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Plenary sitting

13.12.2011

B7-0731/2011

MOTION FOR A RESOLUTION

further to Questions for Oral Answer B7-0673/2011 and B7-0674/2011

pursuant to Rule 115(5) of the Rules of Procedure

on the freedom of movement for workers in the European Union
(2011/2958(RSP))

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on behalf of the GUE/NGL Group

European Parliament resolution on the freedom of movement for workers in the European Union (2011/2958(RSP))

The European Parliament,

- having regard to Articles 21, 45 and 47 of the Treaty on the Functioning of the European Union and Articles 15, 21, 29, 34 and 45 of the Charter of Fundamental Rights,
 - having regard to Article 151 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community¹,
 - having regard to Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship²,
 - having regard to the International Labour Organisation's Core Labour Standards and the UN and ILO Decent Work Agenda,
 - having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems³,
 - having regard to Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States⁴,
 - having regard to the report from the Commission to the Council on the Functioning of the Transitional Arrangements on Free Movement of Workers from Bulgaria and Romania (COM(2011) 729 final),
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the right to live and work in a different Member State than a person's Member State of origin is one of the Union's fundamental freedoms, a basic component of Union citizenship and recognised by the Treaties;
- B. whereas the principle of free movement of workers gives European citizens the right to move freely within the EU for work purposes based on equal treatment and protects the social rights of workers and of their family members;
- C. whereas Article 45 TFEU prohibits any discrimination based on nationality as regards

¹ OJ L 257, 19.10.1968, p. 2.

² OJ L 288, 18.10.91, p. 32.

³ OJ L 166, 30.4.2004, p. 1.

⁴ OJ L 158, 30.4.2004, p. 77.

employment, remuneration and other working conditions;

- D. whereas certain Member States still restrict the right to free movement of workers from Bulgaria and Romania in the context of transitional arrangements encompassing three stages which will finally expire on 31 December 2013;
 - E. whereas the second stage of the transitional period for the two countries is due to expire by the end of 2011;
 - F. whereas Romanian nationals represent more than 80% of nationals of the two countries (Romania and Bulgaria) resident in another Member State and are found mainly in Italy (41%) and Spain (38%), followed by Germany (5%), while Bulgarian nationals live mainly in Spain (38%), Germany (15%), Greece (12%), Italy (10%) and UK (7%);
 - G. whereas Bulgaria and Romania have been severely affected by the economic recession and whereas the large wage difference with the EU-15 countries still constitutes a strong pull-factor; whereas harsh austerity policies and 'structural reforms' implemented either as a result of EC-ECB-IMF 'Troika' dictates (Romania) or national governments decisions (Bulgaria) are aggravating the recession in both countries and constitute as strong push-factor;
 - H. whereas mobile workers from Romania and Bulgaria are concentrated in occupations requiring low (40%) or intermediate (53%) qualifications, and whereas highly-skilled occupations employ only 7% of the workers moving from those countries;
 - I. whereas in the longer term, intra-EU mobility may put the age structure and public finances of the sending countries under pressure since Romania and Bulgaria have seen large outflows of young citizens; whereas there is a risk of a brain drain from both countries as regards the health sector, which has been brutally downsized by austerity policies;
1. Considers, as a matter of principle, that the right to free movement of workers should be granted from the date of accession of a country to the European Union and that transitional arrangements restricting that right should be avoided;
 2. Calls on those Member States that still impose labour market restrictions on Romanian and Bulgarian nationals to remove them by the end of 2011 in accordance with the deadline laid down in the Treaty of Accession;
 3. Calls on public authorities and all stakeholders to raise the level of awareness among workers of their rights and the various instruments (labour law, collective agreements, social security provisions, housing, education, child care etc.) that regulate their employment relationship as well as their working and living conditions;
 4. Points out the findings of the Commission's Draft Joint Employment Report 2012, which predicts a further rise in unemployment and poverty throughout the European Union as a result of the continuing financial and economic crisis; highlights the increase of temporary and part-time jobs, the rise of youth, long-term and low-skilled unemployment and that undeclared work is persistent and represents more than 20% of the economy in certain

Member States; notes that the increasing unemployment levels which are a result of the current crisis have resulted in a huge rise in the involuntary movement of workers, from many member states, as a matter of necessity; notes that the only way to combat this is to provide and increase sufficient and quality employment in all affected Member States so that all free movement is based on choice, and not necessity;

5. Underlines, against that background, that it may be highly likely that Romanian and Bulgarian workers will come under pressure to ‘adapt’ to this situation by accepting employment conditions that run counter to the principle of equal treatment and their rights enshrined in EU law on free movement of workers and their families; notes that according to the skills structure of mobile Romanian and Bulgarian workers pressure to accept any very low paid and precarious employment will rise;
6. Strongly criticises the European Union’s concept of economic governance and its employment policies promoting more flexible labour markets, which both aim at dismantling social protection and the welfare state, workers rights, collective bargaining etc. and which block any meaningful attempts to counter the financial and economic crisis by mobilising investment in environmental and social sustainable development; highlights that austerity policies and ‘structural reforms’ as pursued by the EU and its Member States trigger a dynamic of workers undercutting each other – regardless of their nationality or ethnic origin – in terms of working conditions, wages, social security etc; underlines that current EU Economic Governance and employment policies thus are detrimental to guaranteeing workers rights in the context of free movement;
7. Recalls its demand of 2008 that the Council should agree on an EU target for minimum wages (statutory, collective agreements at national, regional or sectoral level) to provide for remuneration of at least 60% of the relevant (national, sectoral, etc.) average wage and, further, to agree a timetable for achieving that target in all Member States; points out that an effective minimum wage policy is essential to prevent that the free movement of workers can be abused by employers for social dumping;
8. Points out that Member States have the obligation to implement the UN and ILO’s Decent Work Agenda properly; insists that the EU’s and Member States’ employment policies must be re-oriented to promote the concept of ‘Good Work’ in all its aspects; underlines that this is a pre-requisite for guaranteeing the social rights of workers and their families in the context of free movement;
9. Insists on the strict application of the principle of equal pay and equal working conditions for work of equal value between women and men at the same work place or location;
10. Highlights that efficient controls by labour inspectorates are an essential instrument to guarantee equal treatment and to combat undeclared work and social dumping; calls on the Member States to increase labour inspections and provide sufficient resources for labour inspectorates; calls on the Commission to improve cooperation and coordination of labour inspectorates in cross-border regions;
11. Notes reports about ‘children left behind’ by mobile workers from Romania and Bulgaria seeking employment in other EU countries; points out that this a totally unacceptable situation, also with respect to the obligations of the sending countries; insists that Member

States must ensure that the children of EU mobile workers do not face difficulties regarding their nationality or citizenship due to the working choices of their parents and must be provided with all means necessary to ensure their well-being, education and life-prospects;

12. Calls on Member States to tackle the issue of false self-employment among mobile workers; stresses the need to give these workers access to rights and protection;
13. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.