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Committee on Employment and Social Affairs

2010/0210(COD)

27.5.2011

DRAFT OPINION

of the Committee on Employment and Social Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a directive of the European Parliament and of the Council
on the conditions of entry and residence of third-country nationals for the
purposes of seasonal employment
(COM(2010)0379 – C7-0180/2010 – 2010/0210(COD))

Rapporteur: Sergio Gaetano Cofferati

(*) Associated committee – Rule 50 of the Rules of Procedure

PA_Legam

SHORT JUSTIFICATION

The proposal for a directive concerns the conditions of entry and residence of third-country nationals for the purposes of seasonal employment and constitutes a major step in seeking to build a comprehensive EU common migration policy. It forms part of the package on legal migration announced by the Commission at the end of 2005, which provides for the adoption of five separate legislative measures aimed at fleshing out and developing EU migration policy in a coherent manner. The first measure, i.e. the Blue Card Directive (Directive 2009/50/EC), was adopted on 25 May 2009. The proposal for a Single Permit Directive was adopted at first reading by Parliament on 24 March 2011 and is now the subject of discussions between the Council and Parliament. This proposal for a directive was submitted at the same time as the proposal for an ICT directive (COM(2010)0378).

It will need to take account of and be consistent with existing migration legislation.

The directive's main aims are:

- to establish a common framework, based on clear, appropriate and transparent rules, for nationals of third countries entering and staying in Europe for the purposes of seasonal work (hereinafter 'seasonal workers');
- to provide for incentives and measures to ensure that seasonal workers do not remain illegally in the EU at the end of their authorised period of residence;
- to protect seasonal workers and avoid them having to face situations of exploitation and working and living conditions that are not decent.

As your rapporteur, I wish to stress that this report only deals with those parts of the proposal which fall within the remit of the Committee on Employment and Social Affairs, whether exclusive (Recitals 20, 21 and 22 and Articles 3(f) and 16, and, as regards the exclusions relating to the employment market and social security, Recital 9 and Article 2(2)) or shared (Recitals 7, 10, 12, 13, 14, 19 and 23 and Articles 3(b), 3(c), 4(2), 5(1)(a), 5(1)(d), 6(2), 14 and 17).

The main issue within our committee's remit in relation to this directive is the exploitation and degrading living and working conditions which seasonal workers are forced to endure.

It should be pointed out, in this context, that those seasonal workers most easily affected by exploitation are those illegally resident in the EU. A vital total in combating illegal immigration is the Directive on sanctions against employers (Directive 2009/52/EC).

However, the directive under discussion will make a significant contribution in this area by establishing a clear, common and transparent framework for the entry and residence of migrants in a Member State for the purposes of seasonal employment and thereby promoting the use of legal migration channels.

In seeking to protect seasonal workers, we should closely follow the position set out in Parliament's resolution of 26 September 2007 on the Policy Plan on Legal Migration, of which this proposal for a directive forms a part: 'recalls the need to avoid double standards of rights amongst different categories of workers and to safeguard particularly the rights of seasonal workers and paid trainees, who are more vulnerable to abuse'.

Achieving this objective is important not only for reasons of equity, social justice and respect for the dignity of the seasonal workers concerned, but also in recognition of the contribution they make through their work and the taxes and social security contributions they pay to the

social and economic development of the Member States and the European Union. The EU needs these workers for demographic and skills-related reasons, just as it needs migrant workers more generally, and they must be guaranteed fair and decent working conditions.

In order to protect the rights of seasonal workers, steps must be taken – in particular as regards working conditions – to ensure that the principle of equal treatment of third-country seasonal workers and national of the host Member State is fully respected. The full observance of this principle is also a prerequisite for avoiding social dumping and unfair competition.

Moreover, housing is a key aspect of the decent living conditions which seasonal workers should be able to enjoy: such workers should be guaranteed ‘adequate accommodation’, and this term needs to be defined more clearly. It is also important to ensure that seasonal workers are not exploited by being obliged to pay an excessively large proportion of their net income in rent.

Monitoring is also important. Steps must be taken to set up effective and thorough inspection and monitoring mechanisms and to develop an effective means of facilitating complaints. The authorities responsible for monitoring action taken under this directive should be provided with all the resources they require to carry out their duties as effectively as possible.

AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive

Recital 9

Text proposed by the Commission

Amendment

(9) This Directive should not affect conditions of the provision of services in the framework of Article 56 of the TFEU. In particular, this Directive should not affect the terms and conditions of employment which, pursuant to Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services¹, apply to workers posted by an undertaking established in a Member State to provide a

deleted

¹ OJ L 18, 21.1.1997, p. 1.

service in the territory of another Member State.

Or. it

Amendment 2

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture, during the planting or harvesting period, or tourism, during the holiday period.

Amendment

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture **and horticulture**, during the planting or harvesting period, or tourism, during the holiday period.

Or. en

Justification

The horticulture sector is also dependent on the passing of the seasons and in certain Member States it is not covered by the term 'agriculture'. It should be clarified that it is within the scope of this Directive.

Amendment 3

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) The Directive should not affect, **where granted**, the rights of third-country nationals already legally staying in a Member State to work.

Amendment

(12) The Directive **should not adversely** affect the rights of third-country nationals already legally staying in a Member State to work.

Or. en

Justification

This is a technical amendment aimed at better clarifying that this Directive should not pejoratively affect the rights of third-country nationals already legally staying in a Member State to work.

Amendment 4

Proposal for a directive Recital 13

Text proposed by the Commission

(13) The Directive should provide for a flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies the ***level of remuneration applicable to seasonal workers in the sector concerned.***

Amendment

(13) The Directive should provide for a flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies the ***essential aspects of the contract or employment relationship.***

Or. en

Justification

The Authorities in charge should be able to ensure that all aspects of the contract or of the employment relationship, as defined in Union legislation, fully respect the provisions laid down in this Directive, in particular concerning equal treatment with the citizens of the host Member State, as defined in Art 16.

Amendment 5

Proposal for a directive Recital 20

Text proposed by the Commission

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to ***define clearly the working conditions applicable to such workers in order to ensure legal certainty by referring such conditions to generally binding instruments providing effective protection of the rights of third-country seasonal workers, such as law or***

Amendment

(20) Considering the specially vulnerable situation of third-country national seasonal workers and the temporary nature of their assignment, there is a need to ***provide effective protection of the rights of third-country seasonal workers and to fully guarantee respect for the principle of equal treatment with workers who are nationals of the host Member State.***

universally applicable collective agreements.

Or. it

Amendment 6

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Member States should ratify without delay the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly of the United Nations on 18 December 1990.

Or. it

Amendment 7

Proposal for a directive Recital 20 b (new)

Text proposed by the Commission

Amendment

(20b) This Directive shall apply without prejudice to the rights and principles contained in the European Social Charter of 18 October 1961.

Or. it

Amendment 8

Proposal for a directive Recital 21

Text proposed by the Commission

(21) In the absence of a system for declaring collective agreements of universal application, Member States may base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.

Amendment

(21) In addition to the legislative, administrative and regulatory provisions that apply to workers who are nationals of the host Member State, arbitration decisions and collective agreements and contracts concluded at any level, in accordance with the host Member States' national law and practices, by the most representative employers' and labour organisations, should also apply to third-country seasonal workers under the same terms as to nationals of the host Member State.

Or. it

Amendment 9

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) Third-country national seasonal workers should be granted equal treatment in respect of those branches of social security listed in Article 3 of Regulation (EC) No 883/04 on the coordination of social security systems.

This Directive should not confer more rights than those already provided in existing EU legislation in the field of social security for third-country nationals who have cross-border interests between Member States. Furthermore, this Directive should not grant rights in relation to situations which lie outside the scope of that EU legislation such as, for example, to family members residing in a third country. This is without prejudice to the non discriminatory application by Member States of national legislation

Amendment

(22) Third-country national seasonal workers should be granted equal treatment in respect of those branches of social security listed in Article 3 of Regulation (EC) No 883/04 on the coordination of social security systems. This is without prejudice to the non discriminatory application by Member States of national legislation providing for de minimis rules on contributions to pension systems.

providing for de minimis rules on contributions to pension systems.

Or. it

Amendment 10

Proposal for a directive Recital 22 a (new)

Text proposed by the Commission

Amendment

(20a) Union law does not limit the power of the Member States to organise their social security schemes. In the absence of harmonisation at EU level, each Member State is responsible for laying down in its legislation the rules governing the granting of social security benefits, as well as the amount and duration of such benefits. However, when exercising that power, Member States should comply with Union law.

Or. it

Amendment 11

Proposal for a directive Recital 22 b (new)

Text proposed by the Commission

Amendment

(20b) Member States should at least give equal treatment to those third-country nationals who are in employment or who after a period of employment are registered as unemployed. Any restrictions to the equal treatment in the field of social security under this Directive should be without prejudice to the rights conferred in application of Regulation (EU) No

1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality.

Or. it

Amendment 12

Proposal for a directive Recital 22 c (new)

Text proposed by the Commission

Amendment

(22c) To ensure the proper enforcement of this Directive, and in particular the provisions regarding rights, working conditions and accommodation, Member States should ensure that appropriate monitoring mechanisms are put in place and that effective and adequate inspections are carried out on their territory. With a view to increasing the effectiveness of those inspections, Member States should ensure that national legislation gives adequate powers and resources to competent authorities to carry out inspections; that the results of previous inspections are collected and processed for the effective implementation of this Directive; and that sufficient staff are available with the skills and qualifications needed to carry out inspections effectively.

Or. en

Justification

An effective system of monitoring and inspections is needed in order to ensure that the rights of the seasonal workers and the provisions of this Directive will be fully respected throughout the entire duration of stay.

Amendment 13

Proposal for a directive Recital 23

Text proposed by the Commission

(23) To facilitate enforcement, **relevant designated third parties such as trade unions or other associations should be able to lodge complaints in order to ensure effective application** of the Directive. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences.

Amendment

(23) To facilitate enforcement **of this Directive, there should be effective mechanisms through which seasonal workers may lodge complaints directly or through relevant third parties such as trade unions or other associations. This** is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences. **There should also be adequate judicial protection against victimisation of seasonal workers as a result of a complaint being made.**

Or. en

Justification

Given the vulnerability of seasonal workers to exploitation it is essential that there are effective mechanisms in place for seasonal workers to complain themselves, or via third parties. Protection against victimisation for seasonal workers who complain is vital to make the complaints mechanism a realistic option and to protect seasonal workers in a vulnerable position.

Amendment 14

Proposal for a directive Article 2 – paragraph 2

Text proposed by the Commission

2. This Directive shall not apply to third-country nationals who are carrying out activities on behalf of undertakings established in another Member State in the framework of a provision of services

Amendment

deleted

within the meaning of Article 56 of the Treaty on the Functioning of the European Union, including those posted by undertakings established in a Member State in the framework of a provision of service in accordance with Directive 96/71/EC.

Or. it

Justification

Given that it has not yet been clearly established whether and in what way the Posting Directive also applies to third-country nationals, it is inappropriate to exclude from the scope of this directive third-country workers posted by undertakings established in another Member State in the framework of a provision of service in accordance with Directive 96/71/EC.

Amendment 15

**Proposal for a directive
Article 2 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. This Directive shall apply to the agriculture, horticulture and tourism sectors. Member States may decide to extend its application to additional activities that are dependent on the passing of the seasons, on condition that the social partners give their agreement.

Or. en

Justification

Some activities in the agriculture, horticulture and tourism sectors are naturally seasonal, being tied to peaks in workforce requirements, depending on the passing of seasons (see examples in Recital 10). Having regard to the wide variety of situations in the Member States, some additional activities, beyond these sectors, may be brought within the scope of this Directive, but this should only happen with the agreement of the social partners.

Amendment 16

Proposal for a directive Article 3 – point b

Text proposed by the Commission

(b) ‘seasonal worker’ means a third-country national who ***retains a legal domicile in a third country but*** resides temporarily for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between the third-country national and the employer established in a Member State;

Amendment

(b) ‘seasonal worker’ means a third-country national who resides temporarily for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons, ***within the scope of Article 2(2a)***, under one or more fixed-term work contracts concluded directly between the third-country national and the employer established in a Member State;

Or. en

Justification

This is a technical amendment to make the text consistent with other changes regarding definitions and scope.

Amendment 17

Proposal for a directive Article 3 – point c

Text proposed by the Commission

(c) ‘activity dependent on the passing of the seasons’ means an activity that is tied to a certain time of the year by an event or pattern during which labour levels are required that are far above those necessary for usually ongoing operations;

Amendment

(c) ‘activity dependent on the passing of the seasons’ means an activity that is tied to a certain time of the year by an event or pattern ***of events*** during which the required labour levels are ***regularly and predictably*** far above those necessary for usually ongoing operations;

Or. en

Justification

For an activity to be considered seasonal it should be strictly linked to a certain period of the

year, where labour requirements are predictably and regularly higher than normal.

Amendment 18

Proposal for a directive

Article 3 – point f

Text proposed by the Commission

(f) ‘universally applicable collective agreement’ means a collective agreement which must be observed by all undertakings in the geographical area and in the profession or industry concerned. In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.

Amendment

(f) ‘collective agreements and contracts’ means any collective agreements or contracts concluded at any level, in accordance with the host Member State’s national law and practices, by the most representative employers' and labour organisations and applicable to workers who are nationals of the host Member State.

Or. it

Justification

The definition contained in the Commission proposal would not allow all collective agreements, concluded at all levels, to be covered and would have a negative impact on the system of relations between employers' and labour organisations; furthermore, it would not guarantee respect for the principle of equal treatment with nationals of the host Member State and would not avoid the risk of social dumping, unfair competition and exploitation.

Amendment 19

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions for **persons** to whom it applies in respect of Articles 13 to 17 of this Directive.

Amendment

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions for **third-country nationals** to whom it applies in respect of Articles 13 to 17 of this Directive.

Or. en

Justification

This is a technical change to clarify that any more favourable provisions should relate to third-country nationals specifically (prospective seasonal workers under Article 13, and seasonal workers under Articles 14-17).

Amendment 20

Proposal for a directive
Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) a valid work contract or, as provided for in national law, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in the Member State that specifies the **rate of pay and the working hours per week or month and, when applicable, other relevant working conditions**;

Amendment

(a) a valid work contract or, as provided for in national law, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in the Member State that specifies the **essential aspects of the contract or employment relationship as laid down in Article 2 of Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship¹, in accordance with the provisions laid down in Article 16 of this Directive**;

¹ OJ L 228, 18.10.1991, p. 32.

Or. en

Justification

*This shall allow authorities in charge to ensure that **all** aspects of the contract or of the*

employment relationship, as defined in Union legislation, fully respect the provisions laid down in this Directive, in particular concerning equal treatment with the citizens of the host Member State, as defined in Art 16.

Amendment 21

Proposal for a directive

Article 5 – paragraph 1 – point d

Text proposed by the Commission

(d) evidence of having accommodation **as set out** in Article 14.

Amendment

(d) evidence of having accommodation, **in accordance with the provisions laid down** in Article 14.

Or. en

Justification

This shall allow authorities in charge to ensure that the seasonal will benefit from adequate accommodation as required in Art 14.

Amendment 22

Proposal for a directive

Article 6 – paragraph 2

Text proposed by the Commission

2. Member States may verify whether the vacancy concerned could not be filled by **national or EU**, or by third-country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and reject the application.

Amendment

2. Member States may verify whether the vacancy concerned could not be filled by **nationals of the Member State concerned, by other Union citizens**, or by third country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and reject the application.

Or. en

Justification

This is a technical/linguistic amendment which clarifies the meaning of this provision.

Amendment 23

Proposal for a directive Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures ***an adequate*** standard of living. ***If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.***

Amendment

1. Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from adequate accommodation, pursuant to national legislation and practice, that ensures a decent standard of living. As a minimum, such accommodation shall provide the inhabitants with adequate space, shall protect them from the elements and other threats to health, shall be safe and well maintained, and shall provide the facilities essential for health, security, comfort and nutrition, such as safe drinking water, systems for cooking, heating and lighting, sanitation and washing facilities, means of food storage and refuse disposal. The accommodation shall allow access to basic services.

Or. en

Justification

The accommodation shall be adequate, and shall comply with the requirements of national legislation and practice as well as with some minimum provisions. These minimum provisions are in line with indicators defining adequate housing set by the UN Committee on Economic, Social and Cultural Rights.

Amendment 24

Proposal for a directive Article 14 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If seasonal workers are required to pay rent for such accommodation, its cost shall be fixed for the duration of their stay and shall not be excessive in relation to their net remuneration or to the quality of

the accommodation.

Or. en

Justification

Charging high rent compared to the net pay of seasonal workers or to the quality of the accommodation is a means through which they can be exploited. This should therefore be prevented.

Amendment 25

**Proposal for a directive
Article 14 a (new)**

Text proposed by the Commission

Amendment

Article 14a

Costs

Member States shall require employers of seasonal workers to pay for:

- (a) the cost of travel from the seasonal workers' place of origin to the place of work in the Member State concerned and the return journey;***
- (b) the visa fee and, if applicable, any service fees related to the visa;***
- (c) the cost of health insurance referred to in point (c) of Article 5(1).***

Or. en

Justification

Some costs that are directly linked to the seasonal employment should be paid by the employers. The payment by the employer of the costs of travel shall facilitate the return of the seasonal workers to the place of origin upon the expiration of their permit.

Amendment 26

**Proposal for a directive
Article 16**

Whatever the law applicable to the employment relationship, seasonal workers shall be entitled to:

1. working conditions, including pay and dismissal as well as health and safety requirements at the workplace, **applicable to seasonal work as laid down by law, regulation or administrative provision and/or universally applicable** collective agreements **in the Member State to which they have been admitted according to this Directive.**

In the absence of a system for declaring collective agreements to be of universal application, Member States may, if they so decide, base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers' and labour organisations **at national level and which are applied throughout national territory;**

2. equal treatment with nationals of the host Member State as regards at least with regard to:

(a) freedom of association and affiliation and membership of an organisation representing workers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;

Seasonal workers shall be entitled to **equal treatment with nationals of the host Member State at least with regard to:**

1. working conditions, including pay and dismissal, **working hours, holidays and disciplinary provisions**, as well as health and safety requirements at the workplace, **taking into account, in addition to legal, administrative and regulatory provisions, arbitration decisions and** collective agreements **and contracts, concluded at any level, in accordance with the host Member State's law and practices**, by the most representative employers' and labour organisations, **under the same terms as for nationals of the host Member State;**

2. freedom of association and affiliation and membership of an organisation representing workers or of any organisation whose members are engaged in a specific occupation, including the **rights and benefits conferred by such organisations, including the right to negotiate and conclude collective agreements and the right to strike and take industrial action, in accordance with the host Member State's national law and practices which comply with Union law**, without prejudice to the national provisions on public policy

and public security;

- b) provisions in national laws regarding the branches of social security as defined in *Article 3 of Council Regulation (EC) No 883/04*;**
- c) *payment of statutory pensions based on the worker's previous employment under the same conditions as nationals of the Member States concerned when they move to a third country*;**
- d) access to goods and services and the supply of goods and services made available to the public, *except public housing and counselling services afforded by employment services*.**

3. the branches of social security, as defined in Regulation (EC) No 883/2004;

4. access to goods and services and the supply of goods and services made available to the public *including procedures for obtaining housing and the assistance and advice services afforded by employment offices as provided by national law. This paragraph shall be without prejudice to the freedom of contract in accordance with national and Union law.*

Or. it

Amendment 27

Proposal for a directive Article 16 – point 4 a (new)

Text proposed by the Commission

Amendment

4a. education and occupational training, in the broad sense of the term, including study grants;

Or. it

Amendment 28

Proposal for a directive Article 16 – point 4 b (new)

Text proposed by the Commission

Amendment

4b. recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;

Or. it

Amendment 29

Proposal for a directive Article 16 – point 4 c (new)

Text proposed by the Commission

Amendment

4c. tax relief.

Or. it

Amendment 30

Proposal for a directive Article 16 - subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Third-country workers moving to a third country, or the survivors of such workers residing in a third-country deriving rights from the worker, shall receive, in relation to old-age, invalidity and death, statutory pensions based on the workers' previous employment and acquired in accordance with the legislation set out in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third country.

Or. it

Justification

Come dichiarato dal Parlamento europeo nella sua risoluzione del 26 Settembre 2007 sul piano d'azione sull'immigrazione legale (2006/2251(INI)), è di fondamentale importanza "evitare una gerarchia dei diritti tra le diverse categorie di lavoratori e di proteggere in particolare il diritto dei lavoratori stagionali e dei tirocinanti retribuiti, che sono maggiormente soggetti ad abusi", quindi è necessario assicurare per i lavoratori stagionali la parità di trattamento in alcuni settori fondamentali, tra cui certamente le condizioni di lavoro, ed il godimento di alcuni diritti socio-economici fondamentali, che permettano loro di portare avanti uno standard di vita decente, per evitare lo sfruttamento, il dumping sociale e la concorrenza sleale.

Amendment 31

Proposal for a directive Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Monitoring and inspections

Member States shall ensure that appropriate monitoring mechanisms are put in place and effective and that adequate inspections are carried out on their territory to ensure that the provisions laid down in this Directive, in particular regarding rights, working conditions and accommodation, are fully respected throughout the duration of the seasonal workers' stay in the Member State concerned.

Or. en

Justification

An effective system of monitoring and inspections is needed in order to ensure that the rights of the seasonal workers and the provisions of this Directive will be fully respected.

Amendment 32

Proposal for a directive Article 17 – subparagraph -1 (new)

Text proposed by the Commission

Amendment

Member States shall ensure that there are effective mechanisms through which seasonal workers may lodge complaints against their employers, directly or through third parties which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring compliance with this Directive, or a competent authority of the Member State when provided for by national legislation.

Or. en

Justification

Given the vulnerability of seasonal workers to exploitation it is essential that there are effective mechanisms in place for seasonal workers to complain themselves, or via third parties.

Amendment 33

Proposal for a directive Article 17 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall adopt such measures as are necessary to protect seasonal workers against dismissal or other adverse treatment by the employer as a reaction to a complaint within the undertaking or to any legal proceedings aimed at enforcing compliance with this Directive.

Or. en

Justification

Protection against victimisation for seasonal workers who complain is vital to make the complaints mechanism a realistic option and to protect seasonal workers in a vulnerable position

