crisis.

### 3. What is the most common type of labour migration in your country (in and outbound)?

The largest groups of professions (except for seasonal workers) are computing professionals, restaurant workers, architects and engineers.

### 4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.

In general, Sweden strives to keep the Swedish system for labour migration unified and transparent. However, with this said, Sweden does have working holiday arrangements with a few other countries. All except one of these bilateral agreements were signed before the new Swedish labour migration system entered into force in 2008.

### 5. What are the priorities of the national policy concerning labour migration in your country?

Facilitating increased opportunities for labour migration is of vital importance to meet both present and future challenges. It is therefore important that we create easily understandable and attractive systems in the area of labour migration in order to remain competitive on the global labour market.

### 6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers?

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.

- The Swedish government has also tasked a government agency, the County Administrative Board of Stockholm (Länsstyrelsen i Stockholm), to coordinate cooperation among key state actors, monitor and work preventively in order to counteract work exploitation linked to trafficking.

### 7. Are there specific state and non-state actors protecting the rights of labour migrants?

As stated above, trade unions and the Swedish Work Environment Authority are in many aspects responsible for protecting the rights of employed people on the Swedish labour market. This is also the case for labour migrants with a work permit in Sweden.

- Additionally, the Swedish Work Environment Authority provides information in a number of languages aimed at specific sectors with a large concentration of labour migrants, such as construction and restaurant services (www.safeatwork.se). They also have a special assignment to inform foreign persons coming to work in Sweden, on a temporary or a permanent basis, about working conditions and terms of employment.
There are also private-public cooperation's such as the “Crossroads project” ([http://stockholmcrossroads.se](http://stockholmcrossroads.se)) which provides information and assistance for EU citizens working in Sweden.

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<tr>
<th>8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?</th>
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<tbody>
<tr>
<td>Sweden is a state party to the European Social Charter and its protocols. Sweden is currently considering ratification of the protocol (2014) to the ILO forced labour convention (1930). Ratification of the ILO Domestic Workers Convention (2011) is also under consideration.</td>
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<th>9. What are the roles of the national employment services (or equivalent bodies) and private employment agencies (if existent) in the process of migrant employment?</th>
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<tr>
<td>The Swedish Public Employment Services (PES) is not directly involved in the employment of third country nationals. The PES does 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. This is done in collaboration with the social partners, that is, 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 while abroad). The PES also work actively with the EURES-network in order to assist Swedish employers to find EU-nationals for job vacancies in Sweden, for example within the healthcare sector.</td>
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**UKRAINE**

<table>
<thead>
<tr>
<th>1. Please present the main legal framework for labour migration management (governance) in your country. If possible, please also present the background to the existing legislation in terms of labour needs, unemployment and political/historical linkages to other countries.</th>
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<tbody>
<tr>
<td>The Government of Ukraine applies appropriate measures to ensure and maintain the already reached level of social standards for protection of the country's residents from adverse effects of the finance and economic crisis, particularly from unemployment. Due to the operational system of unemployment insurance, Ukraine has ensured stable provision of social services and benefits to its unemployed citizens. Now, active works are under way for development of the national migration legislation and for its structuration into a uniform legal system. The state policy of Ukraine in the sphere of labour migration follows two tracks in parallel: - management of external labour migration of Ukrainian nationals; - regulation of foreigners' stay at the territory of Ukraine. In order to set mainstream directions of development and implementation of the migration policy of Ukraine, on May 30, 2011, a Presidential Decree was passed to approve the Concept of the State Migration Policy. Pursuant to the Decree, the Cabinet of Ministers of Ukraine endorsed its Regulation # 1058 of October 12, 2011 on Approval of the Action Plan for Implementation of the Concept of the State Migration Policy. In the framework of implementation of the Regulation, draft Law of Ukraine on External Foreign Migration was developed - the draft Law was...</td>
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</table>
intended to improve mechanisms of state governance in the sphere of external labour migration in line with contemporary needs of socio-economic development of the country, and to harmonise the migration legislation of Ukraine with international legal standards.

The draft Law stipulates to fix rights of migrant workers and their family members legislatively and to provide for obligations of the state in respect to the above category of Ukrainian nationals (i.e. state guarantees).

Besides that, the labour migration management sphere is regulated in the framework of several multilateral and bilateral agreements on matters of employment and social security of citizens, ratified by Ukraine.

2. Please briefly outline the characteristics and trends of labour migration as well as the positive and negative impacts of labour migration in your country. Is your country a country of destination, origin or both?

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<thead>
<tr>
<th>Characteristics and Trends of Labour Migration</th>
<th>Positive and Negative Impacts</th>
<th>Is Your Country a Country of Destination, Origin or Both?</th>
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<tbody>
<tr>
<td>There are both positive and negative economic and social effects of labour migration from Ukraine. Positive impacts of migration include: reduction of tensions at the labour market, decreasing levels of both officially registered and latent unemployment rates, enhancement of employment opportunities for economically active residents staying in the country. Remittances of Ukrainian nationals represent a substantial source of hard currency investments into the national economy. Migrants’ earnings abroad allow their families to improve their living standards. Negative effects of migration include the following aspects: Ukrainian labour migrants of the most productive age group do not participate in production of the national income. Being a large-scale phenomenon, labour migration does not facilitate inflow of revenues into the Pension Fund and other social security funds as migrants do not pay relevant social charges. Ukraine loses its most mobile labour capacity component. Labour migration of the youth abroad generates adverse demographic effects and disrupts family relations. In addition, skilled labour reserves become scarce in different regions of Ukraine.</td>
<td>Ukraine is one of the largest labour donors in Europe. Ukrainian nationals work in EU and CIS countries and even overseas. The largest recipients of Ukrainian labour include Poland, Italy, the Czech Republic, Spain, Germany, Hungary and Portugal.</td>
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3. What is the most common type of labour migration in your country (in and outbound). For example circular migration, seasonal migration, long term, qualified workers?

- External labour migration movements of Ukrainian nationals are mainly of circular and seasonal patterns. An average migrant makes 3 labour trips abroad in the period of 2.5 years.

4. Does your country have bilateral or regional labour migration agreements/schemes? Please briefly outline its content and purpose.

- Agreements on local border area movements represent a relevant mechanism for management of migration flows of residents in border areas. So far, Ukraine concluded 4 such agreements (with Russia, Moldova, Slovakia and Hungary). A treaty with Poland was signed but it has not been ratified yet, negotiations on an agreement are under way with Romania.

- Now, Ukraine is a party of 13 bilateral international agreements on employment matters - with Azerbaijan, Belarus, Armenia, Vietnam, Latvia, Lithuania, Slovakia, Libya, Moldova, Poland, Portugal, the Russian Federation and Switzerland.

- All the above agreements specify authorised bodies in charge of their implementation and competent bodies; they stipulate development of...
relevant implementation mechanisms; and contain main principles of legal employment of nationals of the both countries; basic principles of social protection of workers legally employed in the framework of such agreements; the requirement to conclude labour contracts, to secure relevant work permits, etc.

Unfortunately, actual practice suggests that such agreements often fail to meet their intended objectives, as for the whole period of validity of these agreements (except agreements with the Czech Republic and Slovakia, that already expired and were not unilaterally extended by governments of these countries) foreign employers almost never applied to the State Employment Centre with requests on employment of Ukrainian workers. So, Ukrainian nationals were not actually employed in the framework of these agreements.

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<th>5. What are the priorities of the national policy concerning labour migration in your country?</th>
<th>Policies in the sphere of labour migration are based on balancing threats and priorities of migration movements for the Ukrainian economy. Now, a real threat in the sphere of migration management is associated with losses of labour force capacity of Ukraine - correspondingly, priorities of the state migration policy include: development of an attractive internal labour market and promotion of economic activities of the country’s residents (at the background of the contemporary finance and economic crisis, the situation at the labour market needs to be closely monitored by the Government, including inter alia prevention of emigration peaks by introduction of additional social support elements, targeting both employed and unemployed citizens);</th>
</tr>
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| 6. How do you ensure equal treatment of migrant workers and prevent exploitation, lack of medical treatment, discrimination, of migrant workers? | Rights of migrant workers are protected in the framework of the national legislation and based on international law, including international legal instruments of the Council of Europe, the International Labour Organisation and the Commonwealth of Independent States. According to articles 21 and 24 of the Constitution of Ukraine, all people are free and equal in their dignity and rights. According to Article 3 of Law of Ukraine on Legal Status of Foreigners and Stateless Persons, foreigners and stateless persons who stay legally at the territory of Ukraine enjoy the same rights and freedoms and fulfil the same duties as Ukrainian nationals, subject to some exceptions set by the Constitution of Ukraine, laws or international treaties of Ukraine. In 2007, Ukraine acceded to the European Convention on Legal Status of Migrant Workers and their Family Members. The Convention promotes provision of guarantees of rights and freedoms and the principle of equal treatment of migrant workers employed in member countries of the Council of Europe according to the national legislation of recipient countries. Ukraine is also a Party of the Agreement on Cooperation in the Sphere of Labour Migration and Social Protection of Migrant Workers of CIS Member States of 1994, and the relevant Protocol to the Agreement on Additional Measures for Regulation of Border Area Labour Migration Movements of 2007, and the Convention on Legal Status of Migrant Workers and their Family Members of CIS Member-states. All international agreements between Ukraine and other countries in the sphere of protection of labour migrants’ rights incorporate the principle of non-discrimination of labour migrants who work legally at the territory of counterpart countries on grounds of their nationality (in particular, in terms of labour conditions, remuneration levels, etc.) |
The above principle is also incorporated into Law of Ukraine on Employment of the Country's Population - according to the Law, the state policy of Ukraine in the sphere of employment seeks *inter alia* to ensure equal opportunities for all residents of Ukraine in materialisation of their constitutional labour rights.

Activities of the State Employment Service are associated with provisions of social services to citizens, including search for appropriate jobs and employment assistance, provision of information and consultative services on employment matters, organisation of vocational training or re-training, refresher training and professional orientation. All residents of the country may apply to the State Employment Service, including migrants.

The official web-site of the State Employment Service (www.dcz.gov.ua) provides regularly updated information to the general public on the state employment policies at the labour market of Ukraine.

Internet-portal "Labour" (www.trud.gov.ua) provides access to the nation-wide database of job offers and job seekers' CVs. Job seekers may be provided services of quick search for relevant vacancies, while employers may search for appropriate employees in the Uniform Information and Analysis System of the State Employment Service of Ukraine - the system is accessible for all users.

7. Are there specific state and non-state actors protecting the rights of labour migrants?

In 2010, the Council on Labour Migration of Citizens of Ukraine was established under the Cabinet of Ministers of Ukraine - the Council operates as a temporary consultative body in charge of fulfilment of functions associated with development and implementation of state policies in the sphere of social protection of labour migrants. The Council on Labour Migration of Citizens of Ukraine incorporates representatives of 14 central executive bodies, the Verkhovna Rada of Ukraine, the Ombudsman of Ukraine, national associations of trade unions and employers, NGOs of labour migrants. The state initiated establishment of the Council to integrate efforts of the Ukrainian national authorities and representatives of Ukrainian communities promoting interests of labour migrants worldwide and uniting numerous organisations of labour migrants operating in many countries.

The Ministry of Foreign Affairs of Ukraine operates the Centre for Support of Ukrainian Nationals Abroad - now, the Centre covers a network of foreign diplomatic missions and honorary consulates of Ukraine in countries with large numbers of Ukrainian nationals employed. These entities actively involve leading Ukrainian and foreign legislative bodies, NGOs, experts of the International Labour Organisation and the International Organisation for Migration.

The official web-site of the Ukrainian MFA contains a section with information on provision of health care services to Ukrainian nationals abroad (http://www.mfa.gov.ua/mfa/ua/2063.htm) - the section provides information on health care opportunities for Ukrainian nationals abroad.

8. Which international agreements (or other forms of cooperation) on rights of labour migrants has your country concluded with other countries?

In order to ensure protection of social and labour rights of Ukrainian nationals, Ukraine acceded to many multilateral international legal instruments including convention of ILO, UN, the Council of Europe and CIS.

Now, 13 bilateral agreements on employment and social protection of migrant workers are concluded: with Azerbaijan, Belarus, Armenia, Vietnam, Latvia, Libya, Moldova, the Russian Federation, Switzerland, Spain, Lithuania, Poland and Portugal. Actually, Ukrainian nationals are almost never employed under these agreements due to lack of employment offers (quotas) from recipient countries. Accounting for the above considerations,
the Ministry of Social Policy focused on concluding bilateral agreements with recipient countries on matters of coordination of social support for labour migrants. Conclusion of such agreements guarantees protection of social benefits of labour migrants who worked abroad and returned to the country of origin - such arrangements promote their mobility and facilitate legal labour migration. Now, Ukraine is a party of 5 bilateral agreements on pension benefits based on the territorial principle: with Azerbaijan, Belarus, Georgia, Moldova, Russia (covering the Russian Far North); in addition, Ukraine is a party of 3 agreements of the former USSR as a legal successor (with Hungary, Mongolia and Romania). Besides that, 9 agreements in the sphere of social benefits were concluded with EU MS (Bulgaria, Estonia, Spain, Latvia, Lithuania, Portugal, Poland, Slovakia and the Czech Republic).

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<tr>
<td>The State Employment Service ensures social protection of the country’s residents from unemployment by provision of free social services, including information and consultative services, professional orientation, vocational training, re-training and refresher training services, accounting for demand at the labour market; search for jobs and employment assistance.</td>
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<tr>
<td>Activities of the State Employment Service seek to implement strategic tasks in the sphere of maintenance and development of Ukrainian labour capacity, in particular by promotion of individual business initiatives and self-employment of the country’s residents.</td>
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<tr>
<td>Ukraine actively regulates labour migration flows by application of a system for licensing medication activities in the sphere of foreign employment. Duly licensed employment agencies, mediating in employment abroad, allow Ukrainian nationals to employ abroad legally with social protection from their foreign employers in the framework of the due legislation of a country of employment.</td>
</tr>
<tr>
<td>Employment of foreign nationals in Ukraine is regulated by Law of Ukraine on Employment of the Country's Population and by the Procedures for Issuance, Extension and Termination of Permits for Employment of Foreign Nationals and Stateless Persons, approved by CMU Decree # 437 of 27.05.13.</td>
</tr>
<tr>
<td>According to para 1 of Article 42 of Law of Ukraine on Employment of the Country's Population, facilities, bodies and organisations may employ foreigners and stateless persons based on permits issued by the State Employment Service.</td>
</tr>
<tr>
<td>Besides that, in Ukraine, activities of economic actors that provide mediation service in the sphere of foreign employment are subject to licensing requirements and are regulated by Law of Ukraine on Licensing of Certain Economic Activities, Law of Ukraine on External Economic Activities, Law of Ukraine on Employment of the Country's Population and by other legislative acts of Ukraine. Now, the State Employment Service is the authorised agency in charge of licensing activities in the sphere of mediation in employment abroad.</td>
</tr>
<tr>
<td>The list of economic actors with due licenses for mediation in employment abroad is posted on the web-site of the State Employment Service (<a href="http://www.dcz.gov.ua">www.dcz.gov.ua</a>) in section &quot;Employment Abroad&quot; → &quot;the list of companies with due licenses for mediation in employment abroad&quot;, contact data of these economic actors may be found in section &quot;economic actors providing employment mediation services&quot; → &quot;the list of economic actors&quot;.</td>
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</tbody>
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