

# THE POLISH EXPERIENCE OF FREE MOVEMENT OF WORKERS AFTER EU ACCESSION

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## INTRODUCTION

Mobility is an inherent characteristic of human nature implying a desire to achieve new knowledge and experiences, to fulfill own expectations or simply to attempt to go beyond ordinary. Mobility might be lead by various motifs, such as curiosity, tourism, family purposes, economic activity, studies, or other. In an international context, mobility involves an interaction between the individual and a host State, which, in a regional dimension – i. e. in the European Union – equals to the right of free movement and the right of residence of European citizens; the rationale of the European integration being the improvement of social, economic and living conditions through abolishing barriers to free movement of the four production factors (goods, capital, services and persons).

The subsequent enlargements of the European Communities (than that of the European Union) encouraged European citizens to engage in employed or self-employed activities in other Member States, thus improving their chances to find the adequate occupation or profession for themselves. At the same time, subsequent enlargements often hauled side-restrictions as regards the free movement of workers (at the time Greece, Spain, Portugal, EU8, EU2) and took the form of “*transitional arrangements*”. These arrangements allow(ed) receiving Member States the non-application of community rules on the free movement of workers for a limited period and instead, the maintaining of previously existing national rules. The maximum seven-year period (that was subsequently reduced for Greece, Spain and Portugal) is divided in a way that it calls Member States to revise the adequacy and the necessity of restrictions at the end of the second and the fifth year, or at any time during the application of national measures. However, such revision or change in policy can not result in the introduction of more stringent measures than what were applicable in relation to the given country the day before its accession; nevertheless the Member State can re-introduce the previously existing measures in case of real and serious disturbance of its labour market or threat thereof (*safeguard clause*). During the last two years of the transitional period restrictions can be maintained only if well-founded and sufficiently proved labour-market situation justifies them.

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Member States whose workers find themselves in a disadvantaged situation on the community labour market might impose in return “*reciprocal measures*”, that for example Poland had recourse to together with Hungary and Slovenia, but that it does not apply any longer. In order to allow Member States to monitor the evolution of their labour market (for those that did not impose restrictions), work permits might continue to be issued. Nevertheless, this possibility remained barely used, even though it might have made it possible to obtain more reliable figures on post-enlargement labour migration... Thus, guessing and predictions of figures prevailed over reliable information on the extent of migration.

Poland having been (and still being to some extent) one of the Member States whose workers were (are) not free to take up employment in every EU Member States, it is worth examining the experiences Polish migrant workers, and also what host countries gained with the “newly entrant” countries’ EU membership.

#### LABOUR FLOWS

It is an undeniable fact that the most visible group of migrant workers were the Polish, but it goes by itself if we take into account that Poland with its 38.2 million inhabitants is the biggest country amongst EU10. If we draw three categories of countries, i.e. the first group being the open labour market Member States, the second being the restricted access countries and the third being the fellow “newly” entrants, we find evidence that Polish migrant workers targeted all three groups of countries and not only the first group, albeit proportions are obviously different. Nevertheless for example Austria which applies a quota system combined with work permit requirement issued more work permits to Polish nationals in 2005 than did Sweden, the latter being well-known for its open labour market policy.

A lively debate followed the 2004 enlargement in Ireland and in the United Kingdom and resulted that the two governments closed their labour markets for Bulgarian and Romanian nationals. While the Irish 2006 Census reported 63.276 Polish residents in the country, the British Workers’ Registration Scheme (WRS) showed around 260.000 registrations made by Polish during the same year. (We would like to recall here, that the WRS represents the number of registrations and not necessarily that of persons, since each time when changing

employment, the worker has to subsequently register.)<sup>2</sup> At the same time, one can not disregard the fact that migration from Central-and Eastern European countries (CEECs) is just the snippet of the number of third country nationals residing in EU Member States and for EU15 the number of EU8 nationals rarely exceeds that of other EU15 migrants.<sup>3</sup>

Another interesting phenomenon is that the 2004 enlargement did not result in only East-West migration pattern, but a sizeable regional migration also occurred, namely between Slovakia and the neighbouring countries, the Baltic and the Scandinavian States. Commuting is also very common in the border zones that link EU15 to EU10 countries.<sup>4</sup> Several studies and reports pointed out the beneficial nature of labour migration from Central- and Eastern Europe contributing to the increase in national production which follows from the complementary role of migrant workers on labour market, i.e. filling in labour shortages and skills bottlenecks.

## CONCERNS

The preceding, factual description however does not reflect the sociological background and the perception of migrant workers by public opinion; therefore it is useful to draw the inventory of the most common concerns related to labour migration from the CEECs.

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<sup>2</sup> Between May 2004 and December 2006, around 487,000 EU8 nationals entered the UK labour market.<sup>2</sup> At the same time, many have stressed the imprecision of the monitoring system; Martin Rush for example estimated that the real stock of EU8 migrant workers in the UK is 212,000 due to the fact that around two-thirds of the migrants already left the country already. (Drew Ch., Sriskandarajah, D.: „EU enlargement in 2007: No warm welcome for labor migrants”)

<sup>3</sup> **Austria:** in 2005, 9.4% of the population had foreign background of which 508% were from EU15 and 6.5% from EU10. **Belgium:** around 932.000 foreign nationals, of which only 59.549 EU12 (2006). **Denmark:** 463.000 foreigners of which 12.500 work permits for EU12 nationals in 2006. **Finland:** 22.450 new entries in 2006 of which EU10 amounted for 11.580. **France** (2005) around 1.46 million foreigners of which around 516.000 EU15 and 86.000 EU10. **Germany:** 6.7 million persons with a foreign background of which 2.2 million EU25 of which Polish entries in 2006: 79.800. **Italy:** in 2005 80.600 EU10 residents, out of a total of around 3 million foreigners. **Ireland:** around 276.000 EU25 nationals in 2006 of which 128.000 EU12 and 112.500 British alone. **Luxemburg** (2005): 129.800 migrant workers predominantly from EU15, „other European countries” amounted for only 9.800-. **The Netherlands** (2006): around 3.2 million foreigners of which 191.000 from EU Member States. **Spain:** 3.2 million foreigners of which 1.01 million EU25 nationals in 2006. **Sweden:** there were 96.000 new entries in 2006 of which for example 6.300 Polish nationals. *Source: Report on the mobility of Romanian and Bulgarian workers after EU accession, ECAS 2007, not yet published.*

<sup>4</sup> For a more detailed analysis, see: Traser, J.: „Who Is still afraid of EU enlargement” European Citizen Action Service 2006.

#### A. MIGRANT WORKERS AS SEEN BY HOST SOCIETIES

Perception of migrant workers by employers is generally very positive, migrant workers are valued for being hard-working and reliable, willing to work for longer hours and for lesser remuneration in occupations not necessarily corresponding to their original skills or formation. National economies also benefit from labour migration especially in those countries which are not hit by heavy unemployment or economic recession and where there is a potential to absorb additional workforce,<sup>5</sup> however host countries lose a potential, additional gain because of the “*de-skilling*” of migrants i.e. because of the fact that non-nationals take up lower qualified “*dirty, dangerous and difficult*” jobs which are not necessarily in line with their previous occupation or qualification acquired in the country of origin.<sup>6</sup>

Receiving societies are less enthusiastic about migrant workers when it comes to questions such as downward push on salaries or social dumping. One of the best known examples to such hostile attitude was directed towards Central- and Eastern European self-employed in France, who were thought to crowd out nationals on the labour market and to impose prices with which nationals could not compete. Though the previous phenomenon (described by the metaphor of “*Polish plumber*”) refers to self-employed, whose right to establishment is not restricted, it nevertheless reflects the tensions between nationals and newly entrants, whichever status (employed or self-employed) they have.

#### B. MIGRANT'S OWN EXPERIENCES

Ambitious plans of easily finding an employment abroad turned out to be challenging for many migrants or in the worst case, migration resulted in precarious experience as individual cases and complaints gathered through free information services reflected that.<sup>7</sup> Such is the case of migrants who were insufficiently prepared as regards information about legal

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<sup>5</sup> See for example: Report on the functioning of the Transitional Arrangements set out in the 2003 Accession Treaty (period 1May 2004 – 30 April 2006). COM(2006) 48. and Effect of EU enlargement on growth and employment in Germany and in selected EU Member States. Experiences to date and future developments taking into particular consideration the EU accession of Bulgaria and Romania. Project 33/5, Bundesministerium für Wirtschaft und Technologie (01/07/2007)

<sup>6</sup> See conclusions of international expert conference organised by IOM Budapest: “*European cooperation in labour migration: search for best practices*” (Budapest 12/06/2007)

<sup>7</sup> For example ECAS run a summer hotline in 2005 and 2006 allowing citizens to get advice and information by phone or e-mails on their rights as European citizens to move and to take up employment in EU Member States.

requirements of taking up employment abroad, information on housing and the cost of living or simply the lack of language skills. Being in such disadvantaged situation (if compared to nationals or better prepared migrants), integration in the host society can barely be envisaged, the migrant worker finds himself/herself marginalized and pushed into irregular situation. As an alternative solution to getting pre-departure information, an *informal network* of compatriots is set up – best known under the term of “*Polish church*”- that is one example of the forums of exchange of information and mutual help.

Unaware of their rights and not confident with their language skills, though willing to work and earn their living, migrant workers can be easily abused by employers. The most common examples of breaches of labour law are: longer working hours, cut in wages, bad working conditions, illegal work, lack of payslips etc., while the most striking example of abuse and mistreat was reported in Italy, where Italian and Polish police freed 119 Polish from a slave camp in July 2006.<sup>8</sup>

Despite its practical difficulties, labour migration is considered to offer a temporary solution to improve the individuals’ economic situation and as a non-negligible fact, migration might contribute *to raise the self-esteem* of the individual.<sup>9</sup> Last but not least, this is the basic right of all European citizens and this has to be encouraged if Europe wants to be able to tackle the demographic problems it has to face...

### C. REPERCUSSIONS OF LABOUR MIGRATION ON SENDING COUNTRIES, ESPECIALLY ON POLAND

Labour migration should result in a “*win-win-win*” situation for the receiving country, the migrants themselves and for the country of origin as well – for this latter the main advantage being achieved if migrants return with new qualification and experiences (*return migration*) and prior to that, when benefiting from migrants’ remittances.<sup>10</sup> Nevertheless an increased

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<sup>8</sup> Source: Polish Police press release (18/07/2006)

[http://www.policja.pl/portal/pol/90/2363/Polish\\_Police\\_and\\_Italian\\_Gendarmerie\\_Carabinieri\\_have\\_freed\\_119\\_Polish\\_citizens.html](http://www.policja.pl/portal/pol/90/2363/Polish_Police_and_Italian_Gendarmerie_Carabinieri_have_freed_119_Polish_citizens.html)

<sup>9</sup> Oancea, A.: *Romanians and labour force migration in the European Union*. In: Traser J. (ed.) *A regional approach to freemovement of workers: labour migration between Hungary and its neighbouring countries*. Európai Füzetek 1. European Studies Centre, Univeristy of Szeged 2006.

<sup>10</sup> According to the OSCE, in terms of world money transfers, migrants’ remittances are the largest international exchange value after petroleum and are above the level of international development aid. Source: Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination. OSCE, IOM, ILO 2006.

departure of own nationals results in a lack of workforce that has to be compensated either by a structural reform of the labour market (i.e. increased labour force participation) or by relying on migrant workers from abroad. By 2054 Poland might lose around 4 million persons on its labour market due to demographic change and migration, which is the case of most European countries as well with the exception of the UK and some Mediterranean countries, if current demographic trends are taken into account.<sup>11</sup>

Outward labour migration might have the temporary positive result of the drop in unemployment, but on the long run, it endangers the labour market structure and the social security system. Additionally, seen that migrants are predominantly of young age (between 18 and 34) and having completed at least secondary education,<sup>12</sup> countries of origin have to find adequate measures to encourage return migration in order to avoid the *brain drain* combined with the *youth drain*. As a last remark, we would like to draw the attention to the situation of migrants' families which are left behind and that might suffer from emotional and structural difficulties.<sup>13</sup>

## PERSPECTIVES

Labour migration certainly has a potential that contributes to the improvement of both the individuals' and the community's living standard and well being – if it had not been so, the founding fathers of the European Community/Union would not have set as a basic principle of the economic integration, the integration through increased and facilitated labour migration. Nonetheless, migration remains a sensitive issue both for the sending and the receiving countries – and in the worst case, even for the migrant himself/herself... Migration can be a success only if it allows *integration* in the host society; if it is based on a culture of tolerance and respect of legal and collective rules.

European citizenship is meant to be the bridge that assimilates intra-European migrants to own nationals by means of the principle of *equal treatment* and *non-discrimination* based on

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<sup>11</sup> Kupiszewski, M.: *Forecast of demographic and labour force developments in nine European countries 2005–2054* and *Polish Country Report*, both presented at the international expert conference organised by IOM Budapest: “European cooperation in labour migration: search for best practices” (Budapest 12/06/2007)

<sup>12</sup> For example: Accession Monitoring Report A8 countries May 2004 – March 2007. Home Office UK, 2007.

<sup>13</sup> In relation to Romanian economic migration, IOM reported that in the Moldova region (Romania) there are approximately 20.000 children (in that region alone!) who are left behind by their parents while working abroad. 20% of these children have both parents abroad. Source: *Home Alone Generation – The Romanian Children Left Alone by Their Migrant Worker Parents*. IOM/MRF Budapest Newsletter, Issue 1, November 2006.

nationality (art. 12 EC Treaty). Therefore it is extremely important that workers from the “new” Member States be treated on an equal footing and that European public be informed of the basic rights of all European citizens, regardless the date when their Member State joined the European Union. As a symbolic step it can be welcomed that both Poland and Slovenia renounced to the application of reciprocal measures, thus advanced mutual trust.

During the first two years of membership of CEECs in the European Union, mainly Poland and its migration potential was in the focus of the debate over intra-European labour migration. Since January 2007 there is a shift in scare-mongering towards Romania.

However, the regrettable side-effects of restrictions on the labour markets should lead to a reconsideration of the measures applied; while the right of European citizens to move freely within the territory of the Member States of the European Union (art. 18. (1) EC Treaty) should be granted its full meaning.