



Better Employment

Recent findings from research and policy advice project work

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GENERAL
ASSEMBLY



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The Employment and Labour Mobility Research Team

We design, coordinate and implement projects in the fields of:

- ❑ employment and labour market policies;
- ❑ labour mobility and migration;
- ❑ labour standards and working conditions; and
- ❑ the relationship between workers, employers, and social partners.

8 DECENT WORK AND
ECONOMIC GROWTH



10 REDUCED
INEQUALITIES



17 PARTNERSHIPS
FOR THE GOALS



Outline

- ❑ Why better employment?
 - Issues regarding labour standards and industrial relations
- ❑ How to achieve this?
 - better policies
 - better implementation and enforcement
- ❑ Lessons learned from our projects
- ❑ The future of (our) work

Why Better Employment?

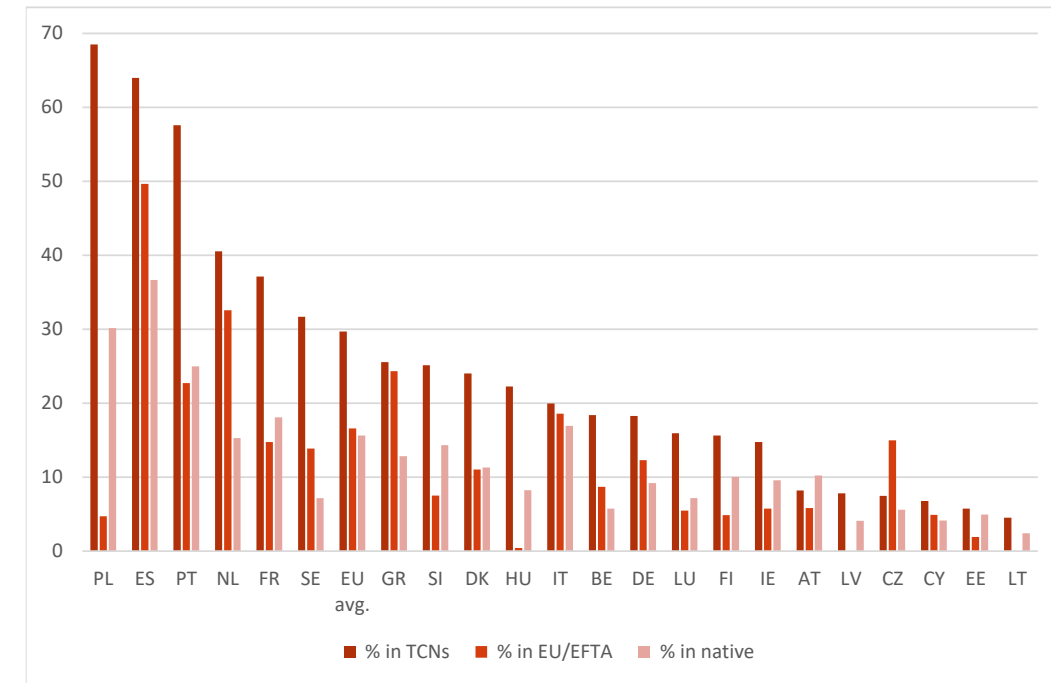
- ❑ SDG 8 aims for “*full and productive employment and decent work*” for all people as well as “*equal pay for work of equal value*”, the “protection of labour rights” and the promotion of “safe and secure working environments” by 2030, but progress remains limited (UN, 2022).
- ❑ Our research into mobile and platform workers identified issues in the fields of labour standards and industrial relations.

Issues regarding Labour Standards and Industrial Relations I

Third country nationals and posted workers face different **degrees of precariousness** from informal and non-standard forms of employment which makes them vulnerable to **abuse** and **exploitation**.

- ❑ **FELM:** Construction workers from third countries are more likely to have temporary work contracts.
- ❑ **Posting.Stat:** Posted workers are at a much higher risk of being underpaid than local workers.
- ❑ **SMUG:** During COVID, third country nationals in precarious employment were most vulnerable. They could not access social protection benefits and had to rely on informal employment to make a living.

Figure 11: % Share of temporary work contracts in the construction sector across EU member states



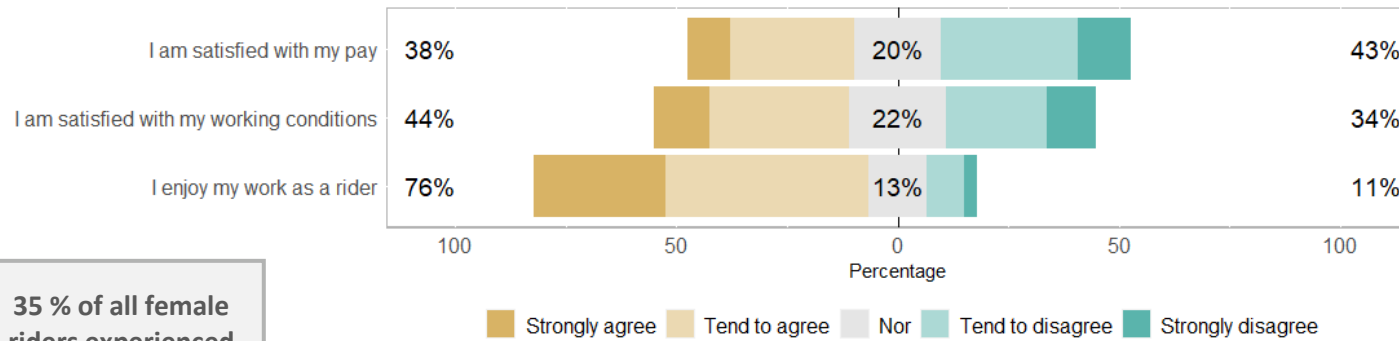
Source: Own calculations based on EU-LFS 2016-2020 pooled sample.

Note: Frequency weights used.

Issues regarding Labour Standards and Industrial Relations II

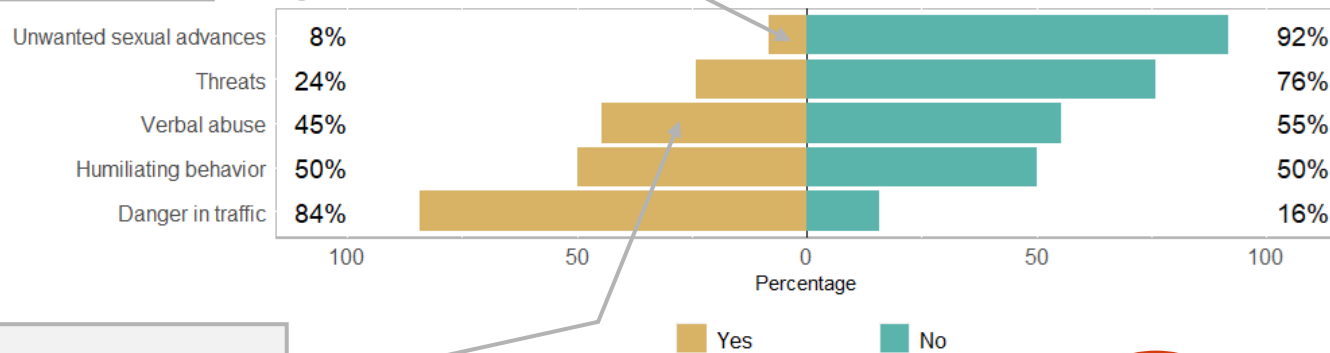
Ridersurvey: Light and shade regarding the working conditions of food delivery riders working for platforms in Austria.

Figure 1: Job satisfaction



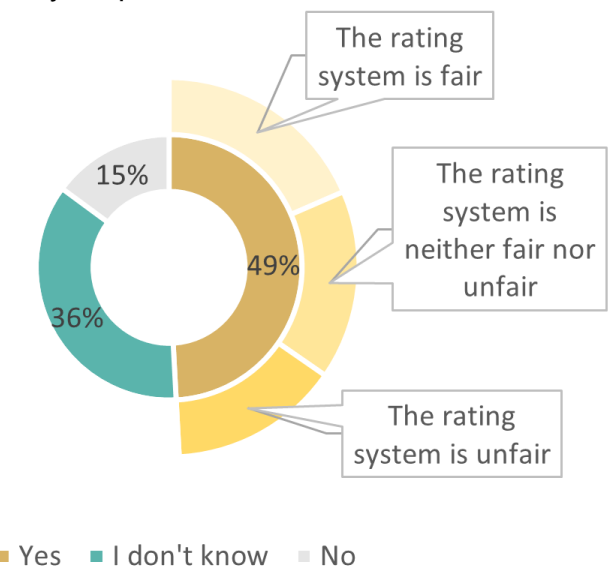
35 % of all female riders experienced unwanted sexual advances

Figure 3: Harassment at work



58 % of all female riders experienced verbal abuse

Figure 2: Is your performance evaluated?



Employment status matters:

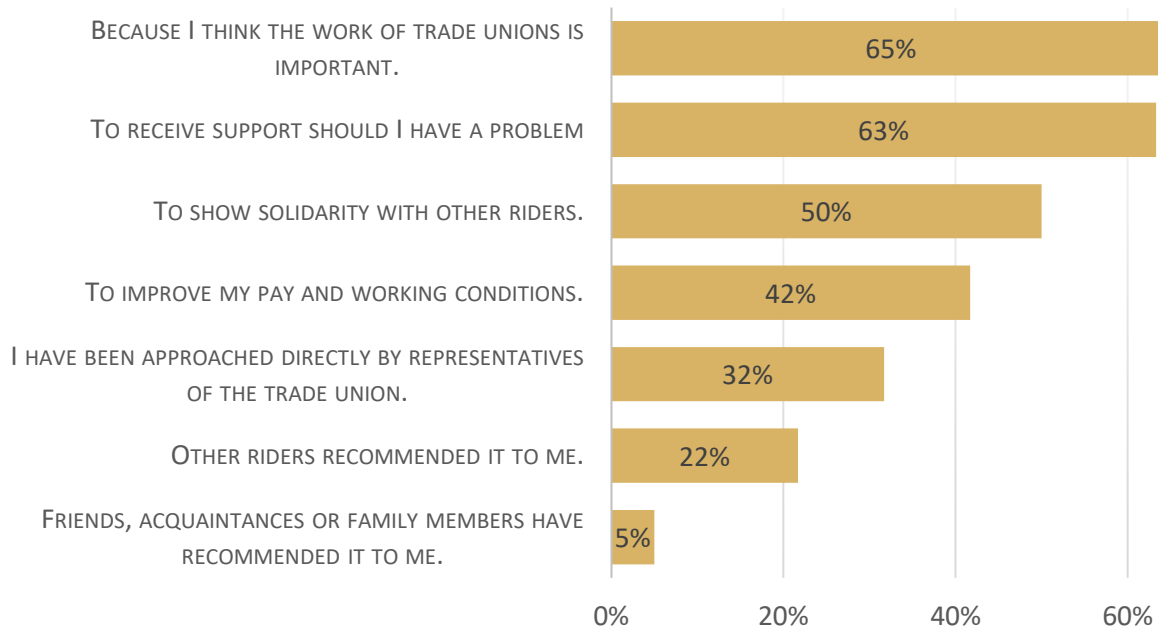
- ☐ Employees are covered by collective agreements (CBA), paid hourly and receive weekend surcharges.
- ☐ Freelancers excluded from CBA, paid per delivery.

Issues regarding Labour Standards and Industrial Relations III

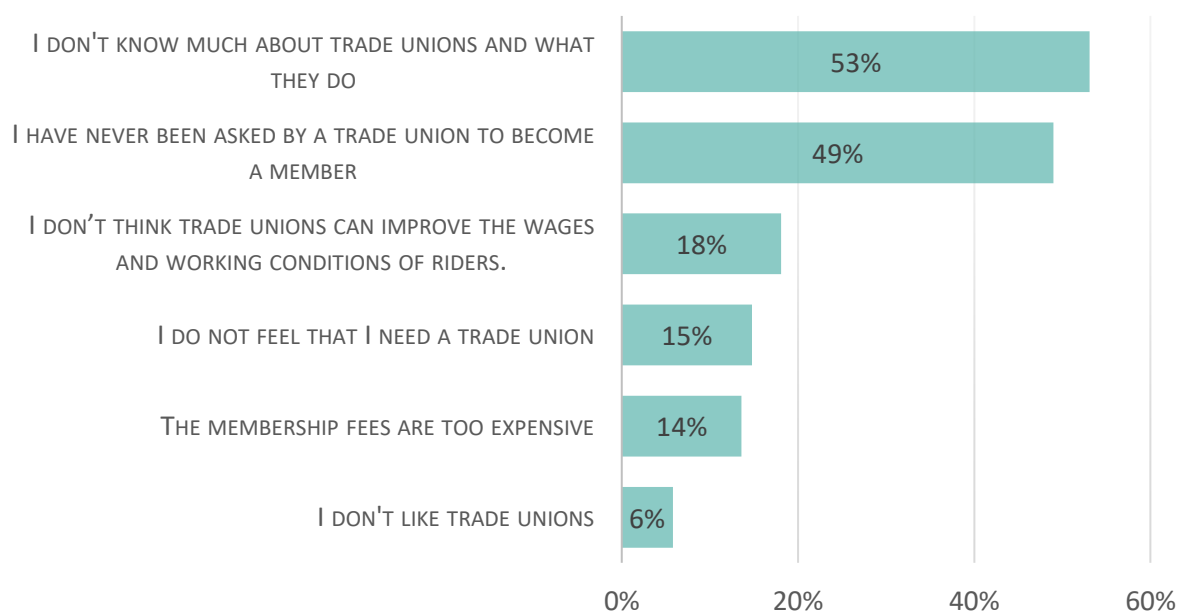
- ❑ Collective bargaining can improve employment, but membership has fallen.

Ridersurvey: Why do food delivery riders (not) join trade unions?

WHY DID YOU BECOME A TRADE UNION MEMBER?



WHY ARE YOU NOT CURRENTLY A TRADE UNION MEMBER?



- **Employment status matters:** Freelancers are less likely to be union members than employees

How to achieve better employment? (I)

Better policies

Better Policies I

- ❑ In the **‘new world of work’**, EU and national rules regarding **employment status** must be (and sometimes are) reconsidered.
- ❑ For example, the exclusion of freelancers from collective bargaining in AT could be addressed by
 - New guidelines on EU competition law permitting self-employed platform workers to engage in collective bargaining (adopted on September 29, 2022)
 - The ‘Legal presumption’ of an employment relationship for platform workers (COM/2021/762)
 - A reform of the AT Labour Constitution Act (ArbVG) to cover freelancers as well.

Better Policies II

- ❑ Individuals' needs are **specific** and **complex**. Active labour market policies should be
 - ❑ **tailored** to individual needs and
 - ❑ follow an integrated and **holistic approach** which incorporates social services and benefits in the labour market integration process (ILO_ARM&TJK)
- ❑ The complexity of individuals' needs must be reflected in **policy evaluations**
 - ❑ **CoP Employment, Education and Skills**: Soft outcome indicators are already used in several EU-MS within the European Social Fund, but tracking systems need to be adjusted and ALMP outcomes further traced depending on individual targets set with the beneficiary

Better Policies III

❑ National and transnational policies can leave gaps or can be conflicting

- The Austrian Anti-Wage and Social Dumping Law imposed substantial fines on companies underpaying posted workers.
- ECJ ruling in 'Maksimovic et al.': high level of fines is incompatible with the freedom to provide services (POW-BRIDGE, Posting.Stat).
- Multi-level public procurement policies regulated by EU, international and national agreements create loopholes for uneven access to third country companies and the risk of unfair competition.
- While the fundamental rules for the issuing of permits for third country workers is regulated at the EU level (Directive 2011/98/EU), national migration regime frameworks and bureaucracies such as the number of TCNs admitted and processing times vary significantly among Member States (FELM).
- Need for more **policy coordination** and **convergence** in the European Union.

“What’s the point of having new legislation if it remains dead in the water?”

Frits Bolkestein, April 2003, Internal Market Commissioner

How to achieve better employment? (II)

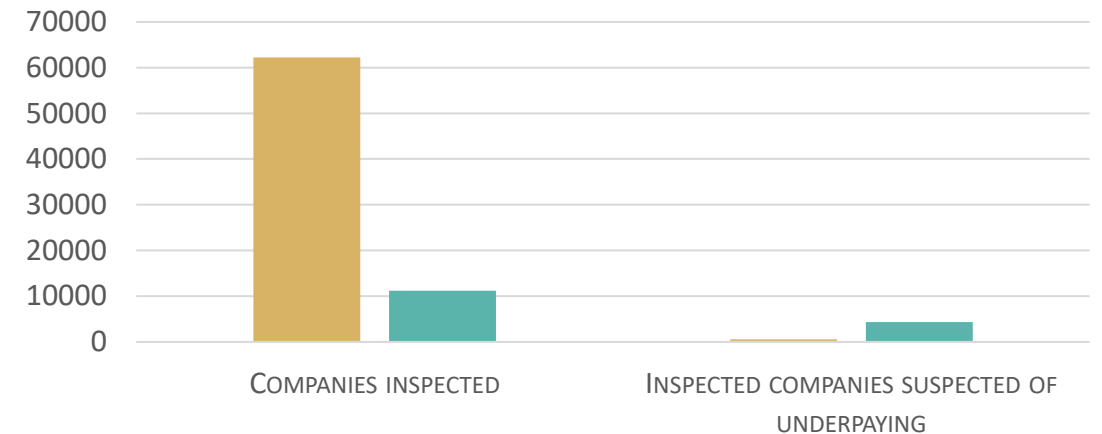
Better Implementation and Enforcement

Better Implementation and Enforcement I

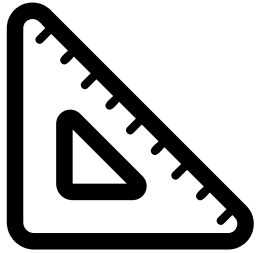
❑ Rule breaking should not be financially advantageous

- Posted workers are entitled to equal pay (2018 Posting of Workers Directive, LSD-BG)
- Companies are rarely sanctioned
- Lowering of potential fines after *Maksimovic* could incentivise more underpayment.
- No data yet on the ruling's effect, but underpayment was problematic even *before*.

SUSPECTED UNDERPAYMENT IN THE AUSTRIAN CONSTRUCTION SECTOR (2015-2020)



Better Implementation and Enforcement II



- ❑ Valid and comprehensive **data** is necessary to monitor correct implementation
 - Measuring **soft outcomes** of active labour market policy
 - The **number and nature of postings** is not measured directly, but inferred from social insurances documents (PD A1) and/or prior notifications (ZKO)
- ❑ The multifaceted nature of many employment-related issues requires **sustainable cooperation protocols** and **practices** among institutions and stakeholders at national and transnational level.
 - Persistent challenges monitoring and enforcing rules in posting and undeclared work (POW-BRIDGE, SMUG, UDW/Platform work). The establishment of the **European Social Security Information System** and the **European Labour Authority** (ELA) are steps in the right direction.
 - Partnerships between different funds and stakeholders are to be fostered in order to assist in a **just transition** (ECoPP).



Better Implementation and Rule Enforcement III

- ❑ Staff **capacity building** remains a requirement
 - **CoP, ECoPP, UDW/Platform work, BB Peer reviews** and **ILO_ARM&TJK**: Support capacity building between policy makers and other stakeholders through knowledge exchange
 - **POW-BRIDGE, FELM, SMUG, Rider Survey**: Focus on research but support capacity building and knowledge exchange through stakeholder involvement.

General conclusions

What did we learn and where do we go from here?

Lessons Learned from our Projects

- ❑ **Intersectionality matters:** Vulnerability and precarity are caused by multiple overlapping factors like migration and employment status, gender, education, language skills and access to information.
 - There is a link between **migration and employment status** which can **produce dependence** on the employer and potential exploitation.
- ❑ **Sectoral characteristics matter:**
 - There is a link between economic sectors and migration: labour migration in the EU has a strong sectoral dimension (i.e. migrant workers overrepresented in certain key sectors e.g., construction) with implications for sectoral development and industry-specific policies.
- ❑ **Hence, intersecting and sector specific policies are needed**
 - Employment policies integrated with social policy, education, especially for members of vulnerable groups
 - Inclusive terms of employment for non-standard contractual agreements in the service industry.

The Future of (our) Work

- ❑ **Just transition:** Employment & Labour market within a changing world with a focus on those left behind (non-digitals; low-skilled; working poor).
- ❑ **Mobile workers and new (other) categories of precarious workers:** refugees and persons displaced by conflict or persons with disabilities.
- ❑ **New aspects of digitalization of work:** the embedding of technology in the world of work requires further exploration of how it is shaping workplace management, labour process, institutional monitoring and enforcement of labour standards, and collective bargaining.
- ❑ **New sectors in focus:** transport, services.
- ❑ **Expand on Employers/Companies perspective:** to better understand labour market outcomes and challenges, we need to understand better employer/company practices in rule enactment.



Thank you!



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