



European
Commission



Intra-EU Mobility of Seasonal Workers Trends and Challenges

Final Report March 2021

EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion
Directorate D – Labour Mobility
Unit D1 – Free movement of workers, EURES

Contact: EMPL-D1-UNIT@ec.europa.eu

*European Commission
B-1049 Brussels*

Intra-EU mobility of Seasonal Workers: Trends and challenges

Final Report March 2021

Written by Elena Fries-Tersch, Linus Siöland, Matthew Jones, Caterina Mariotti and Monika Malecka (Milieu Consulting)

Peer-reviewed by Prof.em. Jozef Pacolet and Frederic de Wispelaere (HIVA, KU Leuven)

On the European Commission's side, the project was supervised by Andrei Luchici, with valuable input and comments from Sigried Caspar and Lambert Kleinmann, Directorate-General for Employment, Social Affairs and Inclusion

Manuscript completed in March 2021

The information and views set out in this report are those of the authors and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein.

Luxembourg: Publications Office of the European Union, 2021

© European Union, 2021



The reuse policy of European Commission documents is implemented based on Commission Decision 2011/833/EU of 12 December 2011 on the reuse of Commission documents (OJ L 330, 14.12.2011, p. 39). Except otherwise noted, the reuse of this document is authorised under a Creative Commons Attribution 4.0 International (CC-BY 4.0) licence (<https://creativecommons.org/licenses/by/4.0/>). This means that reuse is allowed provided appropriate credit is given and any changes are indicated.

For any use or reproduction of elements that are not owned by the European Union, permission may need to be sought directly from the respective rightholders.

Cover page: © Shutterstock

Table of contents

EXECUTIVE SUMMARY	10
1 INTRODUCTION	13
2 KEY ELEMENTS OF A DEFINITION OF 'SEASONAL WORK'	15
2.1 Legal and policy definitions of seasonal workers	15
2.2 Seasonality and Time Limitation	17
2.2.1 Seasonality	17
2.2.2 Time limitation	19
2.3 Common forms of employment for seasonal work	21
2.3.1 Common employment contracts	21
2.3.2 Employment through temporary work agencies	24
2.3.3 Posting of seasonal workers	25
3 CHARACTERISTICS OF SEASONAL WORK IN AGRICULTURE, ACCOMMODATION AND FOOD SERVICES	26
3.1 Main countries of employment and dependence on intra-EU mobility	26
3.2 Drivers and patterns of seasonality	29
4 INCOMING AND OUTGOING EU-SEASONAL WORKERS	31
4.1 Data gathering process	31
4.2 Estimation of number of intra-EU seasonal workers	32
4.3 Explanation of estimations made by country	36
4.4 Sending countries	42
5 KEY CHALLENGES FOR INTRA-EU SEASONAL WORKERS	46
5.1 Information and redress on rights	46
5.2 Access to social security and protection	48
5.3 Undeclared work and grey areas of employment	50
5.4 Wages	51
5.5 Work and living conditions	52
5.6 Travel restrictions during the COVID-19 pandemic	54
ANNEX A. LIST OF SOURCES	56
A.1. EU Law and Soft Law	56
A.2. International and national law or political sources	57
A.3. Academic literature	57
A.4. Technical reports, news sources and grey literature	58
A.5. Data sources	60
A.6. Interviews	62
ANNEX B. METHODOLOGICAL EXPLANATIONS	64
B.1. Limitations of measurement through EU-LFS	64
B.2. Further approximation of non-resident intra-EU seasonal workers with EU-LFS data	64
B.3. Further estimates of numbers for Germany	65
B.4. Data sources for estimations of posted seasonal workers	65
ANNEX C. DATA ANNEX	67
TABLE OF TABLES	84
TABLE OF FIGURES	85

Country codes

AT	Austria	EE	Estonia	IE	Ireland	PL	Poland
BE	Belgium	EL	Greece	IT	Italy	PT	Portugal
BG	Bulgaria	ES	Spain	LT	Lithuania	RO	Romania
CY	Cyprus	FI	Finland	LU	Luxembourg	SE	Sweden
CZ	Czech Republic	FR	France	LV	Latvia	SI	Slovenia
DE	Germany	HR	Croatia	MT	Malta	SK	Slovakia
DK	Denmark	HU	Hungary	NL	Netherlands	UK	United Kingdom

Abbreviations and acronyms

CEE	Central and Eastern Europe
EU	European Union
EU-27	Refers to the EU Member States as of 01 February 2020 (excluding the UK)
EU-28	Refers to the EU Member States as on 01 January 2019
EU-LFS	EU Labour Force Survey – see Eurostat website for more detail
MoveS	Network of legal experts in Free Movement and Social Security coordination – see the MoveS website for more detail
MS	Member State
OECD	The Organisation for Economic Co-Operation and Development
OSH	Occupational safety and health
PD A1	Portable Document A1, which certifies the social security rights which apply to the holder
Q1, Q2, Q3 and Q4	Refers to, in turn, the first, second, third and fourth quarters of the year
TCNs	A person who is not a citizen of the Union within the meaning of Article 20(1) TFEU.

Definitions

Accommodation and food service activities	These refer to economic activities based on the NACE sectoral classification system. 'Accommodation' includes activities in hotels and similar accommodation, holiday and other short-stay accommodation, camping ground, recreational vehicle parks and trailer parks, other accommodation. 'Food services' refers to food and beverage service activities in restaurants and mobile food service activities, event catering activities, other food
--	--

	service activities and beverage serving activities. ¹ This definition is used for the data based on the EU-LFS presented in this report. Furthermore, for the data from official national employment registries. Data from other national sources may refer to slightly different definitions. For the purpose of improved readability, this sector is often referred to as 'agriculture' only.
Agriculture, forestry and fishing	These refer to economic activities based on the NACE sectoral classification system. Accordingly, 'agriculture' refers to crop and animal production, hunting and related service activities and includes: growing of non-perennial crops, growing of perennial crops, plant propagation, animal production, mixed farming, support activities to agriculture and post-harvest crop activities, hunting, trapping and related services activities; 'forestry' includes: silviculture and other forestry activities, logging, gathering of wild growing non-wood products, support services to forestry; 'fishing' includes: fishing and aquaculture. ² This definition is used for the data based on the EU-LFS presented in this report. Furthermore, for the data from official national employment registries. Data from other national sources may refer to slightly different definitions.
Central and Eastern Europe	This definition – created for the purpose of this report – encompasses Bulgaria (BG), Croatia (HR), the Czech Republic (CZ), Estonia (EE), Hungary (HU), Latvia (LV), Lithuania (LT), Poland (PL), Romania (RO), Slovakia (SK) and Slovenia (SI). This encompasses 11 of the 13 countries which have joined the EU since 2004 (Cyprus and Malta being the remaining two). In the report, this is used interchangeably with 'Eastern Europe'.
Country of origin	'Country of origin' generally indicates the country in which a person was born, or otherwise that which they lived in before coming to their current country of residence. In the case of non-resident seasonal workers, it indicates the country in which they are ordinarily resident (cf. 'country of residence' below).
Country of residence	The country in which a person habitually resides. According to Regulation (EC) No 862/2007 on Community statistics on migration and international protection, 'usual residence' means the place at which a person normally spends the daily period of rest (...) or, by default, the place of legal or registered residence. In this report, persons are counted as 'residents' of a certain country if they have resided there for at least 12 months or intend to do so. This is in line with measurement, as the EU-LFS ³ and the Eurostat migration statistics only capture persons who stay, or intend to stay, in a country for one year or more.
Cross-border worker	Cross-border workers are employed or self-employed in a country other than their country of residence. Cross-border

¹ Eurostat Methodologies and Working Papers (2008) 'NACE Rev.2. Statistical classification of economic activities in the European Community.', available at: <https://ec.europa.eu/eurostat/documents/3859598/5902521/KS-RA-07-015-EN.PDF> .

² Eurostat Methodologies and Working Papers (2008) 'NACE Rev.2. Statistical classification of economic activities in the European Community.', available at: <https://ec.europa.eu/eurostat/documents/3859598/5902521/KS-RA-07-015-EN.PDF> .

³ See Eurostat (2013) 'EU Labour Force Survey: Explanatory Notes (to be applied from 2014Q1 onwards)', p. 4.

	workers may include seasonal ⁴ and frontier workers ⁵ and some posted workers (Regulation 883/2004 and Directive 96/71 as amended by Directive 2018/957) ⁶ . However, the data measured are not limited to these categories but include all persons who live in one country and work in another ⁷ . For the purposes of this study, cross-border workers are defined as EU or EFTA citizens who live in one EU or EFTA country and work in another. They can also be EU/EFTA movers – meaning they live in a different Member State than their country of citizenship – and cross-border workers at the same time (for example, where a French person lives in Belgium and works in Luxembourg). Note that figures may differ from those measured by administrative data (PDs S1). This is due to different forms of reporting (one is self-reported (survey-based), the other is based on the issuance of administrative documents).
Eastern Europe	Cf. 'Central and Eastern Europe', above.
EU mover	EU citizens who reside in an EU country other than their country of citizenship.
Intra-EU seasonal worker	EU citizens who carry out seasonal work in another Member State for a limited period of time without changing their habitual place of residence.
Mobile worker	An EU citizen who works in a Member State other than the country of origin, independent of the duration of that work and the country of residence; or a cross-border worker, so a EU citizen who resides in one Member State and works in another.
Nationals	Any person holding citizenship and living in the reported country of residence.
Posted worker	Posted workers for the purpose of this report includes persons covered under Articles 12 and 13 of Regulation 883/2004 on the coordination of social security systems. It includes: persons who are employed by an employer that normally carries out its activities in a Member State and who are posted by that employer to another Member State to perform work on its behalf; persons who normally pursue an activity as a self-employed person in a Member State who go to pursue a similar activity in another Member State; and such persons who pursue an activity as an employed/self-employed person in two or more Member States ⁸ . It also includes persons subject to the Posting

⁴ Seasonal workers are defined in Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community (Article 1(c)), while they are no longer defined under the currently applicable rules in Regulation (EC) No 883/2004. They enjoy the right to free movement according to Regulation (EU) No 492/2011 and equal treatment with nationals, according to Directive (EU) No 2014/54. For more details on the definition, see Section 2.2.3 of the 2016 Annual Report on intra-EU Labour Mobility.

⁵ Frontier workers are defined as cross-border workers who return to their country of residence 'as a rule daily or at least once a week', according to Regulation (EC) No 883/2004 (Article 1(f)). They have the right to equal treatment with nationals, according to Directive (EU) No 2014/54. For more details on the definition, see Section 2.2.3 of the 2016 Annual Report on intra-EU Labour Mobility – Fries-Tersch, E., Tugran, T. and Bradley, H. (2017) '[2016 Annual Report on Intra-EU Labour Mobility](#)', Network Statistics FMSSFE, Brussels: European Commission.

⁶ Further explanations on the legislative framework can be found in the specific report on posting: De Wispelaere, F., De Smedt, L. and Pacolet, J. (2021), *Posting of workers: Report on A1 portable documents issued in 2019*, Network Statistics FMSSFE, European Commission, Brussels.

⁷ Frontier workers per definition commute at least once per week; the EU-LFS may also capture cross-border workers who commute at a lower frequency.

⁸ For further information on the legislative background, see De Wispelaere, F., De Smedt, L. and Pacolet, J. (2021).

	of Workers Directive (Directive 2018/957/EU) which only covers employees, not self-employed.
Seasonal work	Work carried out on a temporary basis in a sector where labour demand varies across the year. For the purposes of this report, this refers chiefly to agriculture and tourism. Unless explicitly mentioned, seasonal work refers to work performed by EU-citizens who are not residents of the country where the work takes place.
Seasonal Workers Directive	Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.
Temporary Work Agency	Agencies which employ a worker and then place him or her to work in one or more 'user companies'. The worker concludes a contract with the agency and the agency concludes a contract with the user company.

EXECUTIVE SUMMARY

This report focuses on the importance of seasonal work in the context of free movement of workers. This topic gained particular importance during the COVID-19 pandemic, when borders were closed and seasonal workers residing in other countries were hampered to get to or return from their places of work. The importance of such seasonal workers for certain economic sectors became quite visible, as well as the difficulties these seasonal workers are faced with.

The report follows the commitment from the Commission Guidelines on Seasonal Workers in the EU in the Context of the COVID-19 Outbreak⁹ to collect data on intra-EU seasonal work and identify the main challenges faced including during the COVID-19 pandemic. Hence, it does not focus on the tools meant to support seasonal workers, since they are covered in the Commission Guidelines.

The specific group of EU citizens living in one Member State and carrying out seasonal work in another Member State ('intra-EU seasonal workers' in the following) is not frequently studied. As these workers only stay in the country of work for a short period and there is little information about their work in the country of residence, there is little statistical information available about this group. This report seeks to fill this gap and presents the results of a first exercise to develop an operational definition and estimate approximate figures on this group.

Seasonal workers in the context of this study are (1) EU citizens who go to (2) work on fixed-term assignments in a Member State other than that of their citizenship, in (3) one of the key sectors of seasonal work – agriculture or accommodation and food services.

The following key conclusions can be drawn from the study:

- The most promising sources to estimate the number of intra-EU seasonal workers are statistics deriving from national employment and social security registries or records held by sectoral associations. The usual data sources used for the analysis of intra-EU mobility, such as population and migration statistics or the EU Labour Force Survey (EU-LFS) are not entirely relevant for this purpose.
- The two **sectors of agriculture, forestry and fishing as well as accommodation and food services** have the largest seasonal variation and were identified by stakeholders as most relevant for seasonal work.
- Intra-EU seasonal workers carry out, by definition, work that is limited to less than one year. The most frequent form of employment are fixed-term contracts in the country of work. These may be concluded directly at the workplace (with the business owner or similar) or with temporary work agencies. Less frequently, the seasonal worker enters into employment with a company based in the home country and is then *posted* to the country of work by this company.
- Based on this definition, a best estimate of **650 000 – 850 000 intra-EU seasonal workers** in the EU-27 Member States in the two sectors was made. This estimate includes the following components:
 1. Calculations deriving from national data from eight key destination countries (AT, BE, CZ, DE, ES, FR, IT, NL) referring to different years between 2015 and 2020¹⁰. These estimates result in around 700 000 seasonal workers of EU citizenship other than the country of seasonal work¹¹ in the key destination countries.

⁹ C(2020)4813 final, 16 July 2020.

¹⁰ Since statistical data is not collected systematically, estimations from the individual countries and individual sources refer to different years between 2015 and 2020. For the years of reference of the sources, please consult table 4 in section 4.3.

¹¹ Most of these are reportedly citizens from Eastern European countries. References to individual countries of origin were made in some cases which provided a basis for conclusions about the main sending countries (see section 4.4).

2. Only a few of these national data sources (AT, BE and NL) clearly referred to the precise definition of intra-EU seasonal workers, namely that they *do not habitually reside* in the country of seasonal work. Therefore, additional estimates based on EU Labour Force Survey data (for ES, IT and FR¹²) were made on seasonal workers of a different EU citizenship who habitually reside in the country which amounted to 100 000. Deducting these provides an indicative number of *600 000 intra-EU seasonal workers* in the eight destination countries.
3. To extrapolate data from these eight countries to the EU-27, two estimates were made, resulting in a *lower bound of 600 000* and an *upper bound of 800 000 intra-EU seasonal workers*. The underlying assumptions for these estimations are described in section 4.2.
4. To both scenarios, around *50 000 posted intra-EU seasonal workers*¹³ should be added.

This results in a lower bound **estimate of 650 000 intra-EU seasonal workers**, assuming the they mostly work in the eight focus countries and that intra-EU seasonal work in the other countries is insignificant; and an **upper bound estimate of 850 000 intra-EU seasonal workers** assuming there are also intra-EU seasonal workers in the countries other than the eight focus countries, but to a lesser extent.

A caveat of these estimations is that they largely refer to the agricultural sector, since figures based on national data for accommodation and food services specifically could only be estimated for Austria (35 000), Germany (94 500) and the Netherlands (3 000). Posting figures show that around 37% of the reported numbers on posted intra-EU seasonal workers are in the accommodation and food services sector.

■ Key challenges for intra-EU seasonal workers are:

1. Difficulties in accessing information – an unclear employment situation makes it more difficult for seasonal workers to understand and claim their rights;
2. Social security protection coverage – this arises from being employed on fixed-term contracts with interruptions which may limit entitlement to social benefits; furthermore, challenges of coordination between different social security systems and transferability of rights emerge;
3. In some countries, seasonal work is performed largely outside official employment relationships (i.e. as undeclared work). In these cases workers have no or largely insufficient social protection coverage;
4. The short-term stay in the country of work means that seasonal workers often rely on accommodation provided by the employer or an intermediary. The quality of the accommodation is frequently poor.
5. Payment of seasonal workers has been reported to undercut the applicable minimum wage; means to do so are the (excessive) deduction of costs for transport or accommodation from the salary, unpaid over-hours or performance related based pay schemes;
6. The agricultural and the accommodation and food services sectors are per se characterised by challenging working conditions; agriculture in some countries seems to see a higher level of breaches of working conditions and OSH rules than other sectors. Seasonal workers – due to their sometimes vulnerable status including the difficulties in enforcing their rights – may be more willing or forced to accept such conditions in comparison to other workers.

¹² Data was not available for DE and too small for CZ.

¹³ Note that this number may include third country nationals, as data on posting cannot be broken down by citizenship AND sector at the same time.

- The COVID-19 pandemic has aggravated the above-mentioned challenges, with many seasonal workers not being able to carry out their work; sub-standard living conditions being particularly dangerous in times of a pandemic; and non-resident seasonal workers being trapped in countries of work and not able to return home.
- These challenges have been addressed by initiatives from Member States, the social partners and the EU.

1 INTRODUCTION

Intra-EU seasonal workers form an important part of the workforce in many sectors of the European economy. However, with the spread of the COVID-19 pandemic in early 2020, many Member States implemented restrictions to incoming travel, including in some cases outright bans on entry to the country. This, and the continued severe epidemiological situation as the year progressed, constituted a major disruption to established patterns of labour movement. Thus, the COVID-19 pandemic resulted for many of these workers in very difficult situations regarding their health and employment security. During the crisis the precarious situation of seasonal workers became more visible and has been extensively discussed at the EU level.

The European Commission published Guidelines on the free movement of workers in the EU during the outbreak in March 2020, noting that many seasonal workers are 'crucial for their host Member States'¹⁴. This was followed by a resolution adopted by the European Parliament calling for protection of seasonal workers¹⁵. There was a general agreement on the gravity of the situation, and that additional action is needed to be taken to safeguard this group of workers. Guidelines addressing seasonal workers were published by the European Commission in July; and were complemented in September by a practical factsheet¹⁶. The issue has also been addressed by the Council of the EU via the Conclusions adopted on the 9 October, which expressed concern over the precarious position in which seasonal workers often find themselves and urged stronger protection measures to be put in place¹⁷. On 9 November 2020, the European Parliament issued a draft motion for a resolution on 'impacts of EU rules on the free movements of workers and services: intra-EU labour mobility as a tool to match labour market needs and skills'¹⁸ which emphasises again the important contribution of seasonal workers to the economy, as well as their difficult situation due to the COVID-19 pandemic. While the motion includes several general issues related to intra-EU labour mobility, in relation to seasonal workers, it specifically highlights the 'frequent and systematic abuse of workers' rights' and the difficult working and living conditions these workers often find themselves in, not last due to a lack of uniform control standards for labour inspections or due to double standards.

Data on seasonal workers collected at EU level only refers to third-country nationals, who require an authorisation for the purpose of seasonal work (i.e. either a visa, a residence permit and/or a work permit) before entering the EU. EU seasonal workers are not singled out by any statistics collected and published by Eurostat or other bodies providing EU-wide statistics. Therefore, this report seeks to provide, using a combination of official statistics, estimates and inputs from stakeholders in main destination countries, an estimate of the number and relative importance of intra-EU seasonal workers.

The report is structured as follows:

Section 2 discusses seasonal work from a conceptual perspective, taking into consideration that currently there is no legal definition of intra-EU seasonal work. Here the report covers definitions of seasonal workers used in recent communications from the Commission and the Council, adjacent concepts in EU legislation, and definitions from the Member States' legislation. Three core components of 'seasonal work' are identified, (1) being carried out in a sector where seasonal variation has a strong influence on the demand for labour, (2) time limited-employment, and (3) the work being carried out in another country than that of one's usual country of residence.

¹⁴ Communication from the Commission on Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak, C/2020/2051.

¹⁵ European Parliament resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis (2020/2664(RSP)).

¹⁶ C(2020) 4813 final.

¹⁷ Conclusions of the Council of the European Union of 9 October 2020 on improving the working and living conditions of seasonal and other mobile workers, 11726/2/20.

¹⁸ Draft Report of the Parliament's Committee on Employment and Social Affairs on impacts of EU rules on the free movements of workers and services: intra-EU labour mobility as a tool to match labour market needs and skills (2020/2007 (INI).

Section 3 briefly shows the relevance of the main seasonal sectors identified – agriculture, accommodation and food services – in the overall economy, the reliance on EU movers in these sectors and drivers and patterns of seasonality.

In **Section 4**, insights from the previous discussion are used to estimate the number of intra-EU seasonal workers in the absence of centralised, comparable data. This section draws from a wide range of sources, including: official estimates by governments or national authorities; estimates from agricultural employers' organisations or unions, especially with regard to how many workers they are currently lacking amidst interruptions to travel during the COVID-19 pandemic; information provided by stakeholders in interviews; and numbers on posted workers. Given the importance of undeclared work, especially in the agricultural sector, estimates of undeclared intra-EU seasonal workers are provided. The section finishes with an overview of the main sending countries of seasonal workers within the EU.

Finally, in **Section 5**, the report discusses the challenges seasonal workers are facing. This concerns issues related to social security and labour rights, undeclared work, poor working conditions, wages, as well as the difficulties faced specifically in the COVID-19 pandemic, in terms of travel restrictions and the risk of disease.

2 KEY ELEMENTS OF A DEFINITION OF 'SEASONAL WORK'

This chapter first looks at the legal and policy definitions of seasonal work and then discusses which types of data may be used to take stock of seasonal workers within the EU, and finally shows how the three key elements of the definition mentioned below may be defined in more detail, in the light of measurability.

For this report the following definition of seasonal worker was concluded to be most operational:

Seasonal workers are (1) EU citizens who go to (2) work on a seasonal basis on fixed-term contracts in a Member State other than that of their citizenship, in (3) one of the key sectors of seasonal work – agriculture or accommodation and food services.

This definition was created based on the existing legal and policy definitions (see section 2.1) and based on considerations of measurability with quantitative data. The definitions must thus be seen as an operational construct at the borderline between practical reality and what is measurable with data. The rationale behind the definition is further explained in sections 2.1-2.3.

Measuring the extent of this type of seasonal work is challenging for several reasons:

- Seasonal workers cannot be identified with commonly used data sources on mobile workers, namely Eurostat national population statistics and migration statistics or the EU Labour Force Survey (EU-LFS) (more detailed explanations can be found in Annex B).
- No specific surveys on intra-EU seasonal work, neither at EU nor at national level, are known.
- There is no obligation in EU legislation to keep a record or collect data on seasonal workers of EU nationality.
- While some seasonal workers might be covered by the posting rules - however, not as a specific category of worker - many of them are directly employed with a short-term contract at the place of work. These workers are regularly not registered under the Portable Documents - as they do not take 'real' residence at the place of work, the standard employment statistics hardly reach them.

This chapter first presents common elements of legal and policy definitions of seasonal workers (**section 2.1**) and then discusses seasonality in the different economic sectors (**section 2.2**) and common contractual arrangements for seasonal work (**section 2.3**). This further specification helps understanding how numbers of the target group may be estimated.

2.1 Legal and policy definitions of seasonal workers

Legislation – both at EU and at national level – explicitly mentioning and defining seasonal workers from other countries was mainly created for the purpose of regulating their stay and right to work in the country. In the 1990s, for example, there were bilateral agreements regulating the entry of seasonal workers between some EU Member States, e.g. Germany, and some Eastern European countries which were not yet Member States, such as Poland.

With the accession of the Eastern European countries and the expiry of the transitional arrangements, these agreements became obsolete. Since all EU citizens enjoy the right to reside and work in any other EU Member States, EU citizens do no longer ask for a permission to carry out (seasonal) work in another Member State. Neither the Free

Movement Directive¹⁹ nor the Social Security Coordination legislation currently in force²⁰ explicitly mention seasonal work. For a definition, one therefore needs to look at other pieces of legislation.

Regulation 1408/71 on the application of social security schemes to employed persons and their families moving within the Community²¹ defined 'seasonal worker' and 'seasonal work' as **'any worker who goes to the territory of a Member State other than the one in which he is resident to do work there of a seasonal nature for an undertaking or an employer of that state for a period which may on no account exceed eight months, and who stays in the territory of the said State for the duration of his work'**; work of a seasonal nature shall be taken to mean work which, being dependent on the succession of the seasons, automatically recurs each year'²².

The Seasonal Workers Directive of 2014 provides a definition of seasonal workers in relation to third-country nationals²³: Article 3(b) defines a seasonal worker as 'a third-country national who retains his or her **principal place of residence in a third country and stays legally and temporarily in the territory of a Member State** to carry out an **activity dependent on the passing of the seasons**, under one or more **fixed-term work contracts** concluded directly between that third-country national and the employer established in that Member State'. Following this, seasonal work is defined in Article 3(c) of the same Directive as **'an activity that is tied to a certain time of the year by a recurring event or pattern of events linked to seasonal conditions** during which required labour levels are significantly above those necessary for usual ongoing operations'. Article 14 further states that the maximum duration of stay in a Member State is to be defined by each Member State, but must be between five and nine months in any given 12-month period.

Other definitions may be found in policy documents, most importantly the Commission's Guidelines on seasonal workers, the European Parliament's Resolution on European protection of cross-border and seasonal workers and the Council Conclusions on improving the working and living conditions of seasonal and other mobile workers²⁴. All three documents have conceptualised seasonal work as being time-limited to specific periods of the year, and with the intention to return to the country of origin after the completion of seasonal work.

At national level, only the Czech Republic and France currently define seasonal work of EU citizens in national employment legislation; in all other countries, definitions are limited to secondary legislation or administrative practices²⁵. However, some common themes can be found in these national conceptions, generally defining seasonal work as (1) **not exceeding a maximum number of days** and (2) being **linked with specific sectors in which the demand for labour is predictable in line with the passing of the**

¹⁹ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

²⁰ Regulation (EC) No 883/2004 – on the coordination of social security systems; Regulation (EC) No 987/2009 of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.

²¹ Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community, pp. 2-50.

²² The main reason why there is no definition in Regulation 883/2004 of 'seasonal worker' is that this regulation has no specific provisions for this category of workers, contrary to Regulation 1408/71. The latter regulation had a specific provision on seasonal workers in Article 18(2) on the aggregation of periods for the entitlement to sickness benefits and Article 69(1)(c) which limits the period for exporting unemployment benefits to the period remaining until the end of the seasonal period for which the seasonal worker was engaged. See also the corresponding provisions of Regulation 574/72: Article 17(3), 60(3) and 108. A definition of 'seasonal worker' was needed for the implementation of these provisions. Source: explanation by Prof. Herwig Verschueren, University of Antwerp.

²³ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, pp. 375–390.

²⁴ C(2020) 4813 final; Conclusions of the Council of the European Union of 9 October 2020, 11726/2/20; European Parliament resolution of 19 June 2020 (2020/2664(RSP)).

²⁵ Research carried out by the MoveS Network.

seasons which are mainly agriculture or tourism-related sectors such as accommodation and food services²⁶.

Definitions found in documents from other international and EU organisations (e.g. OECD, Eurostat and Eurofound) similarly mention three core elements of seasonal work: '**time limitation, seasonality of workload**, and – in the case of foreigners – persons with a **country of residence other than the country where the employment takes place**'²⁷.

These three key elements of seasonal work are therefore common and form the basis of the definition used throughout this report.

Additionally, a brief reference is needed regarding the aspect of mobility among seasonal workers. There are of course also seasonal workers who usually reside in the country where they carry out the seasonal work. They may take up seasonal work to supplement their income throughout the year and compensate for periods where they may be earning less. In the course of the COVID-19 pandemic, some countries have furthermore attempted to fill vacant positions with nationals who were furloughed or otherwise unable to work in their usual occupations, while ordinary sources of seasonal workers from abroad were wholly or partly unavailable²⁸.

As explained in **section 1**, this report focuses specifically on mobility of EU seasonal workers within the EU. In this context, it focuses on those who are **not resident in the country of seasonal work** as this group represented a particularly vulnerable group in the context of the COVID-19 pandemic. In addition to the general challenges facing non-residential seasonal workers²⁹, the crisis has erected barriers to travel for these workers, and, in some cases where they have been able to travel, has led to inadequate or unsafe working conditions.

EU citizenship is included in the definition for two purposes: first, the specific rights of free movement within Europe for EU citizens greatly facilitates carrying out work in another Member State on a temporary basis, meaning that most intra-EU seasonal workers are EU citizens. Second, citizenship is used as an approximation for the country of residence, since the latter is usually not recorded in employment statistics (whereas citizenship is) which is one of the key sources for this report. This being said, data on posted workers, which is also used to estimate the number of intra-EU seasonal workers (see section 4), includes third-country nationals posted from one Member State to another. The share of those third-country nationals, however, cannot be seen in the statistics.

2.2 Seasonality and Time Limitation

2.2.1 Seasonality

The most promising way to estimate seasonal work is to identify sectors in which seasonal work is most frequent, since employment data is usually available by sector of activity. A sector-based approach furthermore seems useful since in some pieces of legislation, among which the 2014 Seasonal Workers Directive and the 1971 Regulation on the coordination of social security schemes, sectors are identified as (particularly) concerned

²⁶ The main sectors identified as seasonal work by stakeholders in the main destination countries are listed in **Table 9** in **Annex C**.

²⁷ Späth, J., et al. (2018 a), '*Operationalizing Seasonal Work in Germany*', *IAW Diskussionspapiere*, No. 131, p.3. Cf. also López-Sala, A., et al. (2014), '*Seasonal Immigrant Workers and Programs in UK, France, Spain and Italy*', *Temper Working Paper*, WP1. **Table 10** in **Annex C** outlines a few such definitions, in addition to those from the Seasonal Workers Directive and Regulation 1408/71.

²⁸ Such initiatives have been put into place in e.g. Austria, Belgium, the Czech Republic and France. For Austria, Belgium and France see ETUC (2020) '*National measures targeting seasonal workers to address labour shortages (particularly in the agricultural sector)*', *ETUC Briefing Note*; for the Czech Republic, see Mikulasova, J. (2020) '*COVID-19 Impact – Seasonal Agricultural Workers Missing in Czech Agriculture*', United States Department of Agriculture.

²⁹ Such risks may include e.g. a lack of access to information on their social and labour rights; insufficient accommodation, travel or living arrangements; or poor and unsafe working conditions. These and other challenges impacting seasonal workers are discussed more elaborately in **section 5**.

by seasonal work³⁰. Agriculture (which can also include horticulture and forestry) is in all surveyed cases included in such definitions, with tourism being the second most commonly recurring. A third, albeit less universal sector, included in legislation or soft law is construction, which is included in the conception of seasonal work in Austria, Germany and Poland³¹.

The Commission's Guidelines on seasonal workers amidst the COVID-19 outbreak identify the 'agri-food and tourism sectors' as the most afflicted industries already in its introduction³². These are also the only two sectors of the economy named in the conclusions of the 9 October 2020 Council of the EU on seasonal work³³.

Seasonality implies variations in employment in a specific sector throughout the year. This should resonate in changes of the monthly or quarterly employment figures for a sector. Error! Reference source not found. therefore looks at how much the sectoral employment levels per quarter differ from the annual average. To guard against outliers, the average value for the 2017-2019 period is used. Some seasonal variation is present for most sectors and in all cases except education, Q1 employment levels are lower than the annual average, and Q3 higher³⁴. Seasonal variation is clearly highest for accommodation and food services and agriculture, forestry and fishing: in Q2 and Q3 employment is significantly higher than Q1 and Q4. The construction and administrative and support services³⁵ sectors are also slightly ahead of other sectors.

Naturally, there are differences in these trends, both by sector and region. Within agriculture, the pattern and amplitude of the seasonal patterns will vary between different types of farming, with greenhouse plantations having longer seasons and different crops requiring harvesting at different times of the year. Likewise, within the accommodation and food sector, one natural vector of variation is whether the country tends to rely more on winter tourism, as Austria does, or summer tourism, like Spain and Italy³⁶. The same factors add to variation within and between countries, with climate, the main economic sectors of the region or country, and the overall structure of their respective labour markets all contributing³⁷.

³⁰ Seasonal sectors as established in legislation or soft law in main countries of seasonal work are shown in **Table 9** in **Annex C**.

³¹ Information retrieved through the MoveS network.

³² C(2020) 4813 final, p. 1.

³³ Conclusions of the Council of the European Union of 9 October 2020, 11726/2/20.

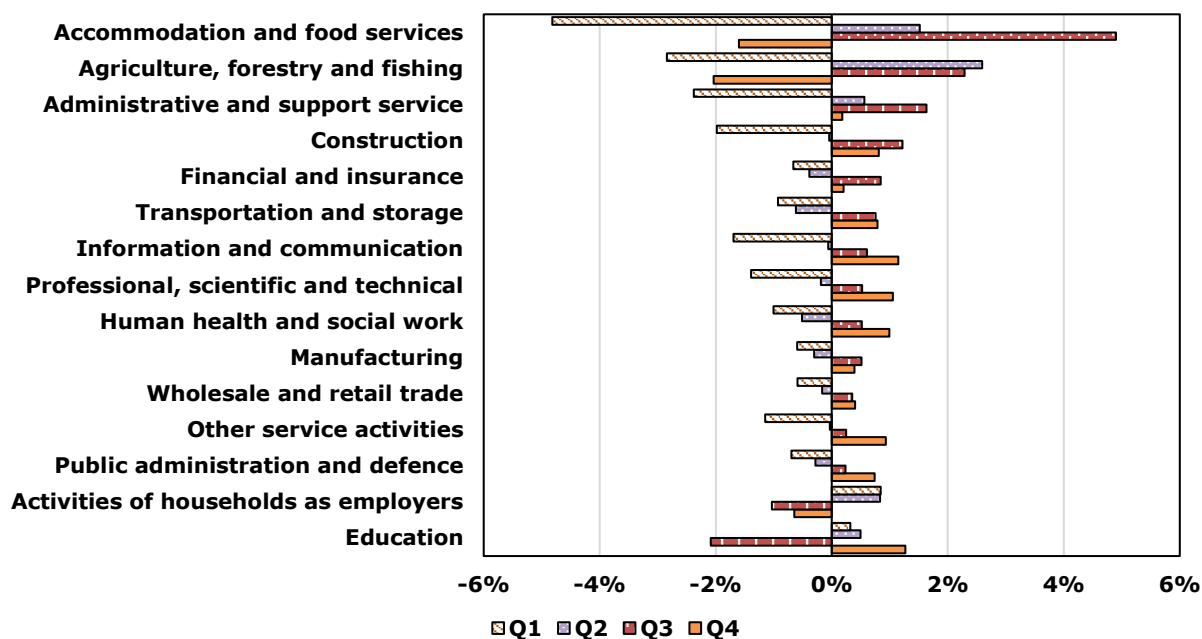
³⁴ The fact that the education sector is an outlier in this regard is understandable given the orientation of work around the academic year, which generally ends at the beginning of Q3.

³⁵ Within the NACE guidelines, the administrative and support services sector covers activities which support general business operations and do not focus on specialized transfers of knowledge (Eurostat, 2008, p.49).

³⁶ To illustrate within-sector variation, **Figure 11** in **Annex C** shows the employment per quarter compared with the annual average of the NACE-2 sub-sectors of Agriculture, forestry and Accommodation and food services.

³⁷ The variation between the main destination countries of Austria, Belgium, France, Germany, Italy, the Netherlands and Spain is shown in **Figure 12** to **Figure 18** in **Annex C**. While individual countries may see some seasonal variation in sectors other than agriculture and accommodation and food services, one or both of the main sectors of seasonal work see a clear pattern of seasonal variation in all countries.

Figure 1: Employment per quarter compared with annual average*, EU-28, average for 2017-2019



THE WIDTH OF THE BARS INDICATES HOW MUCH THE QUARTER IS ABOVE OR BELOW THE ANNUAL AVERAGE.

*CALCULATED AS: $\frac{Q}{\text{AVERAGE (Q1:Q4)}}$

SOURCE: EUROSTAT INDICATOR ON EMPLOYMENT BY OCCUPATION AND ECONOMIC ACTIVITY (NACE REV. 2) [LFSQ_EISN2], ACCESSED 22 OCTOBER 2020.

2.2.2 Time limitation

The second key element of the proposed definition of seasonal workers is the time limitation. Regarding the specific length of time that would qualify as seasonal work, different legal and policy documents follow different approaches. For example, the Council's conclusions on seasonal workers mention that seasonal workers 'often work in one or more Member States for a limited period of time without settling there'³⁸. The Seasonal Workers Directive³⁹ stipulates that Member States define a maximum period of stay between five and nine months per year, whereas in Regulation 1408/71 the period of seasonal work 'may on no account exceed eight months', but no minimum length is specified.

For a first attempt to collect data on intra-EU seasonal work in a resource-efficient way, it appears most adequate to use numbers on fixed-term contracts in the sectors identified as most relevant for seasonal work, i.e. agriculture and accommodation and food services⁴⁰. Thereby, in some Member States, the types of fixed-term contracts usually used for seasonal workers define a maximum number of days (please find an overview of different types of contracts further below).

Data from the EU-LFS gives a rough idea of the relevance of fixed-term contracts in the two sectors identified as most relevant for seasonal work in general. However, it only reflects the situation of long-term residents and therefore is only an imprecise indication of the extent to which fixed-term contracts are used. As **Figure 3** below shows, the accommodation and food services sector has the largest share of workers employed on

³⁸ Conclusions of the Council of the European Union of 9 October 2020, 11726/2/20.

³⁹ Directive 2014/36/EU.

⁴⁰ A similar approach was used in previous research on seasonal workers using employment data by Späth, et al. where seasonal workers are distinguished from other employees subject to social security contributions by selecting those that have fixed-term contracts (subject to compulsory social security contributions) or contracts of marginal employment, each of no more than seven months and if the employment relationship is within the seasonal window (a seven-month window around the peak month) (Späth, J. et al. 2018 a), p. 7.

fixed-term contracts (15 %) of all sectors, and also more specifically on contracts limited to a maximum of one year. Statistics on employment in tourism in Europe corroborate these results on the high frequency of fixed-term contracts in the accommodation and food services sector. The likelihood of an employee holding its current job for less than one year is significantly higher in tourism than in the non-financial business economy as a whole (23 % versus 15 %), especially in accommodation, where around 30 % have temporary contracts and 26 % have had their job for less than one year⁴¹.

In the agriculture, forestry and fishing sector, fixed-term contracts are less common (8 %), while the share of 'not applicable' is higher than for any other category, in both proportionate and absolute terms, reflecting the high level of self-employed (in 2019, 4 million workers in agriculture were self-employed⁴²) and family workers in the sector⁴³ (regarding family workers, see also **Figure 7** below). However, when looking only at workers employed on fixed-term contracts (**Figure 4**), one can see that agriculture, forestry and fishing have the highest share of persons employed on fixed-term contracts of up to one year (90 %) and more specifically, on fixed-term contracts of up to six months (60 %). The accommodation and food services sector follows closely with 83 % employed on contracts of up to one year and 55 % on contracts of up to six months. This indicates that short-term employment specifically is relevant in these sectors⁴⁴.

Figure 2: Number of employees in contracts of varying duration (in 1 000s), nationals and EU-28 movers by NACE sector and by length of contract, EU-28, 2019

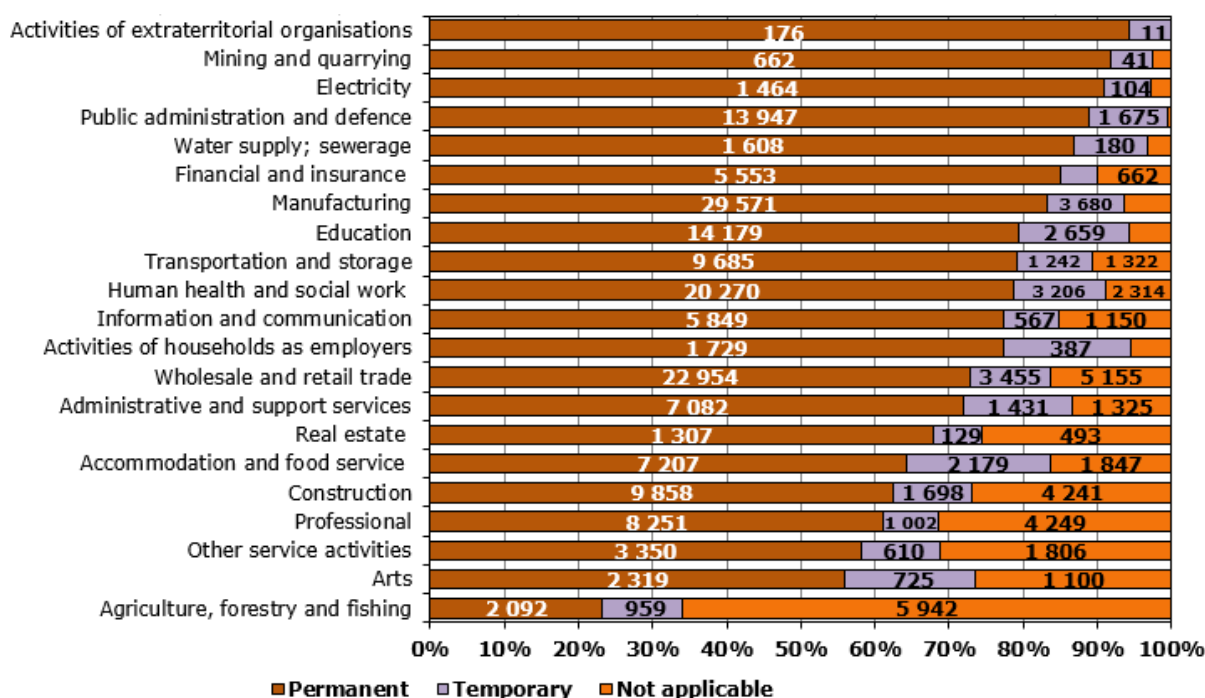


FIGURE EXCLUDES CASES WHERE THE NACE SECTOR WAS GIVEN AS 'NO ANSWER'. LABELS INDICATE THE TOTAL AMOUNT OF EMPLOYEES IN THE SECTOR (1,000S). FIGURE EXCLUDES 'NO ANSWER'.

SOURCE: EU-LFS, SPECIAL EXTRACTIONS PROVIDED BY EUROSTAT, MILIEU CALCULATIONS

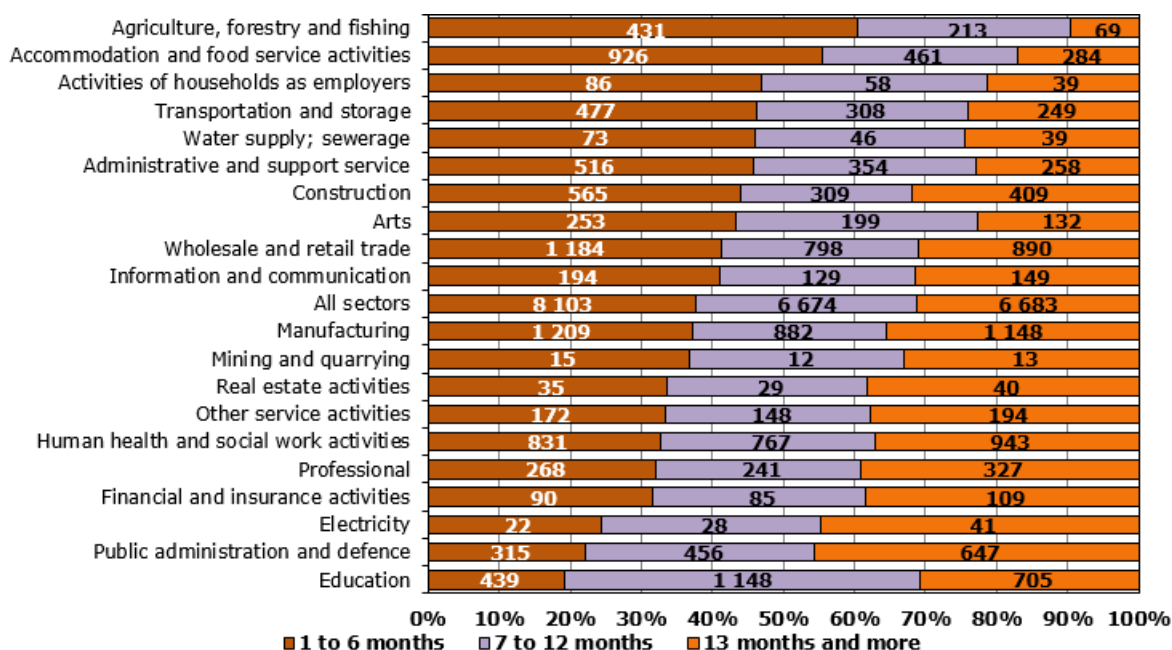
⁴¹ Williams, C., and Horodnic, I. (2020), 'Tackling undeclared work in the tourism sector', *European Platform Tackling Undeclared Work*, p.8.

⁴² Eurostat, Self-employment by sex, age and economic activity [lfs_esgan2], available at: https://ec.europa.eu/eurostat/databrowser/view/LFSA_ESGAN2_custom_611274/default/table?lang=en.

⁴³ In 'Not applicable' are included any workers who have not given their professional status as 'Employees', i.e. self-employed with and without employees and family workers; see Eurostat (2019), 'EU Labour Force Survey Database User Guide'.

⁴⁴ Data on temporarily employed workers by nationality and length of contract, in absolute numbers (1 000s) and as a proportion of all temporarily employed workers in that group, is presented in **Table 15** in **Annex C**. While the highest proportion of 1-6-month contracts among EU nationals is found for the Information and Communication sector, this is a decidedly smaller number than for either agriculture or accommodation and food services.

Figure 3: Number of employees in temporary contracts by sector and length of contract (in 1 000s), all nationalities, EU-28, 2019⁴⁵



LABELS INDICATE THE ABSOLUTE NUMBER OF EMPLOYEES BY CONTRACT LENGTH, WHILE THE WIDTH OF THE BARS INDICATES THE PROPORTION OF ALL TIME-LIMITED CONTRACTS.

ONLY SECTORS WITH A PUBLISHABLE LEVEL OF 1-6-MONTH CONTRACTS ARE DISPLAYED.

SOURCE: EU-LFS, SPECIAL EXTRACTIONS PROVIDED BY EUROSTAT, MILIEU CALCULATIONS

2.3 Common forms of employment for seasonal work

This section illustrates different types of employment that are relevant for intra-EU seasonal workers. This includes a description of types of employment contracts usually used for the purpose of seasonal work, followed by an overview on the role of temporary work agencies and of posting. Analysing the usual forms of employment further indicates how numbers of seasonal workers can be estimated through employment statistics.

2.3.1 Common employment contracts

The (fixed-term) contracts offered to seasonal workers vary between Member States. In some countries, specific types of fixed-term contracts are used for seasonal work or contracts can be used with specific conditions if they are for seasonal work, but there is no common approach across the EU Member States. In some countries (e.g. BE, SE, SI)⁴⁶, these are designed to provide a regulated framework for this type of work, but also to allow for increased flexibility for the employer. In *Belgium*, for example, there are specific daily contracts especially for companies in the agriculture or horticulture sector. Workers use a 'picking card' (*carte cueillette*)⁴⁷. This form of contract comes with reduced social security contribution of the employer (calculated based on a fixed daily wage) and limited to 30 days per year for agriculture, and 65 days per year for horticulture⁴⁸, and for a maximum of 11 hours per day and 50 hours per week.

⁴⁵ Data on temporarily employed workers by nationality and length of contract, in absolute numbers (1 000s) and as a proportion of all temporarily employed workers in that group, is presented in **Table 15** in **Annex**.

⁴⁶ Baiocco, S. et al. (2019) 'Labour costs in agriculture: Comparative Study', report prepared for GEOPA-COPA by CEPS, p.16-17.

⁴⁷ Acerta Belgium, website 'Travail saisonnier dans l'agriculture et l'horticulture'.

⁴⁸ An exception is mushroom cultivation where the limit is 156 days per year.

In *Italy*, for example, there are exemptions to conditions for the use of fixed-term contracts if they are for seasonal work: employers do not have to specify the reason for a fixed-term contract; the contract does not have to be transformed into a permanent contract after 24 months; employers do not have to apply the 'stop-and-go rule'⁴⁹ and the maximum number of workers allowed on fixed-term contracts⁵⁰. These exemptions in general facilitate the use of a fixed-term contract for seasonal work. In *Germany*, specific types of contracts, so-called 'marginal employment' contracts (*Minijobs*), are mostly used for seasonal work. There are different types, one which defines the maximum number of days of work as 70 days per year (around 70 % of seasonal workers in agriculture are employed on these contracts)⁵¹ and one which defines the maximum salary per month at EUR 450 (around 70 % of seasonal workers in the accommodation and food services sector are employed on these contracts; for seasonal workers coming from abroad it is more likely to be employed on other types of contracts, unless they are commuters and have additional jobs in their home country – it is also usual that tips by guests, which are common in Germany, increase the actual salaries in this sector)⁵².

Seasonal workers can also be employed on specific permanent contracts that allow for breaks each year for the period where no seasonal work is needed. The use of such 'permanent seasonal contracts' (*contrato fijo discontinuo*) was reported in Spain⁵³. These contracts are used when workers work every year with the same employer during the season. Many employers prefer to recruit the same workers in the next seasons because employers view the experience gained by the workers as a return on their investment and value the predictability it offers⁵⁴. Permanent seasonal contracts were also reported to be used in France⁵⁵.

Table 1 below provides an overview how seasonal work is regulated and which types of contracts are used in key destination countries.

Table 1: Types of legal provisions covering seasonal work in key destination countries

	Type of labour law covering seasonal work	Examples of specific provisions	Most common types of employment contracts for intra-EU seasonal workers ⁵⁶
Austria	Special labour law provisions for seasonal work	Protection against dismissal before end of employment	General fixed-term contracts as blue-collar workers (<i>Arbeiter</i>): binding end date
	Special provisions for tourism sector	Tourism sector: special calculation periods for working hours, rest periods, days off	
Belgium	Specific regulation in agriculture and horticulture	Limited number of working days depending on type of farm and production; no employee contributions, employer contributions calculated on fixed lump sum, not on gross hourly wages	Occasional form ('picking card') replacing employment contract ('daily contract'): each day filled in on the card corresponds to a daily contract; Employer has to pay travel cost from accommodation to workplace; max. no. of 11

⁴⁹ According to this rule there must be a break (10 or 20 days depending on the duration of the contract) between two successive fixed-term contracts.

⁵⁰ Information retrieved through the MoveS network.

⁵¹ Furthermore, in view of the Corona Pandemic, the thresholds of three months and 70 working days have been increased to five months and 115 working days respectively (applicable from 1 March 2020 to 31 October 2020; see § 115 Social Code IV (*Sozialgesetzbuch Viertes Buch*)).

⁵² Späth, J., et al. (2018), p.33.; according to information from one stakeholder (representative of the Bavarian Association of the German Hotel and Gastronomy business association DEHOGA (*Deutscher Hotel- und Gaststättenverband*)), seasonal workers in this sector in regions like Bavaria frequently come from bordering regions – they are employed on these marginal contracts, working some days per week or per month in Germany, while possibly having additional jobs in their home country.

⁵³ Information retrieved through the MoveS Network.

⁵⁴ Business and Human Rights S.L. (2018) 'Mapping Study on Seasonal Agriculture Workers and Worker Feedback and Grievance Mechanisms in the Agricultural Sector'.

⁵⁵ Information retrieved through the MoveS Network.

⁵⁶ Based on information retrieved through the MoveS Network.

	Type of labour law covering seasonal work	Examples of specific provisions	Most common types of employment contracts for intra-EU seasonal workers ⁵⁶
			working hours a day and 50 a week; fixed hourly gross salary; supplements for work on weekends and public holidays
France	Specific regulation in agriculture and horticulture	'Grape harvest' contract: Duration of one month (or renewed to two total); can be signed by an employee of another company who is on paid leave	'Seasonal fixed-term contracts', 'harvest fixed-term contracts'
		Exempt from end-of-contract allowances; renewable; must give minimum term of work	
Germany	Special labour law provisions for seasonal work	Generally in scope of social security protection, social security contributions paid by worker and employer; however, for the types of contracts mentioned on the right, exceptions from compulsory membership in social security systems apply	Two types of contracts for 'marginal employment' (<i>Minijobs</i>): 1) short-term contracts if the employment is limited by its nature or by an agreement on an end date to a maximum of three months or 70 working days within one calendar year ⁵⁷ ; 2) if the monthly salary from this employment does not exceed EUR 450 ('mini job') ⁵⁸
Italy	Special provisions for seasonal workers during COVID-19	A EUR 600 allowance for seasonal workers in suspended sectors (mainly tourism and agriculture)	Specific forms of fixed-term contracts; for the purpose of seasonal work, there can be derogations from usual conditions for fixed-term contracts (see main text)
Netherlands	Covered by regular employment law	Minimum wage; regulated maximum working hours; collective agreements apply; no fixed number of hours required	Temporary work agency contracts (most common); fixed-term contracts
Spain	Covered by regular employment law	Seasonal workers generally hired under fixed-term and temporary contracts, but otherwise in largely the same circumstances as regular job-seekers; employment by temporary work agencies (ETT) also common	Temporary contracts (<i>contrato eventual</i>); permanent seasonal contracts (<i>contrato fijo discontinuo</i>)

SOURCE: INFORMATION RETRIEVED THROUGH THE EURES EXPERT NETWORK.

⁵⁷ An exception is if the activity is carried out as one's profession and the monthly salary exceeds 450 EUR. Furthermore, In view of the Corona Pandemic, the thresholds of three months and 70 working days have been increased to five months and 115 working days respectively (applicable from 1 March 2020 to 31 October 2020; see § 115 Social Code IV).

⁵⁸ The second form is per se not necessarily limited in time, but as explained in **section 2.3** frequently used for seasonal work in the accommodation and food services sector.

2.3.2 Employment through temporary work agencies

Temporary work agencies control parts of seasonal employment in some countries⁵⁹. In this case, the worker concludes a contract with the agency. The agency concludes a contract with the company (farm) where the work takes place and it is in charge of deducting any social security contributions and taxes. In general, employment for seasonal work through temporary work agencies does not seem to be very common, with the exception of some countries or regions (see **section 2.3.2** below).

In some regions of Spain, for example, recruitment and employment of seasonal workers is frequently carried out by temporary work agencies. The activities of these Temporary Work Agencies (*Empresas de trabajo temporal, ETT*) are regulated by Law No. 14/1994 and they manage most of the employment of seasonal workers in areas like Valencia or Murcia. During one season, the worker may work for several employers and maybe even in different regions, being 'moved around' by the ETTs⁶⁰. In this case, the ETT would conclude several contracts with different employers, while there would be one contract between the ETT and the worker. Another country where seasonal work is frequently carried out through the involvement of temporary work agencies is the Netherlands, mostly through agencies based in the country.

The Directive on Temporary Agency Work⁶¹ aims at ensuring that there is equal treatment as regards basic working and employment conditions between persons hired by a temporary work agency and then assigned to work for a user undertaking and those working directly for the undertaking that needs the (temporary) worker. However, the directive foresees the possibility, under restrictive conditions, to derogate to the principle of equal treatment⁶².

Contracts concluded between an employee and a Temporary Work Agency can be fixed-term or permanent contracts. In Spain, for example, the most commonly used types of contracts with ETTs are service contracts (fixed-term contracts that cannot be extended for more than three years), interim contracts or first-time job contracts; however, other types of contracts may also be used⁶³.

It should also be noted that a seasonal worker can conclude a contract with a temporary work agency based in the country of work or in the country where he or she usually resides. In the latter case, the worker would then be posted to the country where the seasonal work is performed (see section below on posting) and a portable document A1 (PD A1) would need to be issued for the worker (see **section 2.3.3** below). As shown in sections 5.2 and 5.3, posting is not very common in the agriculture and accommodation and food services sector which leads to the assumption that in most cases seasonal workers would conclude contracts with temporary work agencies based in the country where the work is carried out. Again, there are country differences: in France, for example, the number of postings in agriculture from other EU countries is much higher than in other countries (although compared to other types of seasonal work in France, the number of posted workers is still lower). According to the French agro-economic information agency, these workers are usually posted by temporary work agencies⁶⁴.

Employment through temporary work agencies must not be confounded with *recruitment services* through recruitment agencies when the person is directly hired by the client company. In the former case, the temporary work agency acts as employer of the temporary agency worker, whereas recruitment agencies in the latter case are not

⁵⁹ Information retrieved through the MoveS Network.

⁶⁰ Nori, M. and Farinella, D. (2020), ch. 3.6.2.

⁶¹ Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work.

⁶² Art.5, Directive 2008/104/EC.

⁶³ GCT plus, website 'Which types of contracts are the most used in an ETT?' (Qué tipos de contratos son los más usados en una ETT ?)

⁶⁴ AGRA, 'Saisonniers étrangers: méconnus et cruciaux', 17 April 2020, available at : <http://www.agra.fr/saisonniers-trangers-m-connus-et-cruciaux-art461556-2496.html>.

employers. The extent of recruitment through such agencies seems to depend largely on the sector, the country and the regions. In Germany, for example, interviewees both from the agriculture and from the accommodation and food services sector mentioned that social networks and personal references were important forms of recruitment and that recruitment through intermediary agencies were only supplementary to this⁶⁵.

2.3.3 Posting of seasonal workers

Seasonal workers may also work in the framework of 'posting of workers'. This is the case when the worker is employed by a company or a temporary work agency in his or her usual country of residence and then sent to carry out seasonal work in another Member State.

Directive 96/71/EC⁶⁶ (the Posting of Workers Directive) as amended by Directive 2018/957/EU (which had to be transposed by 30 July 2020) identifies terms and conditions of employment which have to be guaranteed according to host Member State law or applicable collective agreements: all mandatory elements of remuneration, rules on workers' accommodation and allowances or reimbursement of expenses during the posting assignment, maximum working time and minimum rest periods, minimum paid annual leave, conditions of posting through temporary work agencies, health and safety standards and equal treatment between men and women. The implementation of these rules was strengthened by Directive 2014/67/EU⁶⁷, adopted in 2014.

Furthermore, the European social security coordination rules also cover posted workers (Art. 12 and Art. 13 of Regulation (EC) No 883/2004). Article 12 foresees that a person who is employed in one country by an employer which normally carries out its activities in this country and is posted by the employer to another country shall continue to be subject to the legislation of first Member State. Article 13 specifies which legislation a person is subject to if he or she works in more than one country. Under Regulation (EC) No 883/2004, a **Portable Document A1** shall be issued by public social security bodies of the sending Member State to the posted worker. This document establishes the presumption that the holder is properly affiliated to the social security system of the Member State which issued the certificate and confirms that the person concerned has no obligations to pay contributions in another Member State. Furthermore, Directive 2014/67/EU provides for the posting undertaking to declare the number of postings to the host Member States via a so-called **prior notification tool**. Numbers on both types of registration/declaration are centrally collected for many EU Member States and therefore provide a source for data on seasonal workers who are posted to other Member States (see **section 4.2**).

This being said, posting constitutes the exception among seasonal workers (with some exceptions, such as France). Among posting in general, agriculture and accommodation and food services are not very relevant sectors: the majority of posted workers work in the construction and transport sector⁶⁸, which, in contrast, have not been identified as main sectors of seasonal work throughout the EU. Further information on numbers of posted workers and the posting provisions can be found in a specific annual reports published by DG EMPL⁶⁹.

⁶⁵ Written reply to email enquiry by academic expert in agricultural economy at the University of Giessen; Interview with representative of the Bavarian Association of the German Hotel and Gastronomy business association DEHOGA (*Deutscher Hotel- und Gaststättenverband*), Germany.

⁶⁶ 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 services, OJ L 18.

⁶⁷ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') Text with EEA relevance.

⁶⁸ De Wispelaere, F., De Smedt, L., and Pacolet, J. (2021).

⁶⁹ De Wispelaere, F., De Smedt, L., and Pacolet, J. (2021); previous annual reports available at: <https://ec.europa.eu/social/main.jsp?catId=1154&langId=en>

3 CHARACTERISTICS OF SEASONAL WORK IN AGRICULTURE, ACCOMMODATION AND FOOD SERVICES

In the following, this report focuses on the two sectors with the strongest and clearest seasonal variation in labour demand and labour force (see section 2.2.1 above): agriculture, forestry and fishing ('agriculture') and accommodation and food services.

To contextualise the situation of intra-EU seasonal workers in these sectors, this section looks at the importance of these two sectors in Member States' labour markets. It also compares employment in these sectors across Member States to show where these sectors are largest and where there is a potentially high demand for seasonal workers. This comparison is made by looking at total numbers of employees residing in the country derived from the EU-LFS, because this source provides comparable statistics. It then discusses dependency on employees who are citizens of other EU Member States in these sectors by looking at the numbers of EU movers who permanently reside in the country and work in these sectors (also based on EU-LFS data). These figures, exclude workers with a habitual residence in another country (as mentioned above in section 2, non-residing workers cannot be identified in the EU-LFS, as its target population are persons who reside or intend to reside in a country for at least one year).

However, this preliminary analysis (identifying the countries with the highest total number of residing employees in the two seasonal sectors and the dependency on workers from other EU countries) is the basis (in addition to other considerations) for a selection of countries for which data on non-resident intra-EU seasonal workers is estimated in **section 4**. Furthermore, this section briefly discusses drivers and patterns of seasonality, to provide a context for the estimates presented in **section 4**.

3.1 Main countries of employment and dependence on intra-EU mobility

In the EU-28, agriculture accounted for 4 % of employed persons and accommodation and food services for 5 % in 2019. This being said, there are large country differences (see

Table 12: Number of employees in EU-28 by NACE sector and nationality group, 2019

	Reporting country	EU-28	TCN	Total
Accommodation and food services	9 055	933	1 260	11 249
Activities of extraterritorial organisations	109	76	20	205
Activities of households as employers	1 283	314	648	2 245
Administrative and support services	8 455	669	726	9 851
Agriculture	8 485	222	289	8 996
Arts	3 835	189	135	4 159
Construction	14 016	952	830	15 798
Education	17 004	483	377	17 864
Electricity	1 571	22	20	1 612
EU-28 average	9 678	431	456	10 564
Financial and insurance	6 210	191	165	6 565
Human health and social work	24 118	806	881	25 805
Information and communication	6 940	316	338	7 594
Manufacturing	32 743	1 413	1 371	35 527
Mining and quarrying	700	14	11	725
No answer	1 426	65	87	1 578
Other service activities	5 207	244	324	5 776
Professional	12 598	527	388	13 513
Public administration and defence	15 448	141	121	15 710
Real estate	1 818	62	60	1 939
Transportation and storage	11 022	649	586	12 257
Water supply; sewerage	1 767	43	46	1 856
Wholesale and retail trade	29 098	1 141	1 342	31 580

NOTE THAT 'EU-28' REFERS TO EU-28 NATIONALS *EXCLUSIVE* OF THOSE WITH THE REPORTING COUNTRY'S NATIONALITY.

SOURCE: EU-LFS, SPECIAL EXTRACTIONS PROVIDED BY EUROSTAT, MILIEU CALCULATIONS

Table 133 in **Annex C.**): agriculture is much more important in Romania (22 % of employed) and Greece (11 %). Poland, Latvia, Bulgaria, Croatia, Portugal and Hungary are also countries where agriculture has an above-average share of total employment (between 5 % and 9 %). In the main countries of work of EU movers, agriculture is less important as a sector: Italy (4 %), Spain (4 %), France (3 %), and Germany (1 %). For accommodation and food services, the picture is different: it is particularly important in terms of employment in Greece (11 %) and Cyprus (10 %); Italy and Spain also have above-average shares (7 % and 9 %, respectively). In France and Germany, this sector is slightly less important (4 % each).

The importance of the individual Member State's agricultural sector in the total economy across the EU-28 is reflected in the total numbers of employed (residing in the country, all nationalities). The largest numbers of employees in **agriculture** can be found in Romania (1.6 million) and Poland (1.4 million), together constituting 37 % of all employees in agriculture across the EU-28 (39% when excluding the UK). Between 500 000 and 1 million employees in agriculture can be found in Italy, Spain and France, respectively; Germany and Greece have between 400 000 and 500 000 employees in the sector, respectively. Employment in agriculture in these seven countries together makes up 76 % of employment in agriculture across the EU-28 (78% when excluding the UK)⁷⁰.

In **accommodation and food services**, the number of employees is even more concentrated on a few countries: in the UK, Spain, Germany, Italy and France, their number is between 1.7 and 1 million (ranked by size). Taken together, they make 67 % of all employees in that sector in the EU-28 (61% when excluding the UK). The difference with other countries is quite large, with the next in rank being Poland with 400 000 employees⁷¹.

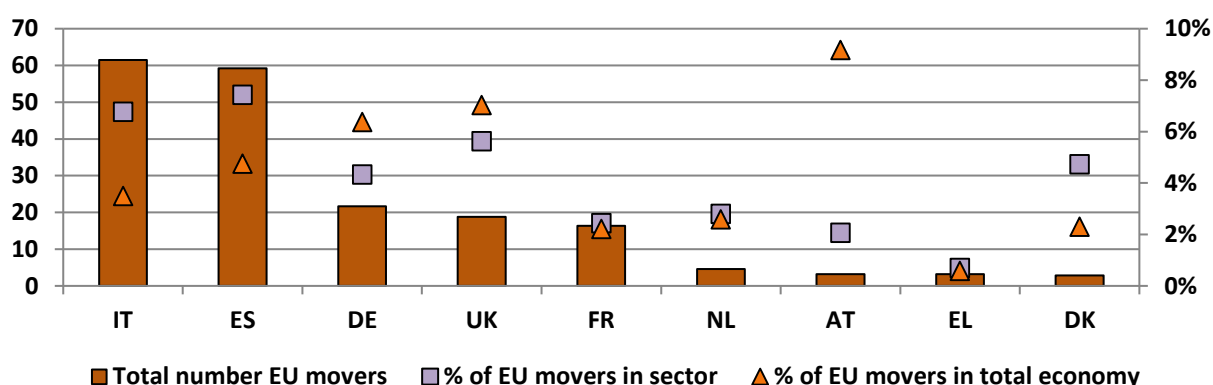
To get a sense of the extent to which European Member States rely on EU movers to fill vacancies in these sectors, the amount of workers in absolute numbers and as a proportion of all workers in the sector are presented below for the agricultural and accommodation and food services sectors.

Figure 4 shows the number of EU movers employed in the agricultural sector (left y-axis) for the countries where data is large enough to be reliable. The right y-axis shows the shares of EU movers in the agricultural sector (squares) and the share of EU movers in the country's total economy (triangles). Italy and Spain stand out as having the highest absolute and proportional workforce of EU movers. In Germany and the UK, total numbers and the share of EU of the total workforce in agriculture are also higher than in the other countries presented. However, reliance on EU movers is lower than in the general economy, whereas in Italy and Spain it is clearly much higher. France is also important in terms of total numbers, but the reliance on EU movers in agriculture (as in other sectors) is lower than in the countries already presented. Denmark has the fourth highest proportion of EU movers, but absolute figures are very low. Overall, absolute numbers are fairly low, with only four Member States and the UK hosting 10 000 or more EU movers working in the agricultural sector.

⁷⁰ Source: Eurostat, EU-LFS, Employment by sex, age and economic activity (NACE Rev. 2) - 1 000 [LFSA_EGAN2__custom_315688], extracted on 06/12/2020.

⁷¹ Source: Eurostat, EU-LFS, Employment by sex, age and economic activity (NACE Rev. 2) - 1 000 [LFSA_EGAN2__custom_315688], extracted on 06/12/2020.

Figure 4: EU movers employed in agriculture, in absolute numbers (1 000s) and as a percentage of all employed in the sector per Member State, 2019



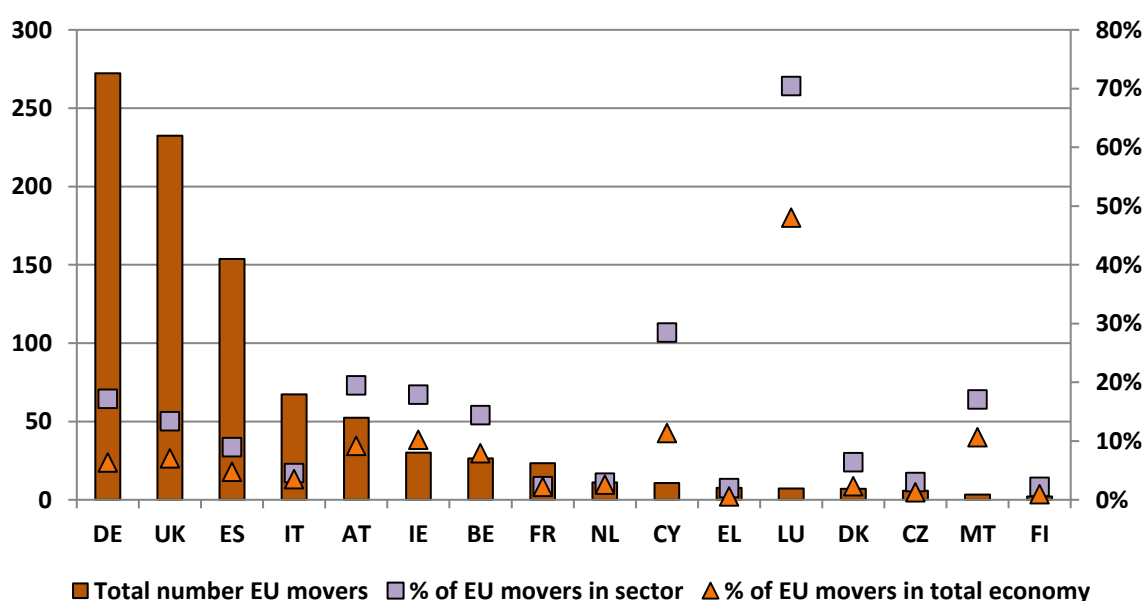
LOW RELIABILITY: DK.

SOURCE: EU-LFS, SPECIAL EXTRACTIONS PROVIDED BY EUROSTAT, MILIEU CALCULATIONS

Figure 5 shows the amount of EU movers employed in the accommodation and food services sector (left y-axis) for the countries for which numbers are large enough to be reliable. The right y-axis shows the share of EU movers and the sector and the share of EU movers in the country's total economy. Again Germany, the UK and Spain have the highest absolute number of employees, and Luxembourg, Cyprus and Malta stand out as small overall recipient countries with, however, a high proportion of EU movers in the sector. To these Austria and Ireland can be added, where 19 % and 18 % of the employees are EU movers. Notably, France, both in absolute and proportionate terms, has significantly fewer EU movers than the other main destination countries.

The figure also shows that in almost all of the analysed countries the accommodation and food services sector relies on EU movers to a larger extent than the countries' general economy. The exceptions are France and the Netherlands where the shares are equally high.

Figure 5: EU movers employed⁷² in accommodation and food services, in absolute numbers (1 000s) and as a percentage of the whole sector per Member State, 2019



LOW RELIABILITY: FI.

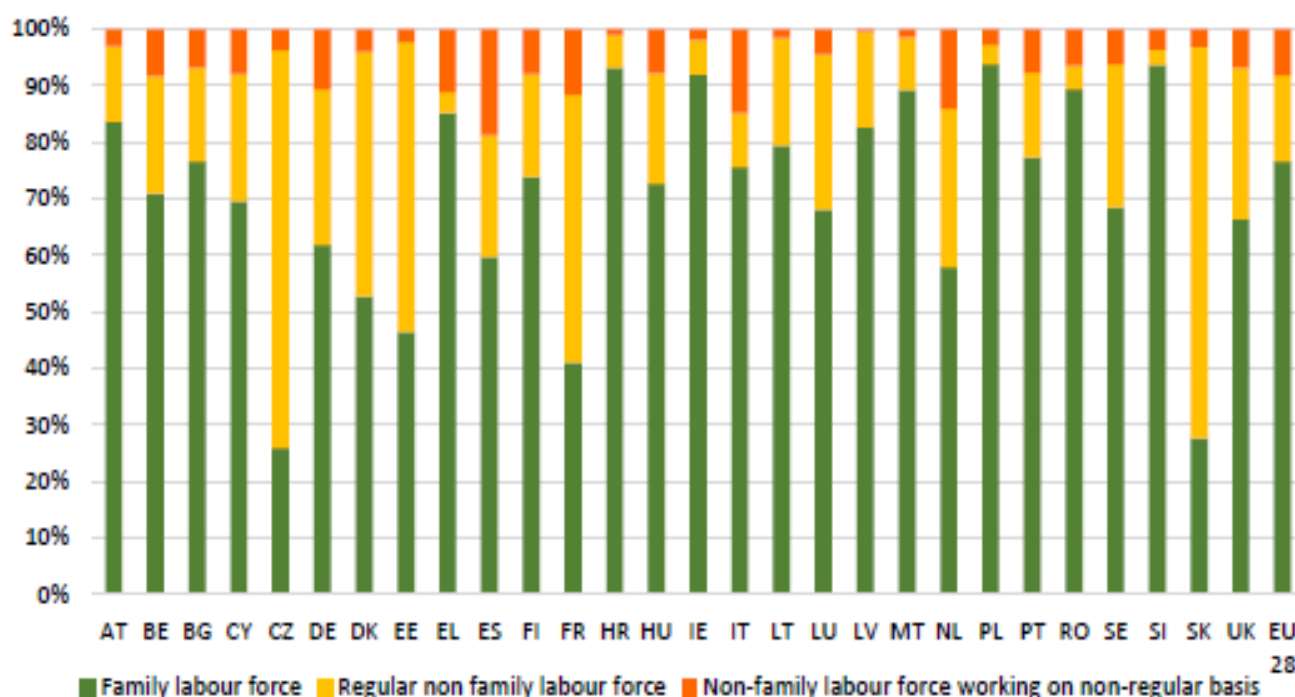
SOURCE: EU-LFS, SPECIAL EXTRACTIONS PROVIDED BY EUROSTAT, MILIEU CALCULATIONS

Figure 7 shows the volume of different types of labour in agricultural holdings – seasonal workers are included in the third category, 'non-family labour force working on non-regular

⁷² For definitions, see Glossary.

basis'. The graph shows that this category is most important in Spain, Italy and the Netherlands; furthermore, in Belgium, Germany, Greece and France. A similar EU-wide overview is not available for the accommodation and food services sector.

Figure 6: Shares of different types of labour in agricultural holdings in the EU-28, by country (in annual work units)



SOURCE: BAIOTTO, S. ET AL. (2019), P. 16, BASED ON EUROSTAT-FARM STRUCTURE SURVEY, 2013.

3.2 Drivers and patterns of seasonality

A key driver of seasonality is that demand for labour rises every year at specific occasions. These events are often linked to weather conditions; but can also be linked to other events such as holidays or cultural festivals. The exact patterns of when these peaks occur vary both between and within countries. For accommodation and food services, this depends on what kind of tourism a country or region attracts – the peaks can be linked to school holidays (which are themselves linked to the weather, hence to long summer holidays) or to other weather events (e.g. ski tourism in winter). Cultural events can also be a driver of seasonal labour demand through festivities such as Christmas or Easter with their associated work or school holidays, or in the form of regional events such as the Oktoberfest in Bavaria which attracts hundreds of thousands of tourists at the same time every year.

In agriculture, seasonality depends mainly on when the main crops of the country require harvesting⁷³. In some countries, this may entail multiple peaks throughout the year, depending on what is being harvested⁷⁴. Whether due to the work intensity of certain harvesting methods which cannot be automated, or due to a lack of sufficient available labour in the local community, this increases the demand for labour and leads to the recruitment of seasonal workers⁷⁵.

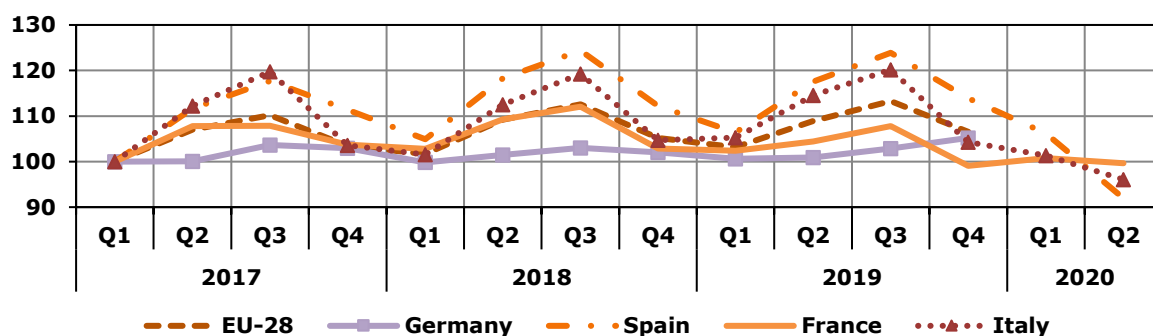
⁷³ For illustration, seasonal work in Austria peaks in the first quarter of the year with a smaller peak in the third quarter, indicating winter and summer tourism; by contrast, labour demand in agriculture is low early in the year, and increases as the year goes on. See Hörzenberger, S. (2020), 'Alltagsrassismus aus der Perspektive von Menschen aus EU-Binnenmigrationsländern, die in Tiroler Tourismusbetrieben tätig sind', Master thesis, Leopold-Franzens University Innsbruck, pp. 119-120.

⁷⁴ Nori, M. and Farinella, D. (2020), *Migration, Agriculture and Rural Development*, IMISCOE, University of Amsterdam Press: Amsterdam, p. 53.

⁷⁵ Baiocco, S., et al. (2019); Joppe, M. (2012), 'Migrant workers: Challenges and opportunities in addressing tourism labour shortages', *Tourism Management*, vol. 33, no. 3, pp. 662 – 671.

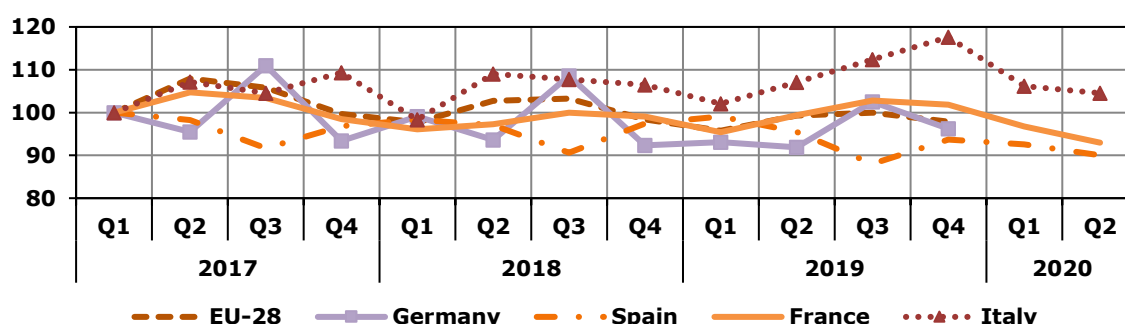
The patterns of seasonality – i.e. *when*, specifically, the peaks in labour demand occur – vary both within and between countries. On the European level, accommodation and food services experience a peak of labour demand in Q3. In agriculture, the peak spreads across Q2 and Q3, reflecting that different crops require harvesting at different points throughout the year. Overall, the peaks are more clearly identifiable in accommodation and food services, however there are differences at national level as described below in the graphs.

Figure 7: Quarterly employment levels in accommodation and food services for EU-28 aggregate and key destination countries (expressed as a percentage of Q1 2017), 2017-2020



FLAGS AND SOURCES UNDER FIGURE 9 APPLY.

Figure 8: Quarterly employment levels in agriculture for EU-28 aggregate and key destination countries (expressed as a percentage of Q1 2017), 2017-2020



100 ENTAILS THE SAME NUMBER OF INDIVIDUALS EMPLOYED AS IN Q1 2017. NOTE THAT THE Y-AXIS HAS BEEN SCALED FOR READABILITY. NO 2020 DATA IS AVAILABLE ON AN EU-28 LEVEL AT THE TIME OF WRITING.

SOURCE: EUROSTAT INDICATOR ON EMPLOYMENT BY OCCUPATION AND ECONOMIC ACTIVITY (FROM 2008 ONWARDS, NACE REV. 2) - 1 000 [LFSQ_EISN2], ACCESSED 22 OCTOBER 2020.

Looking at a Member State level the same picture is broadly reflected, albeit with national variation. In accommodation and food services (**Figure 7**), Spain and Italy, both significant tourism destinations, have notable Q3 peaks and see markedly lower employment levels in Q1 and Q4. The trend is less pronounced but still present in France, and no significant pattern is seen for Germany.

For agriculture (**Figure 8**), patterns diverge significantly between countries, with curves for each country reflecting national particularities. In Spain, the peak stretches from Q4 over Q1 and Q2, with a significant dip in Q3. Italy sees a lower demand for labour in Q1. Germany has the most clearly expressed shorter peak in Q3, while France's is less expressed and focused on Q2 and Q3.

Only two quarters of data in 2020 are available for a limited number of countries at the time of writing, and COVID-19-related employment effects can only be studied for the first half of the year⁷⁶. In this time there is **most markedly a decrease** for **accommodation**

⁷⁶ No aggregate for EU-28 will be available at future points due to the United Kingdom's departure from the EU. Where the paragraph above refers to general EU trends, it therefore refers to EU-27 figures to the extent that they are available at the time of writing.

and food services, where Q2 employment is much lower than is usually the case, with the effect on agriculture as of yet less pronounced. However, employment levels for Q1 and Q2 in 2020 are below previous years in agriculture which indicates a continuation of the **general decline of employment** in this sector – according to the JRC, employment of natives in agriculture declined by two million over the past decade⁷⁷. The release of Q3 employment statistics will be important in establishing the effects of COVID-19 on agricultural employment.

⁷⁷ Kalantaryan, S., Mazza, J. and Scipioni, M. (2020), 'Meeting labour demand in agriculture in times of COVID 19 [pandemic](#)', JRC Technical Report, Publications Office of the European Union, p. 9.

4 INCOMING AND OUTGOING EU-SEASONAL WORKERS

4.1 Data gathering process

In the absence of EU-wide harmonised data and in view of the complexity of measuring seasonal work, the data gathering focused on 11 Member States which were considered to be the most important sending and destination countries of seasonal workers. The UK was not included in the selection because it is no longer a member of the EU. A wide variety of stakeholders were consulted⁷⁸. Competent authorities and national statistical institutes in 11 Member States⁷⁹ were asked to complete a questionnaire regarding the availability of the following statistical data in their country: 1) data explicitly on incoming and outgoing seasonal workers and, if yes, which break-downs were available (sector of work, length of stay, nationality/country of birth; if such data was not available the questionnaire asked about availability of 2) data on persons from other EU Member States with a fixed-term employment contract working in sectors typical for seasonal work (i.e. agriculture or tourism-related sectors such as accommodation and food services), or data on persons from other EU Member States who reside only temporarily (less than one year) in the country for the reason of work, broken down by sector. Responses indicated that explicit data on seasonal workers was, if at all, available only for third-country nationals. All but a few replies indicated that data on EU-citizens performing seasonal work was not available or mentioned general data sources on employment data, or other institutions that could possibly hold such data.

In a second instance, experts from other institutions or other stakeholders suggested in the first round were consulted. Data was then identified from relevant websites or reports indicated by stakeholders. Information collected through the Free Movement of Workers and Social Security Coordination (MoveS) network, which was largely based on interviews with employees' and employers' organisations and complementary literature sources, was also assessed for the suitability to provide estimates.

During this process, it became apparent that different types of data sources exist in the different countries that may be used to estimate numbers of intra-EU seasonal workers. The core data source is often social security and employment registers, however, this data is processed and published in very different forms in the Member States and in some countries, previous research to estimate numbers of seasonal workers has already been carried out (AT, DE). Not in all countries, suitable data could be derived from such statistics, or more accurate data could be derived from agricultural associations. To complement this data, the report has also taken into account statements from e.g. governments, unions or industry organisations on how many seasonal workers were required to fill the shortages caused by COVID-19. It was assumed that such figures approximate the labour demand which is usually filled by foreign workers, as national workers will generally have faced fewer travel and work restrictions during the pandemic than those resident in other countries. Where possible, estimations have been made on the proportion of these workers that are of EU nationality, based on interviews and additional sources (see section 4.4 on estimations of main sending countries). However, such estimates were only found for the agricultural sector as the pandemic had affected the accommodation and food services sector heavily, so that there was no recognisable demand for additional work force in this sector.

Data on posting of workers was used to complement figures from employment and social security registries. This data is gathered every year by the Network of Experts on Statistics on free movement and social security.

⁷⁸ For a list of the organisations contacted, see **Overview of replies from national authority bodies regarding data availability on seasonal workers** in **Annex A**.

⁷⁹ The selection included key sending and receiving countries of intra-EU movers in general and included: Austria, Belgium, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Spain, Slovakia.

Interviews with national researchers revealed that in Austria⁸⁰ and Germany⁸¹, efforts have been made to use microdata collected by social security administrations to estimate the numbers of seasonal workers – to accommodate for the absence of official data. The results for Germany were used; the results for Austria are not publicly available.

4.2 Estimation of number of intra-EU seasonal workers

Table 2 presents data used to approximate the number of intra-EU seasonal workers. A best estimate of **650 000 – 850 000 intra-EU seasonal workers** in the EU-27 Member States in agriculture and accommodation and food services was made. The highest numbers can be found in Germany, Italy and France. It has to be noted that this estimate largely refers to the agricultural sector, since national data for accommodation and food services could only be estimated for Austria (35 000), Germany (94 500) and the Netherlands (3 200). Furthermore, most of the posting of intra-EU seasonal work (67%) refers to agriculture.

The estimate above is based on the following steps and assumptions:

1. National data sources from eight key destination countries (Austria, Belgium, Czech Republic, France, Germany, Italy, the Netherlands and Spain) were identified. These countries were selected based on their importance as destination countries for intra-EU labour mobility in general and on the availability and accessibility of data. This data was directly used or further processed to estimate a number of seasonal workers with an EU citizenship other than the country of seasonal work for each of these countries. These estimates are presented in column 2 of Table 2 below and the data sources and estimation approach by country is explained in section 4.3. Based on this, an indicative estimate of circa 700 000 seasonal workers with another EU citizenship in the eight key destination countries was made.
2. Most of these national data sources do not clearly indicate whether the seasonal workers are actually permanently resident in the country of seasonal work or not (exceptions are Austria, Belgium and the Netherlands). For the remaining countries it is unknown whether the seasonal workers of other EU citizenship referred to actually reside in the country or not. To provide a scenario that clearly excludes those habitually residing in the country, estimates based on the EU-LFS were made of those seasonal workers of a foreign EU citizenship who have taken permanent residence in the country where the seasonal work takes place. The approach to this estimation is explained in Annex B.2. These estimations were possible for Spain, France and Italy and result in around 100 000 permanently residing seasonal workers of another EU citizenship⁸². Deducting these, one arrives at around *600 000 intra-EU seasonal workers* in the eight key destination countries.
3. As estimations of the numbers of intra-EU seasonal workers (other than posted ones) were only possible for these eight destination countries, an extrapolation for the whole EU-27 was made. A lower bound and an upper bound of this extrapolation may be estimated, based on assumptions related to the agricultural sector mainly, since this seems to be the most important for seasonal work:
 - a) The **lower bound estimate** is based on the assumption that the numbers of intra-EU seasonal work is concentrated in the eight focus countries in question and is insignificant in the other 19 countries. This assumption is supported, firstly, by stakeholder information for Romania and Poland which showed that intra-EU seasonal workers are not sizeable and that most foreign seasonal workers are third country nationals. One can consider that the context of

⁸⁰ One such research project was carried out by the Institute for Advanced Studies (*Institut für Höhere Studien*); however, since the project was carried out on behalf of a private client, results are not published and cannot be accessed. Telephone Enquiry with researcher at the Institute for Advanced Studies (*Institut für Höhere Studien*), Austria.

⁸¹ See Späth et al. (2018): data on seasonal workers in three sectors in Germany was estimated for the purpose of assessing the impact of the introduction of a minimum wage on seasonal work.

⁸² To do so, the estimates in column 2 in Table 2 were compared to data from the EU-Labour Force Survey, which gives a figure for the number of permanently resident seasonal workers with a foreign EU citizenship. This comparison was made for France, Italy and Spain, since EU-LFS data for other countries is unreliable. The approach is explained in Annex B.2.

Romania and Poland also applies to several other countries – namely, that the salaries in agriculture are too low to be attractive for citizens of other EU Member States but are more attractive to third country nationals. This is likely to be the case in other Eastern or Southern European countries even if agriculture is a fairly important sector in terms of employment in the country (e.g. Greece, Latvia, Bulgaria, Croatia, see Table 13 in Annex C) or in overall numbers of employed (again, Greece, Hungary, Bulgaria). Another reason to assume that the numbers of intra-EU seasonal workers is insignificant is that the agricultural sector in many of the remaining countries (apart from Romania and Poland) simply appears very small in terms of total employment to be considered important for intra-EU seasonal work⁸³ (see Table 13 in Annex C). Furthermore, the remaining 19 countries are in general not among the most important destination countries of intra-EU labour mobility and therefore networks are less likely who incite mobility also for seasonal work. Considering all these reasons, a lower bound margin of **600 000 intra-EU seasonal workers** is thus provided assuming that intra-EU seasonal work in the other countries can be considered insignificant.

- b) The **upper bound estimate** is based on the assumption that the number of intra-EU seasonal workers in the other EU countries is not significant, but considerably lower than in the eight focus countries, for the reasons mentioned above. When looking at the agricultural sector, the estimated 470 000 intra-EU seasonal workers in the eight focus countries are around 15% when compared to the number of all employed resident workers in agriculture in these countries⁸⁴. If one considers that the share could be three times lower, namely at 5% for the other countries, one would arrive at 200 000 intra-EU seasonal workers for the remaining 19 countries⁸⁵. Adding these can constitute an upper bound margin of 800 000. Since numbers of intra-EU seasonal workers in the accommodation and food services sector are quite low already in the focus countries⁸⁶, these were not considered for the estimate.
4. In addition, there were more than 50 000 **posted workers** in agriculture or accommodation and food services in 2019 (column 3 of Table 2). Of those, 91 % were posted to the eight destination countries mentioned above and 9 % to the remaining Member States. Explanations on the data sources used to measure the number of posted seasonal workers and their limitations can be found in Annex B.4.

Therefore, a **range of 650 000–850 000 intra-EU seasonal workers**, is the best estimate:

- 650 000 assuming that the 19 remaining countries do not rely on intra-EU seasonal workers and strictly deducting all habitually residing seasonal workers of a different EU nationality for Spain, Italy and France according to EU-LFS figures;
- 850 000 assuming that there are also intra-EU seasonal workers in the countries other than the eight focus countries, but most likely to a lesser extent than in these focus countries, so adding 200 000 for the remaining 19 countries in order to provide a range.

⁸³ This would be the case, for example, in Croatia, Finland, Lithuania, Ireland, Slovakia, Sweden, Latvia, Denmark, Slovenia, Estonia, Cyprus, Malta and Luxembourg where the agricultural sector counts less than 100 000 employed persons.

⁸⁴ The total number of employed (habitually resident in the country) in the agricultural sector in the eight countries was 3.2 million in 2019. Source: Eurostat, EU-LFS, Employment by sex, age and economic activity (NACE Rev. 2) - 1 000 [LFSA_EGAN2], extracted on 06/12/2020.

⁸⁵ The total number of employed (habitually resident in the country) in the agricultural sector in remaining 19 countries was 4.7 million in 2019. Source: Eurostat, EU-LFS, Employment by sex, age and economic activity (NACE Rev. 2) - 1 000 [LFSA_EGAN2], extracted on 06/12/2020.

⁸⁶ As Table 2 shows, national data on intra-EU seasonal workers in the accommodation and food services sector could only be identified for three countries (AT, DE, NL) – for those, the estimate of 130 000 constitutes 6% of the total habitually residing employed in the sector. Source: Eurostat, EU-LFS, Employment by sex, age and economic activity (NACE Rev. 2) - 1 000 [LFSA_EGAN2], extracted on 06/12/2020.

Table 2: Estimates of intra-EU seasonal workers, posted workers in key seasonal sectors

	Estimated numbers of intra-EU seasonal workers (national data and estimates)	Estimated number of incoming postings in agriculture and accommodation and food services, 2019	Estimated total (intra-EU)	TCN seasonal workers – Authorisations granted for the purpose of seasonal work (agriculture and accommodation and food services) , 2019
BE	50 400 (AGR)	3 470* (1 732 AGR, 1 738 ACC)	53 870	
BG		10 (7 AGR, 3 ACC)	10	10 887
CZ	11 250 (AGR)	246 (227 AGR, 19 ACC)	11 496	
DK		1 141* (1 098 AGR, 43 ACC)	1 141	
DE	187 000 (AGR) 94 500 (ACC)	6 392 (4 937 AGR, 1 455 ACC)	287 892	
EE		9 (3 AGR, 6 ACC)	9	3 720
IE		70 (4 AGR, 66 ACC)	70	
EL		334* (AGR n.a., 334 ACC)	334	
ES	72 580 (AGR)	407 (188 AGR, 219 ACC)	72 987	11 369
FR	83 000 (AGR)	32 217* (22 478 AGR, 9 739 ACC)	115 217	
HR		161 (38 AGR, 123 ACC)	161	7 941
IT	121 000 (AGR)	2 024* (542 AGR, 1 482 ACC)	123 024	2 860
CY		1 (ACC)	1	
LV		1 (ACC)	1	232
LT		24 (17 AGR, 7 ACC)	24	410
LU		372 (31 AGR, 341 ACC)	372	
HU		132 (86 AGR, 46 ACC)	132	11
MT		21 (ACC)	21	
NL	17 500 (AGR) 3 200 (ACC)	2 978 (2 285 AGR, 693 ACC)	23 678	
AT	22 000 (AGR) 35 000 (ACC)	802 (329 AGR, 473 ACC)	57 802	
PL		34 (16 AGR, 18 ACC)	34	46 627
PT		102 (10 AGR, 92 ACC)	102	1 231
RO		50 (48 AGR, 2 ACC)	50	101
SI		260 (35 AGR, 225 ACC)	260	973
SK		296* (169 AGR, 127 ACC)	296	211
FI		237 (213 AGR, 24 ACC)	237	10 880
SE		1 390* (1 320 AGR, 70 ACC)	1 390	
Total	697 430	53 181	745 966	97 453

* INDICATES THAT THE ESTIMATE IS BASED ON DATA FROM THE PRIOR NOTIFICATION TOOLS INDICATING THE NUMBER OF PERSONS FOR WHOM POSTING WAS NOTIFIED.

FIGURES IN PERCENTAGES INDICATE THE PROPORTION OF THE TOTAL MADE UP BY POSTED WORKERS AND OTHER SEASONAL WORKERS, WHERE FIGURES FOR BOTH CATEGORIES ARE AVAILABLE.

SOURCE: STAKEHOLDER INTERVIEWS; DATA ON PDs A1 AND ON PRIOR NOTIFICATION TOOLS PROVIDED TO THE NETWORK OF EXPERTS ON STATISTICS ON FREE MOVEMENT AND SOCIAL SECURITY COORDINATION (FMSSFE); EUROSTAT, AUTHORISATIONS FOR THE PURPOSE OF SEASONAL WORK BY STATUS, LENGTH OF VALIDITY, ECONOMIC SECTOR AND CITIZENSHIP

[MIGR_RESSW1_1], DATA FOR 2019 FOR NACE SECTORS A (AGRICULTURE, FORESTRY AND FISHING) AND I (ACCOMMODATION AND FOOD SERVICES ACTIVITIES), ADDITIONAL SOURCES FOR COLUMN 2 LISTED IN **TABLE 4**, BELOW.

Third-country citizens constitute an important group of seasonal workers in some EU Member States, mainly in the agricultural sector (Table 2, column 4). Third-country nationals need an authorisation (visa or permit) to come and work in the EU under the Seasonal Workers Directive. The numbers of authorisations for the purpose of seasonal work are reported to Eurostat by some Member States. This reporting indicates that there are ca. 100 000 workers in this category. However, this is only a share of all *actual* third-country seasonal workers. This is because third-country nationals may hold a visa or residence permit for another purpose than seasonal work: for example as family members of nationals, EU citizens or third-country nationals, as higher education students or as long-term residents and then take up seasonal work. Additionally, many are likely to have arrived as undeclared labourers (e.g. on tourist visas or as asylum seekers), or otherwise may not be appropriately registered.

Undeclared work should also be briefly discussed in regard to seasonal workers. This includes “any paid activities that are lawful as regards their nature but not declared to public authorities, taking into account differences in the regulatory systems of the Member States”⁸⁷. Due to its covert nature it is difficult to estimate: in Italy, for example, where the problem of undeclared work from Northern Africa and parts of Eastern Europe is a particularly relevant issue, estimates in 2018 vary from 164 000⁸⁸ to 430 000⁸⁹ undeclared workers in agriculture, with up to 80 % of these being EU nationals other than Italians or third-country nationals)⁹⁰.

Keeping in mind the difficulty of estimating undeclared work, a provisional estimate may be made using the data on intra-EU seasonal workers in the key eight destination countries presented in Table 2. These can be paired with estimates on the proportion of undeclared work in agriculture and accommodation and food services by the European Platform Tackling Undeclared Work⁹¹ - in combination, this gives a first view of how many undeclared seasonal workers there might be. In these studies⁹², undeclared work is defined as individuals working as employees without a written contract or terms of employment, and calculations are made based on the Sixth European Working Conditions Survey (ECWS)⁹³. Due to a lack of data disaggregation, the estimate has to be based on two assumptions: (1) the rate of undeclared work is the same among the seasonal workers as in the sector more broadly, and (2) that it is the same regardless of whether the worker is a national, an EU-27 national or a third-country national.

Altogether, this results in an estimate of **135 000** undeclared seasonal workers in agriculture and accommodation and food services, as shown in more detail in **Table 3**. Qualitative issues surrounding undeclared work and ‘grey’ areas of employment are further discussed in **section 5.3**.

Table 3: Estimates of undeclared work in agriculture and accommodation and food services, based on intra-EU seasonal worker estimates and estimated rates of undeclared work per sector in 2015⁹⁴

	Agriculture, forestry and fishing			Accommodation and food services		
Country	Estimate SW	Rate	Estimate UDW	Estimate SW	Rate	Estimate

⁸⁷ COM definition from 2007, re-taken in Decision (EU) 2016/344 establishing the European Platform tackling undeclared work

⁸⁸ Ministero del Lavoro e delle Politiche Sociali (2020).

⁸⁹ Nori, M. and Farinella, D. (2020), p. 56.

⁹⁰ Ibid.

⁹¹ The European Platform Tackling Undeclared Work was formed as a result of Decision (EU) 2016/344 of the European Parliament and of the Council of 9 March 2016 on establishing a European Platform to enhance cooperation in tackling undeclared work. It is a high-level forum which allows various actors, including social partners, enforcement authorities, labour and tax inspectorates and social security authorities to exchange information and good practice. Once the European Labour Authority has reached full operational capacity, the Platform will be integrated into it as a permanent working group; see European Platform Tackling Undeclared Work (2020) ‘European Platform Undeclared Work DRAFT Work Programme 2019-2020’. Brussels: European Commission.

⁹² Williams, C. and Horodnic, I. (2018) ‘Tackling undeclared work in the agricultural sector’, *European Platform Tackling Undeclared Work*, and Williams and Horodnic (2020)

⁹³ Parent-Thirion, A., et al. (2016) ‘Sixth European Working Conditions Survey – Overview report’, 2017 update. Publications Office of the European Union: Luxembourg.

⁹⁴ The analyses in Williams and Horodnic (2018, 2020) use the 2015 ECWS as this currently is the latest available.

	Agriculture, forestry and fishing			Accommodation and food services		
AT	22 000	49 %	10 780	35 000	20 %	7 000
BE	50 400	20 %	10 080			
CZ	11 250	7 %	788			
DE	187 000	17 %	31 790	94 500	13 %	12 285
ES	72 850	11 %	8 014			
FR	70 000	6 %	4 200			
IT	121 000	37 %	44 770			
NL	17 500	33 %	5 775	3 200	n/a	
Total			116 196			19 285

ESTIMATES OF SEASONAL WORKERS DERIVED FROM TABLE 2, ABOVE.

NOTE THAT NO ESTIMATE WAS GIVEN IN WILLIAMS AND HORODNIC (2020) FOR THE PROPORTION OF UNDECLARED WORKERS IN ACCOMMODATION AND FOOD SERVICES IN THE NETHERLANDS.

SOURCE: WILLIAMS, C. AND HORODNIC, I. (2018, 2020) BASED ON THE EWCS SURVEY; AUTHORS' CALCULATIONS.

If the further assumptions were made that the eight countries again represent ca. 66 % of the total workforce, and that the undeclared workers calculated herein also represent 66 % of the undeclared workforce, the total estimate would be just over **200 000**. However, these estimates should mainly be taken as illustrative, as they must be caveated with the limited data. For better estimates and in particular to obtain information concerning the differences between EU Member States, further studies and better data would be required.

4.3 Explanation of estimations made by country

The following provides a description of data availability and the estimations in key destination countries, and how they were reached. These are summarised in **Table 44**.

For **Austria**, employment or social security registry data on fixed-term employment by sector and nationality is not available and would require specific calculations of the data from the registers, according to information by a representative of the Ministry for Labour, Social Affairs and Consumer Protection. Such manipulation of data for the purpose of estimating numbers of seasonal worker have been carried out by researchers but they are not publicly available. However, a special publication by the National Statistical Office shows an analysis of registry data from 2016 on workers who are re-employed by the same employer within the period of one year and who, previous to this re-employment, did not reside in Austria. The shares of those non-residing workers from all re-employed (including those residing in Austria) are particularly large in agriculture and forestry and accommodation and food services. In agriculture and forestry, 72 % of the 30 500 recalled employees were residing outside Austria (21 960) and in the hotel industry and for catering it was 21 % out of 165 000 (34 776 in total)⁹⁵. Of those living outside Austria, three quarters come from EU Member States that have gained membership since 2004, foremost employees from Hungary, Poland, Romania and Slovakia (descending order). 15 % were citizens of countries that had joined the EU beforehand, most of them Germans⁹⁶. Together, this would result in 19 764 recalled employees from another EU country in agriculture and 31 298 in accommodation and food services, with the rest residing in third countries. Data from the LFS on permanently residing workers with a non-Austrian EU nationality on a temporary contract are available only for the latter, and amount to 4 000. This would result in an estimate of non-resident intra-EU seasonal workers of ca. 27 298.

For **Belgium**, discussions with stakeholders, including the statistics agency Statbel, the Federal Department of Employment and the National Social Security Office (NSSO/RSZ/ONSS), confirmed that there is no information collected on either seasonal workers or temporary work stays, or fixed-term contracts by sector for non-Belgian EU nationals. Estimates for Belgium are instead based on statements from the agricultural associations Boerenbond and Fédération Wallonne Horticole on how many additional

⁹⁵ Wanek-Zajic, B. (2018), 'Auf Wiedersehen in der nächsten Saison!', Wiedereinstellungen beim früheren Dienstgeber, Schnellbericht 10.42, Statistik Austria, Wien.

⁹⁶ E-Mail with Barbara Wanek-Zajic 4/8/2020.

seasonal workers they require in the absence of foreign labour. Of the 56 000 lacking workers, 90 % are expected to have been from Central and Eastern Europe (CEE), the rest from third countries. Data on the specific types of daily contracts through 'picking cards' that can be used for seasonal workers could not be identified. Data from [Dynamstat](#) was used. This is a project processing and preparing statistics on the Belgian labour market, which puts together data on newly hired and on those leaving employment by year and makes estimates about the nationality of newly hired. Accordingly, it is estimated that in 2015⁹⁷ 4 000 workers with a non-Belgian EU nationality were newly hired⁹⁸. These figures reportedly include numbers of 'seasonal workers' but seem very low compared to the statement above about the lack of workers from other countries. One possibility is that they do not include persons employed on 'picking cards'. According to a representative of employers in agriculture and horticulture, temporary agency work for seasonal workers is very rare and in 95 % of the cases there is no multi-party employment relationship⁹⁹.

For the **Czech Republic**, representatives from the Ministry of Labour, from trade unions and agricultural employers confirmed that data is only collected for third-country nationals requiring work authorisation to remain in the country. An estimate of the required agricultural labour was, however, made based on a document produced by the United States Department of Agriculture, in a briefing discussing the situation of Czech agriculture during COVID-19.

Estimates received for **France** do not show precise figures for seasonal workers with a non-French nationality. Compiling figures from a study by the Ministry of Agriculture¹⁰⁰ provides an estimate of 636 300 seasonal workers on temporary contracts working in agriculture in France in 2016¹⁰¹. Other data in the report leads to an estimate that around 13 % of seasonal workers are of EU nationality other than French¹⁰². This would result in 83 000 seasonal workers of EU nationality (other than French). On the other hand, stakeholders reported that most of the seasonal workers coming from abroad are from other EU countries¹⁰³, so the number may be higher. Additionally, there were around 23 000 posted workers from other EU countries in agriculture in 2019. In a more recent intervention, FNSEA, the main agricultural employer organisation, warned for a lack of manpower of an estimate of 200 000 persons, mainly due to the fact that seasonal workers who would ordinarily arrive from Spain, Tunisia and Morocco, were not able to go to France¹⁰⁴. If one keeps the estimate above and assumes that between one third and one half of those would be workers arriving from other EU countries, one would arrive at around 70 000 to 100 000.

As can be seen from **Table 2** above, France receives quite a high number of posted workers in agriculture and accommodation and food services, compared to other countries (around 17 000). Around half of these direct postings in the agricultural sector (excluding

⁹⁷ The latest estimates have been made for 2015, since this requires a specific data analysis procedure.

⁹⁸ Dynamstat, *Autant de travail, mais trop peu de travailleurs dans l'agriculture et l'horticulture*, Dynam Flash Corona 2, available at : <https://www.dynamstat.be/fr/trop-peu-de-travailleurs-agriculture>.

⁹⁹ Information retrieved through MoveS Network.

¹⁰⁰ Forget V., Depeyrot J.-N., Mahé M., Midler E., Hugonnet M., Beaujeu R., Grandjean A., Hérault B. (2019), 'ActifAgri. Transformations des emplois et des activités en agriculture', Centre d'études et de prospective, Ministère de l'agriculture et de l'alimentation, la Documentation française, Paris, p. 80, available at : <https://agriculture.gouv.fr/actifagri-de-lemploi-lactivite-agricole-determinants-dynamiques-et-trajectoires>.

¹⁰¹ The number was calculated from different categories as shown in the report: 557 500 seasonal workers with a temporary contract at a farm (fig. 4.2); additionally, around 34 500 seasonal workers with a temporary contract were employed in a company carrying out agricultural work (fig.4.14); additionally, around 44 300 seasonal workers were employed in a business group where the majority of employees works in agriculture (fig. 4.15).

¹⁰² While the numbers of those seasonal workers are not available by nationality, the study mentions elsewhere that around 40% of seasonal workers are non-French (ibid., p.80). Furthermore, it mentions that among all employees with a temporary contract, EU nationals make up 7.5% which is one third of all foreigners (24%) (ibid., fig. 4.24).

¹⁰³ Information retrieved through the MoveS Network, based on stakeholder interviews.

¹⁰⁴ [Euractiv](#), March 2020. Compared to the numbers of 2019 this is a big difference. Account should be taken of the fact that the 2020 numbers were mentioned in a political message while the 2019 ones were published in a study.

temporary work agencies) came from Spain and included -third-country nationals and Spanish nationals¹⁰⁵.

In **Germany**, there is data on seasonal workers from the Farm Structure Survey (*Agrarstrukturhebung*) which is collected every three years. Seasonal workers are defined as workers with a fixed-term contract of a maximum of six months¹⁰⁶. The survey asks agricultural enterprises for the *number of seasonal workers employed in the year prior to the survey*. This data is processed and published by the National Institute for Statistics in a special report on agriculture by the government and includes data on seasonal workers (estimated at 286 000 in 2016), but not broken down by nationality¹⁰⁷. Another source is previous research (Späth et al., 2018) that processed employment microdata for the purpose of analysing seasonal work. The results provide monthly averages of employment contracts of seasonal workers; they also show a breakdown by broad nationality and sector for annual averages of monthly stocks. Accordingly, the shares of workers with another EU nationality (almost entirely from EU-12 countries) were between 66 % and 68 % in 2012-2016 in agriculture, and between 9 % and 10 % in the accommodation and food services sector¹⁰⁸. Since neither the length of the employment contracts nor how many contracts are held by one worker is deductible, the total number from the Farm Structure Survey of seasonal workers seems more appropriate for an estimate of seasonal workers per year. To come to an estimation of seasonal workers with other EU nationalities over a whole year, the shares from Späth et al. were applied to the number from the Farm Structure Survey, suggesting that there were around 187 000 seasonal workers with another EU nationality in 2016. It should be noted that Späth et al. carried out an extrapolation of the monthly employment contract data and arrived at a similar number of workers per year as the Farm Structure Survey¹⁰⁹. Accordingly, the number of seasonal workers per year is 6.3 times higher than the average number of employment contracts per month¹¹⁰.

The publication by Späth et al. (2018) also includes estimates on the shares of non-German EU nationals working as seasonal workers in the accommodation and food services sector (around 10 % in 2016) which, applied to the total number of average employment contracts per month, results in around 15 000 employment contracts per month on average. Since no total figure of seasonal workers or workers on fixed-term, short-term or marginal contracts defined by a maximum salary contracts per year is available for this sector¹¹¹, the number 15 000 was multiplied with the factor of 6.3 (see above), which provides a very rough estimate of around 94 500 seasonal workers of non-German citizenship in accommodation and food services for 2016. Note that the number is likely to be lower, since short-term contracts are rarely used in this sector, indicating that employment is usually longer than in the agricultural sector. If contracts are usually longer than two months, however, the multiplying factor would decrease. Since the average length of contracts is not known, a precise estimate for this sector cannot be made.

Additional estimations have been made based on employment registry data on the number of persons employed on a short-term contract (maximum 70 days), by groups of nationality and sector provided by the Federal Ministry of Labour and Social Affairs. These can be found in Annex B.3. Since these are limited to one type of contract and are only available as numbers by quarter, the estimates above seem more reliable.

The extent of employment through temporary work agencies is unknown. In agriculture, one trade union (IGBau¹¹²) estimates the share of seasonal workers placed through

¹⁰⁵ Information retrieved through the MoveS Network, based on stakeholder interviews.

¹⁰⁶ Späth, J. et al. (2018), p.22.

¹⁰⁷ Deutscher Bundestag (2019), 'Agrarpolitischer Bericht der Bundesregierung', BT-Drs. 19/14500, p. 113.

¹⁰⁸ Späth, J. et al. (2018), p.43.

¹⁰⁹ Späth, J. et al. (2018), cf. p.22.

¹¹⁰ This corresponds to the high share of short-term contracts used for seasonal work in this sector (70%) (ibid., p.33) – if every contract was two months long, this would result in 180 000 contracts per year, which is approximately the number above.

¹¹¹ Email enquiry to the German Hotel and Gastronomy business association DEHOGA (*Deutscher Hotel- und Gaststättenverband*).

¹¹² Trade Union for the sectors Construction-Agriculture-Environment (*Industriegewerkschaft Bauen-Agrar-Umwelt*) (IGBAU).

temporary work agencies as around 50 %, whereas the employer organisation (GLFA¹¹³) and a research on agricultural economy estimate that share as very low. Regarding the accommodation and food services sector, employment through temporary work agencies helps especially to cover labour demand in peak periods¹¹⁴.

In **Italy**, official data on seasonal workers is available on the website of the Istituto Nazionale della Previdenza Sociale (INPS) at the 'Osservatorio sul Precariato'¹¹⁵ but it does not consider a worker's nationality and/or residence. For agriculture, data is collected by the Council for Agricultural Research and Economics (CREA¹¹⁶) and is available by nationality, and the nature of employment. Accordingly, 89 % of EU citizens were employed for seasonal work¹¹⁷ (2015 data) and there were around 136 550 citizens from Poland, Romania and Bulgaria (numbers of other EU nationals are negligible) working in the agricultural sector in Italy¹¹⁸, which results in around 122 000 Polish, Romanian and Bulgarian seasonal workers per year. However, this may include persons who permanently reside in Italy. According EU-LFS data, 40 000 persons with another EU nationality residing in Italy work on contracts limited to up to 12 months, probably including seasonal workers. Thus, after deducting those 40 000 residing EU seasonal workers, the number of non-resident seasonal workers from other EU countries can be estimated at 82 000.

Estimations on the average duration of seasonal work are difficult to make. The National Statistical Institute (ISTAT) provides data on fixed-term contracts (seasonal and non-seasonal), but not by sector or citizenship. Accordingly, around 40 % of the fixed-term contracts are between six months and one year long, 30 % are between two and six months and the rest are for less than two months. However, this includes Italian nationals. According to a researcher in the field, the average period of stay of foreign workers in the agricultural sector can be estimated at around three months¹¹⁹. Data on seasonal workers in accommodation and food services is not available.

In the **Netherlands**, experts within the MoveS network estimate that about 18 % of agricultural work is seasonal, and most of this is received from CEE. However, as in many other countries, data is not gathered on seasonal workers from the EU. A rough estimate has been made in the table based on data from Statistics Netherlands on the number of employees in agriculture and HoReCa with (1) a fiscal relation to the Netherlands, (2) on temporary contracts, (3) EU citizenship and (4) who are not resident which results in around 17 500 in agriculture, forestry and fishing and 3 200 in accommodation and food services in the third quarter of 2019. This entails an approximation of seasonal work and only includes those who have in some way registered in the Dutch social security system, meaning that the number likely under-estimates the scale of seasonal labour influx to the country. According to information from experts from the MoveS Network, employment of seasonal workers from other EU Member States through temporary work agencies is common. The number of seasonal workers employed by such agencies (when they are based in the Netherlands) are not included in the data described above. A report on CEE

¹¹³ Confederation of German Employers' Association in Agriculture and Forestry (*Gesamtverband der deutschen Land- und Forstwirtschaftlichen Arbeitgeberverbände (GLFA)*).

¹¹⁴ Interview with representative of the Bavarian Association of the German Hotel and Gastronomy business association DEHOGA (*Deutscher Hotel- und Gaststättenverband*), Germany.

¹¹⁵ The most recent report can be found here: INPS (2020) 'Osservatorio sul Precariato: Dati sui nuovi rapporti di lavoro'.

¹¹⁶ *Consiglio per la ricerca in agricoltura e l'analisi dell'economia agraria*; De Leo S. and Vanino S. (2019), 'Immigrati in agricoltura in Italia: chi sono e da dove vengono. Analisi multi-temporale dal 2008 al 2017' in: CREA (*Consiglio per la ricerca in agricoltura e l'analisi dell'economia agraria/Council for Agricultural Research and Economics*), *Il contributo dei lavoratori stranieri all'agricoltura italiana*, 2019, p. 171.

¹¹⁷ Defined as 'seasonal, for specific cultivation activities'.

¹¹⁸ Definition of agricultural worker: Agricultural worker for INPS: In the agricultural sector, anyone who lends his manual work, for a fee, for the cultivation of funds or livestock breeding and for related activities in favor of a farm or other entity that carries out agricultural activities is an employee; agricultural activity includes: fund cultivation, forestry, livestock breeding, related activities. Source: INPS, Aziende Agricole, available at: <https://www.inps.it/nuovoportaleinps/default.aspx?sPathID=0%3b42716%3b42717%3b42718%3b42957%3b42959%3b&lastMenu=42959&iMenu=1>

¹¹⁹ Interview with expert from the National Research Council (*Consiglio Nazionale delle Ricerche - Istituto di Ricerche sulla Popolazione e le Politiche Sociali*).

citizens working in the Netherlands singles out those employed by such agencies and placed to other companies but does not record the specific sector. Thus, the precise scale of seasonal workers from other EU Member States who are employed by agencies in the Netherlands can to date not be estimated.

In **Spain**, there are special social security schemes for some sectors, among them agriculture, which allows estimating the number of seasonal workers of EU citizenship based on enrolment in these schemes¹²⁰. This data is also available by broad groups of nationality and allows distinguishing the group of workers of a non-Spanish EU nationality¹²¹. However, the only sector-specific security scheme relevant for seasonal work is the agricultural scheme. Furthermore, this source still faces the limitation that it does not distinguish between fixed-term and indefinite contracts. According to this source, there were 72 000 persons with a foreign EU nationality affiliated to the agricultural social security scheme in 2019. The EU-LFS estimates indicate that in 2019, there were 54 000 non-Spanish EU citizens, 28 000 on fixed-term contracts of up to 12 months and 26 000 on permanent contract. This would leave only 18 000 non-Spanish EU citizens employed in agriculture who do NOT reside in Spain. However, a fair amount of seasonal workers in Spain is considered to be employed by Temporary Work Agencies (thus not included in those estimates). Data on employment by Temporary Work Agencies (ETTs) is also available, however, not by sector and nationality combined, so it is impossible to make an estimate of the number of workers with a foreign EU nationality on such contracts by sector. As a very broad reference of magnitude: in 2019, there were 194 550 non-Spanish (and 584 511 Spanish) workers who had been hired by ETTs to be placed in another company and whose contracts were registered with the social security system¹²². Breakdowns by sector are only available for 'provision contracts'¹²³ (*contrato de puesta a disposicion*) and showed 811 420 such contracts only for sector of agriculture, animal breeding, forestry and fishing (19 % of the total) and 647 737 in accommodation and food services (15 % of the total). Applying these shares to the total number of non-Spanish workers above would result in approximatively 36 900 working in agriculture and 29 200 in accommodation and food services. However, this also includes third-country nationals.

Poland is also included in the table below as an example of a country with very few intra-EU seasonal workers, but who does receive a substantial number of seasonal workers from third countries. Based on stakeholder consultations and MoveS network experts, these workers particularly arrive from Moldova, Belarus and Ukraine. A form of labour substitution therefore occurs, whereby Polish nationals travel for seasonal work in other EU countries, and third-country nationals replace them in the domestic context, where labour still needs to be carried out in the major seasonal sectors.

Table 4: Estimates of seasonal workers in agriculture and accommodation and food services or adjacent sectors, based on official estimates and stakeholder/expert contacts

Country	Comment	Sector	Estimate	Source
AT	No way of indicating whether seasonal or not, but the figures indicate non-citizens who do not reside in Austria prior to commencing the work. Figures do not indicate citizenship by sector, but experts indicate that ca. 80 % of the total employees of this definition are EU citizens.	Agri	~22 000	Wanek-Zajic, B. (2018)
		Hotel and catering	~35 000	

¹²⁰ Information received through the MoveS network.

¹²¹ Ministry of Labour and Social Economy , General Directorate for Statistics and Socioeconomic Analysis (MITES, *Subdirección General de Estadística y Análisis Sociolaboral*), Statistical Yearbooks, Sheet: [Foreign workers affiliated with the social security system](#) (*Trabajadores extranjeros afiliados a la Seguridad Social en alta laboral*).

¹²² Ministry of Labour and Social Economy , General Directorate for Statistics and Socioeconomic Analysis (MITES, *Subdirección General de Estadística y Análisis Sociolaboral*), Statistics on Temporary Work Agencies (*Estadística de empresas de trabajo temporal*).

¹²³ This is a contract between the ETT and the company that is going to be assigned to the worker, see: <https://www.cuestioneslaborales.es/el-contrato-de-puesta-disposicion/> .

Country	Comment	Sector	Estimate	Source
BE	Expressed shortfall of seasonal workers in Flemish agriculture.	Agri	15 000-20 000 (Flanders)	Flemish agricultural association Boerenbond via news organisation VRT ¹²⁴
	The chair of Fédération Wallonne Horticole cites that 56 000 seasonal workers (6 000 in Wallonia, 50 000 in Flanders) tend to arrive to Belgium annually, 90 % of whom are from abroad, and generally from CEE countries.	Agri	~50 400	Fédération Wallonne Horticole via news organisation RTBF ¹²⁵
CZ	Across various agricultural industries (hops, vegetable growers, fruit picking). Note that numbers refer to individuals needed, but uncertain (1) where from, and (2) whether individuals otherwise may have taken multiple of these positions throughout the year.	Agri	9 000-13 500	US Department of Agriculture ¹²⁶
DE	IOM note on seasonal workers during COVID-19 says that Germany requires 280 000 agricultural workers to make up shortfall (mainly from CEE).	Agri	280 000	Federal Ministry of the Interior, Building and Community ¹²⁷
	Total of seasonal workers in agriculture in 2016 ...of which 68 % from other EU-28 (based on employment registry data as calculated by Späth, et al (2018))	Agri	283 300, 186 978 from EU-28	Farm Structure Survey (Agrarstrukturhebung); Späth, et al (2018); stakeholder interviews
	Seasonal workers from other EU-28 Member States (2016)	Accommodation and food services	~94 500	Späth, et al (2018); own estimations
ES	Migrant workers affiliated with the social security scheme of agriculture (2019)	Agri	222 968, 72 580 from EU-28	Social Security Statistics ¹²⁸
	<i>EU-LFS data on foreign EU citizens employed in agriculture</i>	Agri	54 000	EU-LFS
	<i>Estimate of non-resident foreign EU citizens working in agriculture</i>	Agri	18 000	See above
FR	Government names need of ca. 200 000 people, ordinarily travelling from countries such as Spain, Tunisia and Morocco.	Agri	200 000 (incl. TCNs)	Agricultural union FNSE via Euractiv ¹²⁹ , March 2020
	JRC cites an estimate that France records a need of 800 000 seasonal workers (ALL sectors), 2/3 of which are from abroad (not further specified)	Total	2/3 of 800 000 = ~530 000 (incl. TCN, all sectors)	Joint Research Centre ¹³⁰

¹²⁴ VRT News (2020), 'Between 15,000 and 20,000 too few seasonal workers', 4 May 2020.

¹²⁵ RTBF (2020) 'Coronavirus: pénurie de saisonniers en vue dans l'horticulture', 27 March 2020.

¹²⁶ Mikulasova, J. (2020).

¹²⁷ Bundesministerium des Innern, für Bau und Heimat (BMI) (2020) 'Konzeptpapier Saisonarbeiter im Hinblick auf den Gesundheitsschutz [Coronavirus (SARS-CoV-2)]', 2 April 2020.

¹²⁸ Ministry of Labour and Social Economy, General Directorate for Statistics and Socioeconomic Analysis (MITES, Subdirección General de Estadística y Análisis Sociolaboral), Statistical Yearbooks, Sheet: [Foreign workers affiliated with the social security system \(Trabajadores extranjeros afiliados a la Seguridad Social en alta laboral\)](#).

¹²⁹ Barbière, C., (2020) 'COVID-19: France calls unemployed to work in fields as borders stay closed', Euractiv, 25 March 2020.

¹³⁰ Kalantaryan, S., et al. (2020), p.5.

Country	Comment	Sector	Estimate	Source
	Seasonal workers in agriculture combined with proportion of EU-27 foreigners employed on non-permanent contracts in agriculture	Agri	83 000	Own calculations based on Forget V. et al. (2019)
	<i>EU-LFS data on foreign EU citizens employed in agriculture on fixed-term contracts</i>	Agri	6 000	EU-LFS
	<i>Estimate of non-resident foreign EU citizens working in agriculture</i>	Agri	77 000	See above
IT	Cites farmers' organisation Coldiretti as saying that 370 000 regular seasonal workers come from abroad every year, 105 000 of which are from RO. Expects that 200 000 extra TCN workers are required to make up shortfall of EU workers.	Agri	>200 000	Euractiv ¹³¹ , April 2020
	Workers from another EU Member State (not necessarily seasonal), i.e. RO, PL and BG, in agriculture, 2017. Estimate of proportion in agriculture (89 %) from CREA 2015 figures	Agri	121 000	De Leo and Vanino (2019) ¹³² ; stakeholder interviews
	<i>LFS-data on resident foreign EU seasonal workers on fixed-term contracts</i>	Agri	40 000	EU-LFS
	<i>Estimate of non-resident EU seasonal workers (after deducting LFS figures)</i>	Agri	82 000	See above
NL	Registered number of agricultural workers with limited contracts, not resident in NL and of other EU citizenship. However, no indication has been found of the extent to which this explicitly identifies seasonal work, as Statistics Netherlands does not collect such data.	Agri	17 500 in Q3 2019	CBS ¹³³
		HoReCa	3 200 in Q3 in 2019	
PL	Third-country nationals, chiefly from Belarus, Moldova and Ukraine.	Agri	127 000	Information received through the MoveS network, based on work permits granted ¹³⁴

The estimates considered the most reliable (marked in bold) were included in table 2 above as the basis for the overall estimations.

4.4 Sending countries

Based on information gathered by experts of the MoveS network – summarised in **Table 5** – Romania, Poland and Bulgaria are the most prolific sending countries in the EU. Estimates from the experts indicate that 80 % of all agricultural workers in Belgium come from these three countries, while in Germany, Romanian and Polish nationals are estimated to make up a joint 95 % of agricultural seasonal workers (65 % and 30 %, respectively)¹³⁵.

¹³¹ Coldiretti as cited in Fortuna, G. (2020) 'Italy looks to non-EU migrants to plug gap in agricultural workforce', *Euractiv*, 1 April 2020.

¹³² De Leo S. and Vanino S. (2019).

¹³³ Statistics Netherlands (CBS) (2020) 'Werknemers geboren in buitenland; wel/niet ingezet, persoonskenmerken'; filtered for limited contract time ('bepaalde tijd'), sector ('landbouw' or HoReCa) and jobs of non-resident employees ('Banen van niet-ingezetene werknemers'). Indicates people with a fiscal relation to NL, but who are not registered as resident.

¹³⁴ Polish Ministry of Family, Labor and Social Policy (2020) 'Centralny System Analityczno-Raportowy'.

¹³⁵ Information received through the MoveS network.

In Italy, while no estimates of seasonal workers specifically could be made, it was noted that in the agricultural sector as a whole 29 % of the workers (or ca. 110 500) are Romanian, 3.5 % (or ca. 13 000) Polish, and 3 % (or ca. 12 500) Bulgarian. This overview was confirmed by experts from Poland and Romania and is in line with previous research on labour mobility in Europe¹³⁶.

For the posting of workers, the main sending countries differ slightly. In agriculture¹³⁷, the main sending countries are Poland (6 517 postings, or 67 % of the total) and Romania (1 157 or 12 %); however, in accommodation and food services the main sending countries are Austria (2 406 or 32 % of the total), Belgium (1 166 or 15 %) and France (1 024 or 14 %).

Due to a lack of data on outgoing workers, it is difficult to estimate the magnitude of outgoing seasonal work to different countries. However, experts estimate that the most common destination countries in the EU for Romanian seasonal workers are Italy, Germany, Spain, France and Austria (with the majority bound for the first two countries), and for Polish seasonal workers the Netherlands and Germany¹³⁸.

In both Romania and Poland, stakeholders and experts report that a significant number of TCN seasonal workers arrive to meet labour demand in particular in agriculture. In both countries, agriculture makes up a larger part of the economy than in most other countries, with 22 % of employed in Romania working within agriculture, to 9 % in Poland¹³⁹. With significant numbers of workers conducting seasonal work in other Member States, the shortfall is made up by workers from outside the EU. In Poland these workers are mainly from Ukraine (74 %), Belarus (20 %) and Moldova (2 %), while in Romania, Asian workers from Sri Lanka, India and Nepal are most common¹⁴⁰.

Overall, the drivers and determinants of these flows are similar to the major drivers of other forms of mobility, most notably higher salary levels in the country of destination or a lack of work opportunities in the country of origin¹⁴¹.

Table 5: Most common countries of origin and destination of seasonal workers ¹⁴²

	Sending/ receiving	'Main exchange' countries, incl. estimates
AT	Receiving	Only TCNs are registered as seasonal workers by the Public Employment Service. Among these, the main sending countries for agricultural workers are Ukraine (40 %), Bosnia-Herzegovina (30 %), Serbia (10 %) and Kosovo (10 %). In tourism, the most important sending countries are Bosnia-Herzegovina (40 %), Serbia (17 %) and Croatia (14 %) ¹⁴³ .
BE	Receiving	~80 % of the seasonal workers in agriculture come from Poland, Romania and Bulgaria (in order of magnitude).
CZ	Receiving	Most seasonal workers arrive from the Ukraine; a smaller group comes from Slovakia.

¹³⁶ Fries-Tersch, E., Jones, M. and Siöland, L. (2020) '2020 Annual Report on Intra-EU Labour Mobility', Network Statistics FMSSFE, Brussels: European Commission.

¹³⁷ Postings of workers in agriculture by sending and receiving country are shown in **Table 16** in **Annex C**.

¹³⁸ Information received through the MoveS network.

¹³⁹ With the exception of Greece at 11%, this is higher than for all other EU Member States. The proportion of workers in agriculture and accommodation and food services – the latter in which both Romania and Poland have among the smallest sector among the Member States – are shown in **Table 13** in **Annex C**.

¹⁴⁰ Information gathered through the MoveS network.

¹⁴¹ Fries-Tersch, E., Jones, M. and Siöland, L. (2020) Section 4.5.

¹⁴² Based on information obtained from MoveS network.

¹⁴³ During a transition period from Croatia's accession to the EU in 2013 to June 2020, Croatian workers required a labour market permit to take up employment in Austria; hence an estimation is possible, while it is not for other EU Member States. Cf. Migration.gv.at (2020) '[Transitional Regulations for Workers from Croatia](#)'.

	Sending/ receiving	'Main exchange' countries, incl. estimates
DE	Receiving	~ 60-65 % of agricultural seasonal workers come from RO, and ~ 25-30 % from PL, followed by Bulgaria and Hungary, further small groups from other CEE countries ¹⁴⁴ . In accommodation and food services the origin of EU-seasonal workers is more diverse than in agriculture, with a large part also coming from EU-15 ¹⁴⁵ .
ES	Receiving (Partly sending)	The main origin of seasonal workers in agriculture are Eastern Europe (without further elaboration; their exact countries of origin cannot be determined in data) and Morocco. ca. 14 000 Spanish workers leave for seasonal work in the French wine industry every year.
FR	Receiving	France mainly receives workers from Poland, Romania, Spain, Portugal and Italy within the EU; in terms of TCNs, Morocco and Tunisia are significant sending countries.
IT	Receiving	In the agricultural sector as a whole, 29 % are Romanian, 2.5 % Polish and 3 % Bulgarian – it is expected that this is reflective of the main sending countries of seasonal work as well ¹⁴⁶ .
LU	Receiving	In the past, a significant portion of workers from Portugal; today, mainly with Poland and Romania.
NL	Receiving	Polish, Bulgarian and Romanian workers most likely.
PL	Sending (EU-27) and receiving (TCNs)	Mainly to Germany, the Netherlands and Ireland. Traditionally also UK. Postings are generally done to Germany, France, Belgium, the Netherlands and Sweden. Poland also receives a substantial number of seasonal workers in agriculture from third countries, notably Ukraine (74 %), Belarus (20%) and Moldova (2%).
RO	Sending	Mainly to Germany, Italy, Spain, UK and France.

SOURCE: INFORMATION GATHERED THROUGH THE MOVES NETWORK, UNLESS OTHERWISE INDICATED.

PD A1 data also provides an insight into the main sending countries of **posted seasonal workers**. **Figures 10 and 11** below show numbers of postings to one (Art.12) or more than one (Art.13) Member States, by sending country. The numbers based on Art.12 are also available by receiving Member State (**Tables 17 and 18 in Annex C**). Note that data from prior notification tools is not available by sending country and sector.

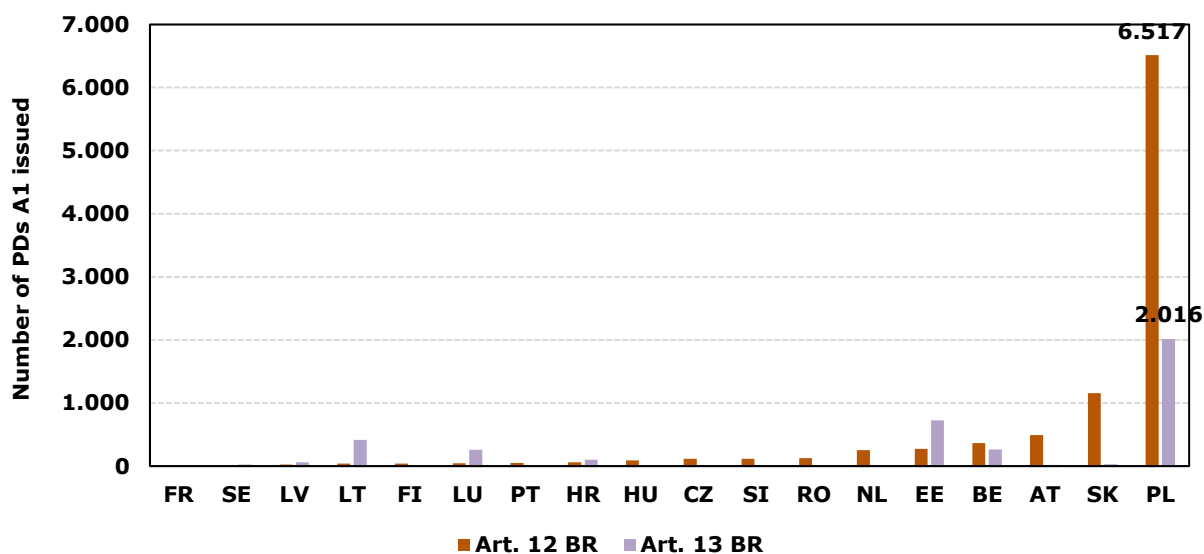
In agriculture, by far the most posted workers come from Poland (around 8 500 postings), and the large majority is posted to Germany (60 %) or the Netherlands (30 %). Around 1 000 postings were issued by Slovakia, 50 % of which went to Germany, 20 % to Austria and smaller shares to the Czech Republic, France and the Netherlands.

¹⁴⁴ Estimate provided to MoveS Network by Confederation of German Employers' Association in Agriculture and Forestry (*Gesamtverband der deutschen Land- und Forstwirtschaftlichen Arbeitgeberverbände (GLFA)*); <https://www.spiegel.de/wirtschaft/service/saisonarbeiter-in-deutschland-wer-die-spargel-und-erdbeerernte-rettet-a-b557bb06-a520-44d2-a8cf-9627a0a47733> (5 August 2020); Späth, et al. (2018).

¹⁴⁵ Späth, et al. (2018).

¹⁴⁶ De Leo, S. and Vanino, S. (2019), p. 26.

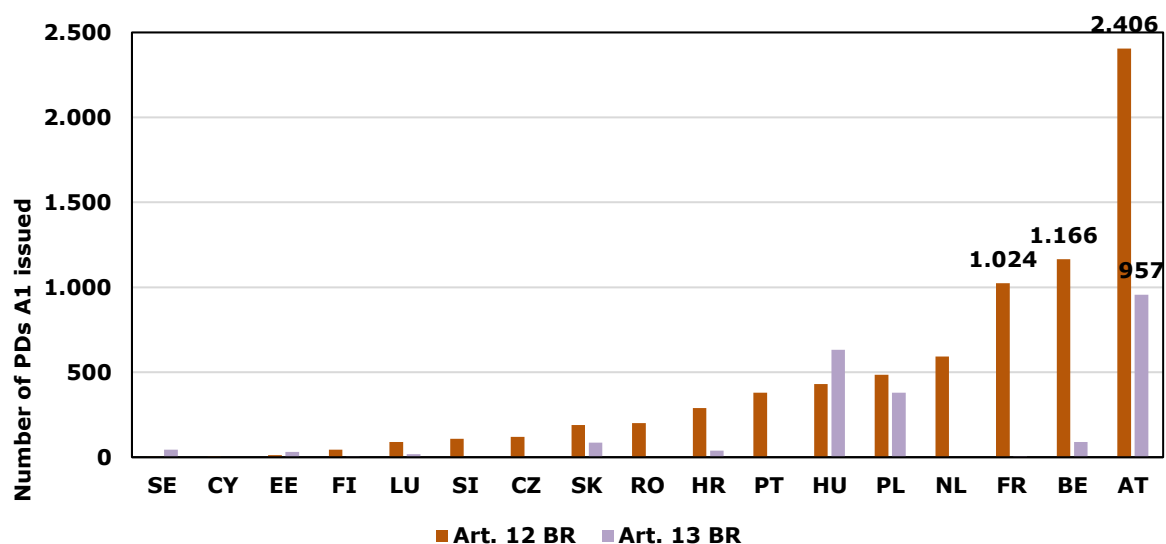
Figure 9: Number of postings (PDs A1) in agriculture, by sending Member State, 2019



SOURCE: DE WISPELAERE, F., DE SMEDT, L. AND PACOLET, J. (2021)

In accommodation and food services, the largest number of postings were issued by Austria (around 3 500), most of them to Denmark (33 %), Germany (19 %) and Italy (17 %). Belgium and France were the next largest sending countries, issuing around 1 000 postings each, with Belgian posted workers going mainly to France (40 %), the Netherlands (40 %) and Luxembourg (20 %), and French workers going mainly to Italy (23 %), Greece (13 %) and Spain (10 %). However, data for quite a few sending countries (DK, DE, EL, IE, ES, IT) is not available for this sector.

Figure 10: Number of postings (PDs A1) in accommodation and food services, by sending Member State, 2019



SOURCE: DE WISPELAERE, F., DE SMEDT, L. AND PACOLET, J. (2021)

5 KEY CHALLENGES FOR INTRA-EU SEASONAL WORKERS

Intra-EU seasonal workers are a very specific group of workers concerning the characteristics of their work: they move across borders to work in another Member State, but keep their main residence in another country and they are only employed for a limited period of time per year, in contrast to standard forms of full-time and permanent employment. Additionally, they often have a low educational background and are dependent on the salary of the seasonal work which may be their sole or most important source of income. This particular situation creates a number of challenges. While the report neither aims at a comprehensive picture of the working conditions of seasonal workers, nor of the tools on which they can rely to be protected, during the research a number of key challenges emerged. These challenges are presented in the following sections.

5.1 Information and redress on rights

The first challenge concerns the access of seasonal workers to information concerning their employment situation and the related rights and how to claim these rights (e.g., to access social security benefits). The reason seasonal workers lack information is twofold: in some cases, the information is not available, in other cases the available information is not used by the seasonal workers. There are several reasons for this, for example: the information may not be constructed clearly and comprehensively enough, seasonal workers are geographically and socially isolated, seasonal workers do not understand the information because of language barriers or because of the complexity of the contractual arrangements for seasonal work (see **Table 6** below) – or one or more of these factors combined. All these elements hinder seasonal workers to understand their rights and seek assistance in case of difficulties. It also further increases their dependency on their employer and potential intermediaries.

In line with the provisions of Directive 2014/54/EU¹⁴⁷, EU mobile workers have the rights: to be assisted by the host Member State's national bodies to promote equal treatment and to support Union workers and members of their family; to go to court in case of discrimination by reason of nationality; to be supported by trade unions and other entities in any judicial and/or administrative procedure; and to protection against victimisation.

According to Directive 91/533, employers are obliged to inform their workers, including seasonal workers¹⁴⁸. This obligation covers in particular a description of the work to be performed, the date of commencement and, if fixed, the end of the employment relationship, the level and composition of remuneration, the length of the normal working day or week, and any applicable collective agreements¹⁴⁹. Directive 2019/1152¹⁵⁰ which replaces Directive 91/533 and will be applied by the Member States at the latest as of August 2022 includes some additional elements that should improve seasonal workers' access to information.

For example, for the moment Member States may exclude short-term contracts of less than one month or of a working week of less than eight hours from the minimum requirements to provide information¹⁵¹ - the new Directive 2019/1152 reduces this exemption to work of less than an average of three hours per week, thus fixed-term contracts even of periods shorter than one month are included in the provisions¹⁵². Furthermore, the time within which the employer must provide most of the information to

¹⁴⁷ Directive 2014/54/EU of the European Parliament and of the Council on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.

¹⁴⁸ 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 relationship.

¹⁴⁹ Article 2 and 4, 1 and 2 Council Directive 91/533/EEC; C(2020) 4813 final, p. 7-8.

¹⁵⁰ Directive 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, OJ L 168.

¹⁵¹ Article 1, 2 (a) Council Directive 91/533/EEC.

¹⁵² Van Olmen and Wynant, web page 'EU Directive on transparent and predictable working conditions entered into force', available at: <https://www.vow.be/node/130>.

the employee is a lot shorter (maximum seven days) than in the old Directive (two months)¹⁵³. Furthermore, the information that has to be provided was extended by certain elements relevant to seasonal workers, especially in relation to temporary agency work¹⁵⁴, remuneration¹⁵⁵, an unpredictable work pattern¹⁵⁶ and also social security and social protection¹⁵⁷.

Language barriers contribute to the issue. Language does not appear to be a fundamental issue for carrying out the actual work, but rather to understand their rights and seek assistance in case of difficulties. The employment contracts and information on rights, benefits and legal recourse in case of disputes are often only available in the language of the country of destination. This can create power imbalances between employers or agencies and workers who do not understand the conditions to which they are signing¹⁵⁸. Seasonal workers may sign, for example, contracts for which they do not understand the provisions and conditions¹⁵⁹. The lack of language makes this group of workers particularly vulnerable to fraud and abuse¹⁶⁰.

The extent to which access to information and redress to rights is a challenge for the seasonal worker depends on contextual factors, especially the level of compliance and enforcement of labour legislation, but also the level of dependence of the worker on the job and on the employer. Furthermore, competition between different groups of seasonal workers may limit their ability to claim their rights. In some regions of Italy, for example, there is reportedly competition between different groups of third-country national seasonal workers and intra-EU seasonal workers. In addition to third-country nationals being recruited and employed through legal channels (and who therefore would benefit from equal treatment with nationals as regards working conditions and terms of employment), there is a large number of third-country nationals performing undeclared work in Italy and who, in addition, sometimes are not residing legally or are not allowed to work legally. This vulnerable situation makes them highly dependent on such jobs and may force them to accept lower wages than EU nationals (see **section 5.4** below). This competitive situation is sometimes misused by employers to limit any attempts by these workers to claim rights, such as in cases of labour exploitation. There have been cases whereby 'the replacement of some groups with others was linked with attempts to restrict collective action and negotiation power of the former'¹⁶¹. Competition is likely to be a bit lower, for example in Germany, where employment of -third-country nationals as agricultural seasonal workers is very limited.

The table below provides examples of difficulties of seasonal workers to understand or claim their rights:

¹⁵³ Ibid.

¹⁵⁴ The identity of the user undertaking must be provided as soon as known (Art. 4 (f) Directive 2019/1152).

¹⁵⁵ It was added that the method of payment must be specified (Art.4 (k) Directive 2019/1152).

¹⁵⁶ If the work pattern is unpredictable, the employer shall inform the worker of some key information regarding the work, such as the number of guaranteed paid hours, remuneration for additional work, reference hours and days within which the worker may be required to work and the minimum notice period for the worker (Art 4 (m) Directive 2019/1152).

¹⁵⁷ Where it is the responsibility of the employer, the identity of the social security institutions receiving the social contributions attached to the employment relationship and any protection relating to social security provided by the employer (Art. 4 (o) Directive 2019/1152).

¹⁵⁸ Scherle, D.A. (2020); Interviews with the representatives of the Ministry of the Development, Labour and Technology and Labour Mobility Initiative, Poland.

¹⁵⁹ Scherle, D.A. (2020) 'Dragoş Pîslaru critică "politica struțului" în contextul sezonierilor români', Deutsche Welle; Interviews with the representatives of the Ministry of the Development, Labour and Technology and Labour Mobility Initiative, Poland.

¹⁶⁰ Conclusion by research from the MoveS Network based on several interviews with stakeholders.

¹⁶¹ Nori, M. and Farinella, D. (2020), p. 48.

Table 6: Country-specific examples of challenges concerning information and redress on rights¹⁶²

Country	Examples on information provision and redress on rights
BE	Seasonal workers who have worked more than 50 days at the end of the year are entitled to an annual premium. ¹⁶³ The official address of incoming intra-EU and third-country nationals seasonal workers is however often not known, which deprives them from their premium.
DE	Trade unions IGBau ¹⁶⁴ and DGB ¹⁶⁵ consider the available information for seasonal workers insufficient. For IGBau, the information is not specifically tailored towards the needs of seasonal workers. DGB stresses the need for more information in the native languages of seasonal workers.
ES	Geographical dispersion in the agricultural sector poses significant challenges for the government and social partners to reach the vulnerable seasonal workers.
FR	Information is mainly designed for French workers who already have a good knowledge of the French social security and labour environment. Although translations often exist, this is not done in a systematic and consistent way. Moreover, the information relating to social security is deemed to be too basic for cross-border (seasonal) workers.
IT	Official websites are very complicated to navigate through which makes it very difficult to find the relevant information for seasonal workers. The fact that many of these websites are mostly in Italian, raises further question on the accessibility of information.

These issues have highlighted the need for increased information campaigns and means of obtaining assistance for workers.

The Spanish Trade Union Confederation of Workers' Commissions (*Confederación Sindical de Comisiones Obreras*), for example, has drafted and signed an agreement to prevent fraud in recruitment of Spanish seasonal workers in France and has published a guide to prevent scams and informing seasonal workers about their rights, such as pay rates and working hours¹⁶⁶.

The Romanian Ministry of Labour recently published information about working conditions abroad and put in place helplines¹⁶⁷. In addition, several trade unions and NGOs, such as the German Fair Mobility organisation (*Faire Mobilität*), have been working on awareness raising campaigns among Romanian workers.

Furthermore, several initiatives have been launched in recent months in light of the COVID-19 pandemic, with considerable emphasis on health and safety requirements in the living and working conditions of seasonal workers. Information was made available through leaflets and letters and attention was paid to ensure this information was also available in the native language of the seasonal workers¹⁶⁸.

5.2 Access to social security and protection

Next to the information issues discussed under the previous point, seasonal work is a non-standard form of employment which implies that in some cases seasonal workers have weaker ties to social security systems and protection. This can be due to a lack of

¹⁶² Based on information provided by the MoveS Network.

¹⁶³ Indirectly paid for by the employer through the Guarantee and Social Fund for Agriculture (Waarborg en Sociaal Fonds voor Landbouw) as established by the Collective Labour Agreement of 7 June 1991 ((Collectieve arbeidsovereenkomst van 7 juni 1991).

¹⁶⁴ Trade Union for the sectors Construction-Agriculture-Environment (*Industriegewerkschaft Bauen-Agrar-Umwelt*) (IGBAU).

¹⁶⁵ German Trade Union Association (*Deutscher Gewerkschaftsbund*).

¹⁶⁶ Information retrieved by MoveS Network through stakeholder interviews.

¹⁶⁷ Andriescu, M. (2020) 'Under Lockdown Amid COVID-19 Pandemic, Europe Feels the Pinch from Slowed Intra-EU Labor Mobility', Migration Policy Institute, Washington, DC.

¹⁶⁸ Based on information provided by the MoveS Network.

entitlement because of the nature of the contracts used, or due to practical barriers in accessing benefits, especially related to the transfer of benefits country of work and country of residence.

Fixed-term contracts often include lower social security contributions than permanent contracts. In Germany, for example, exemptions from compulsory membership in social security schemes (health insurance, pension insurance and unemployment insurance) apply to 450-Euro marginal employment¹⁶⁹ and to short-term marginal employment¹⁷⁰ – the two forms usually used for seasonal workers¹⁷¹, with the consequence of not acquiring rights towards these schemes. Moreover, sick pay requires a minimum period of employment of four weeks¹⁷². According to the EU legislation on fixed-term work¹⁷³, in regard to all employment conditions, the employer cannot discriminate between fixed-term workers and the comparable permanent worker solely on the basis of the fixed-term nature of the contract, unless such differential treatment is objectively justified, however, it is far more difficult for a seasonal worker to get above this entitlement threshold, than for other workers.

Workers are also protected by the EU Framework agreement on fixed-term work¹⁷⁴ against 'successive' employment under fixed-term contracts. The definition of a fixed term worker is 'a person having an employment contract or relationship entered into directly between an employer and a worker where the end of the employment contract or relationship is determined by objective conditions such as reaching a specific date, completing a specific task, or the occurrence of a specific event.' In that sense, all seasonal workers are fixed term workers, and should enjoy the protection of the Framework Agreement. However, seasonal work – in the case of intra-EU seasonal workers discussed in this report – usually does not entail successive work contracts over more than one year, as they would return to their home country in between (as set out per definition in **sections 1** and **2**). Nevertheless, seasonal workers may carry out that work for a large part of the year, and only return home for a few months in between; once in their home country, they may again be employed on fixed-term contracts, or not at all.

This situation with loose ties to social security systems can last for several years, as seasonal workers often carry out this work year after year. As Brickenstein (2015) points out: 'While it can be argued that seasonal worker programmes are not intended for long-term employment – thus making unemployment and retirement benefits redundant – the experience in European countries demonstrates that some workers are involved in these schemes for up to 20 years'¹⁷⁵. This risk being highlighted, it also has to be mentioned that seasonal workers may have permanent jobs in their country of residence and then take several weeks of unpaid leave during the summer to carry out seasonal work in another Member State which provides them with a higher revenue¹⁷⁶.

This pattern was observed among seasonal workers from some Romanian regions. The general minimum wage/hour in Germany, for example, since 1 January 2020 is EUR 9.35¹⁷⁷ which, assuming a 38- hour-week amounts to a monthly minimum wage of around EUR

¹⁶⁹ see § 7 Social Code V (*Sozialgesetzbuch SGB Fünftes Buch*) for the statutory health insurance, § 6 (1b) Social Code VI (*Sozialgesetzbuch SGB Sechstes Buch*) for the statutory pension insurance or § 27 (2) Social Code III (*Sozialgesetzbuch SGB Drittes Buch*) for the statutory unemployment insurance.

¹⁷⁰ HAUFÉ Lexikon: *Kurzfristige Beschäftigung/Sozialversicherung*.

¹⁷¹ Federal Employment Agency (*Arbeitsagentur*), 'Lexikon. Minijob', available at: <https://www.arbeitsagentur.de/lexikon/minijob#:~:text=Definition%3A%20Minijobs%20sind%20geringf%C3%BCgige%20Besch%C3%A4ftigungen,sichern%20Minijobs%20sozial%20nicht%20ab>.

¹⁷² § 3 (3) Continuation of Remuneration Act (*Entgeltfortzahlungsgesetz*).

¹⁷³ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP. OJ L 175, 10/7/1999 and Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship, OJ L 206/19, 29/07/1991.

¹⁷⁴ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP. OJ L 175, 10/7/1999.

¹⁷⁵ Brickenstein, C. (2015) 'Social protection of foreign seasonal workers: from state to best practice', *Comparative Migration Studies*, 3(2), p. 6.

¹⁷⁶ Interview with a social security law expert of Nestlers Group.

¹⁷⁷ German Trade Union Confederation (Deutscher Gewerkschaftsbund DGB) (2020).

1 400. As a comparison, the average monthly minimum wage in Romania was EUR 438 between 2018 and 2020¹⁷⁸.

While seasonal work is per definition limited in time, social security systems often operate with eligibility requirements such as minimum thresholds or qualifying periods to gain the right to access certain benefits, especially unemployment benefits. This results in the situation where seasonal workers may not be able to, practically, meet the criteria (see table on country-specific examples below). The aggregation principle of European legislation on social security coordination foresees that, in case such qualification periods exist, the competent Member State must take into account previous periods of work carried out in other Member States (aggregation principle)¹⁷⁹. Therefore, previous employment should normally be taken into account for the entitlement to benefits. This means, that intra-EU seasonal workers need to make use of the transfer of rights and benefits.

Seasonal workers may also be at risk in the longer term: as many engage in circular mobility, where they return to seasonal work year after year¹⁸⁰, thus having only loose ties to the labour market in the country of residence and in the country of work. They may face disruption and financial hardship if this employment is no longer available be it unexpectedly – such as during the COVID-19 pandemic – or as a consequence of further mechanisation¹⁸¹. Several initiatives have addressed this issue to a certain extent, by offering the possibility for seasonal workers to have a ‘permanent’ seasonal contract if the worker performs his or her seasonal activity every year with the same employer¹⁸².

5.3 Undeclared work and grey areas of employment

Undeclared seasonal work is an issue in all important destination countries¹⁸³, but the frequency seems to vary widely between Member States. Seasonal work in the agricultural sector in particular has been well-documented as having a significant undeclared or undocumented component of both EU and third-country nationality, largely because of the pressure to keep costs low and quality high, and low entry requirements in terms of skills and qualifications¹⁸⁴. Such concerns have especially been raised for Italy and Spain¹⁸⁵.

Estimating the extent of undocumented work is difficult; however, a few estimations were identified. According to studies from the European Platform tackling undeclared work, unregistered employment is at 14 % in the accommodation and food services sector and at 32 % in agriculture across the EU¹⁸⁶ (for estimates by country, please see **section 4.2**). The only sector with a higher share than agriculture is the household services sector (52 %). While these figures refer to all employment in the respective sector, it is remarkable that the two main seasonal sectors show very high levels of undeclared work.

There are large differences between countries in regard to the successful fight against irregular work in seasonal sectors. Even where formal contracts are signed that conform with national legislation, it happens that e.g. the number of hours worked and/or the salary that has been declared does not correspond to reality. This allows the employer to remain in a category of contract where he/she has to pay fewer social security contributions – often the specific types of fixed-term contracts used for seasonal workers – while in reality,

¹⁷⁸ Eurostat dataset ‘EARN_MW_CUR’.

¹⁷⁹ Art. 6, Regulation 2004/83.

¹⁸⁰ United Nations Economic Commission for Europe (UNECE) (2016), ‘Defining and Measuring Circular Migration: Prepared by the Task Force on Measuring Circular Migration’, ECE/CES/STAT/2016/5.

¹⁸¹ IOM (2020) ‘COVID-19: Policies and Impact on Seasonal Workers’, COVID-19 Response Issue Brief #1.

¹⁸² Notably in France and Spain; Information retrieved through the MoveS Network.

¹⁸³ According to information retrieved through the MoveS Network, all country experts mentioned the existence of undeclared work.

¹⁸⁴ Williams, C. (2019), ‘Tackling undeclared work in the agricultural sector: a learning resource’, technical report of the Agricultural Seminar of the European Platform Undeclared Work, Brussels, 24 January 2019; Kalantaryan, S. et al. (2020), p. 7.

¹⁸⁵ Corrado, A. (2017), ‘Migrant crop pickers in Italy and Spain’, Heinrich-Böll-Stiftung: Brussels; López-Sala, et al. (2014).

¹⁸⁶ Williams, C. and Horodnic, I. (2020), p. 11.

exceeding the limitations that grant these special conditions¹⁸⁷. Some registration systems – e.g. in Italy, quarterly reporting by the employer – facilitate ‘tricking the system’. Thereby the wider context and general circumstances of the employment relationship play a certain role, whether these deviations from existing rules are applied in an exploitative way.

Reportedly, very strict regulations are sometimes difficult to comply with and also difficult to understand for the employee. This was, for example, mentioned in the context of the tourism sector in Germany, where specific events require longer working hours and where employees – especially seasonal workers from border regions who are de facto also commuters – may prefer to work more hours in a day than legally foreseen, but then subsequently take entire days off¹⁸⁸.

Another grey area is the creation of ‘landless cooperatives’ in Italy. Seasonal workers are in this case engaged and registered as ‘worker members’ of a cooperative while the cooperative itself engages in a contractual relation with the farmer or the agency¹⁸⁹. Consequently, employers and employees can bypass obligations to pay taxes and social security contributions, as well as minimum wages and working hours¹⁹⁰. This is reportedly very frequent in the case of Romanian workers.

The problems linked with undeclared or unregistered work became particularly visible during the COVID-19 pandemic: workers and employers using such arrangements were visibly less protected by public authorities. Therefore, the pandemic might have a certain deterrent effect on unregistered and undeclared work of non-residential seasonal workers as only registered workers were allowed to cross borders.

5.4 Wages

The first factor to influence the wage is the type of work performed. Seasonal work usually entails activities requiring low skill levels, which often results in low pay rates.¹⁹¹ However, in Member States where a general or a sector-specific minimum wage exists, this wage constitutes the minimum pay, but in reality, seasonal workers are often paid significantly below that level. Many seasonal workers still accept this, because the earnings are still higher than what they could earn in their home country. Undercutting the applicable minimum pay-rates becomes possible through different ways, such as unpaid over-hours, bogus self-employment or performance-based pay schemes (the latter is still frequently used for seasonal work)¹⁹². The latter obliges the seasonal worker to e.g. harvest a certain quantity to earn the salary (if this quantity is set too high, workers will not be able to meet it within the regular working hours). However, there are also cases where the agreed wage and working hours simply do not comply with minimum wage requirements¹⁹³. Another way is the deduction of costs for accommodation etc. from the salary (while there are rules how to do it in a correct way, this is also an entrance point for fraud and exploitation).

The practice to deduct the costs for travel, accommodation, food and transportation to the workplace from the net or gross salary constitutes a specific (legal or illegal) risk for seasonal workers¹⁹⁴. Since seasonal workers will often not be able to check the accommodation in advance, they rely on the employer or on the agency or middlemen and

¹⁸⁷ Interview with Consiglio Nazionale delle Ricerche - Istituto di Ricerche sulla Popolazione e le Politiche Sociali, Italy; Faleri C. (2019) ‘Il lavoro povero in agricoltura, ovvero sullo sfruttamento del (bisogno di) lavoro’, *Lavoro e diritto*, No. 1/2019, pp. 154-155; Nori, M. and Farinella, D. (2020), p. 56.

¹⁸⁸ Interview with representative of the Bavarian Association of the German Hotel and Gastronomy business DEHOGA (*Deutscher Hotel- und Gaststättenverband*), Germany.

¹⁸⁹ These cooperatives enjoy a special and facilitated tax regime; Nori, M. and Farinella, D. (2020), p. 57.

¹⁹⁰ Nori, M. and Farinella, D. (2020), p. 57.

¹⁹¹ Social Protection Committee (2014) ‘[SPPM thematic reviews on the 2012 social trends to watch: The working poor in Europe](#)’, p. 13; This does not mean however that all seasonal workers are low-skilled workers (based on information of the MoveS Network).

¹⁹² Focus Online (2018).

¹⁹³ Jacobs, L. (2020).

¹⁹⁴ Illegal for posted workers, see Directive 96/71/EC concerning the posting of workers in the framework of the provision of services.

risk ending up in substandard conditions while having unreasonable amounts deducted from their salary¹⁹⁵.

Persons who are posted by temporary work agencies to the country where the seasonal work takes place, might get in a situation where their employer (the temporary work agency) establishes the salary based on the levels in the country of origin¹⁹⁶, which is in breach of the EU legislation on posting of workers.

The country-specific examples below can give a further, more in-depth insight in challenges seasonal workers face.

Table 7: Country-specific examples of challenges concerning wages¹⁹⁷

MS	Example
DE	Persons in 'marginal employment' (which include contracts of a maximum monthly salary of EUR 450 or short-term contracts of maximum 70 days) are more likely to be subject to infractions against the minimum wage rules ¹⁹⁸ .
FR	Numerous cases where seasonal workers are paid EUR 20 per day or EUR 800/month, and of workers whose income is reduced by the travel and accommodation costs incurred. Frequent use of piece rate payment with the employer deliberately ignoring the obligation to pay a minimum wage.
IT	Wages below the national minimum wage were observed ¹⁹⁹ . Moreover the existence of an (informal) hierarchy of wages depending on race and gender was also observed. Eastern European workers earn up to EUR 35, while [local] workers receive around EUR 40. Women from Eastern Europe are paid EUR 1.50–2.50 per hour while men receive up to EUR 3 ²⁰⁰ . The workday is generally 10–15 hours'. For 20 days of work, this would result in a monthly wage of around EUR 700. Piece-rate payments or payments in cash are common.

5.5 Work and living conditions

Work and living conditions are reportedly still problematic in many cases of seasonal work. Non-native seasonal workers disproportionately often face difficult working and living conditions, excessive or unpaid overtime and breaches of EU²⁰¹ and national health and safety legislation²⁰². It was mentioned that such breaches were more often found in the agricultural sector than in others²⁰³. The agricultural sector has been found to include all 'significant risk factors for labour exploitation' – (those) relating to the workers' personal

¹⁹⁵ Ibid, ch. 3.6.3.; information retrieved through the MoveS Network; Andriescu, M. (2020); Paun, C. et al. (2020) 'Pandemic puts squeeze on Eastern Europe's seasonal workers', *Politico*.

¹⁹⁶ Palumbo, L. and Sciarba, A. (2016) 'The vulnerability to exploitation of women migrant workers in agriculture in the EU: the need for a Human Rights and Gender based approach', DG IPOL Study for the European Parliament FEMM Committee.

¹⁹⁷ Unless otherwise specified this information stems from the Moves Network.

¹⁹⁸ Roth, D. (2020) 'Nichteinhaltung des Mindestlohns in Deutschland. IAB-Stellungnahme', Institute for Labour Research (*Institut für Arbeits- und Berufsforschung*), p.7.

¹⁹⁹ Wages below the national minimum wage were also observed in Spain and Greece; Nori, M. and Farinella, D. (2020), ch. 3.4.

²⁰⁰ The third category concerns Africans who are paid less than the East-Europeans; Corrado, A. (2017); Nori, M. and Farinella, D. (2020), ch. 3.6.3.

²⁰¹ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work and its individual and related Directives.

²⁰² Written reply to enquiry through email from representative of the Ministry of Labour and Social Affairs, Germany.

²⁰³ Ibid.

situations; workplaces; the legal and institutional framework; and employers' attitudes at a higher level than other sectors²⁰⁴.

Not only in agriculture, but also in the accommodation and food services sector, working conditions are generally difficult: an analysis of data from the European Working Conditions Survey shows that job quality in the accommodation and food services sector is poorer than in the rest of the economy, with the exception of the social environment which is better than in the rest of the economy²⁰⁵.

In agriculture, work is often characterised by a high workload and long working hours (10 to 15 hours a day)²⁰⁶. Pressure on health occur from high physical strain, but also from exposure to harmful pesticides, chemicals and fertilisers, long-term exposure under greenhouse plastic emitting harmful fumes or long hours of physical work in the heat during summer. While these pressures may exist in most agricultural work settings, compliance with OSH legislation to ensure adequate protection is usually low. In irregular working situations there is no monitoring or enforcement of OSH legislation²⁰⁷. In many agricultural intensive areas in Mediterranean countries, there are 'ghetto economies' characterised by slum-like habitats where immigrant workers live segregated from the local population. This also concerns seasonal workers from other EU countries, in particular, from Romania²⁰⁸.

The table below provides some examples of challenges faced by seasonal workers in relation to accommodation.

Table 8: Examples concerning challenges in relation to accommodation

MS	Example
DE	The trade union IGBau ²⁰⁹ mentions poor standard of accommodation as one of the main challenges for seasonal workers. Examples include the lack of hot water, limited or no access to a washing machine, a number of toilets and showers below the threshold or the lack of toilets in the fields, the lack of beds and sometimes power cuts in the accommodation. ²¹⁰
FR	Cases of seasonal workers sleeping under tents, inside trucks, on the ground, or in tiny dirty places with no electricity and water. ²¹¹
IT	Inadequate housing conditions as one of the main issues concerning seasonal workers. ²¹²
NL	The quality of housing offered by the employer is very poor. According to the Roemer task force charging hundreds of euros for a bed in a caravan to be shared with three others is no exception. Even in times of Corona, the Roemer task force has difficulties in recommending the basic right of 'one man - one room' as a realistic target in the short term. Sharing remains the norm, at least for the time being ²¹³ .

The COVID-19 pandemic put the difficult working conditions of seasonal workers in the spotlight, for example a lack of protective measures against COVID-19 among Eastern European seasonal workers in Germany was reported²¹⁴.

²⁰⁴ Palumbo, L. and Scirba, A. (2016), p.2.

²⁰⁵ Williams, C. and Horodnic, I. (2020), p. 9.

²⁰⁶ Unpaid overtime was reported by, for example, by seasonal workers from Poland; Deutsche Welle (2020), 'Pracownicy sezonowi: Praca w Niemczech? Nigdy więcej!'. Available at: <<https://www.dw.com/pl/pracownicy-sezonowi-praca-w-niemczech-nigdy-wi%C4%99cej/a-54359183>>.

²⁰⁷ Nori, M. and Farinella, D. (2020), ch. 3.4.

²⁰⁸ Ibid, ch. 3.4; Palumbo, L. and Scirba, A. (2016).

²⁰⁹ Trade Union for the sectors Construction-Agriculture-Environment (*Industriegewerkschaft Bauen-Agrar-Umwelt*) (IGBAU).

²¹⁰ Fialkowska, K., Piechowska, M. (2016), *New way, old pattern. Seasonal migration from Poland to Germany*. , p. 8, Jacobs, L. (2020), *Und wer rettet die Erntehelfer?* In: Die Zeit, 04/06/2020.

²¹¹ Based on information of the Moves Network.

²¹² Palumbo, L., Scirba, A. (2016), p. 8; And ased on information of the MoveS Network.

²¹³ Based on information of the MoveS Network.

²¹⁴ Deutsche Welle (2020).

Different authorities and institutions in the Member States have worked to improve working and living conditions of seasonal workers, for example by publishing specific information for employers and employees regarding health and safety at work requirements. Such initiatives may be developed for a larger group, such as for a high-risk sector or for foreign workers in general but are still relevant for seasonal workers. The COVID-19 pandemic has furthermore led to further information campaigns. One important example is a Joint Declaration of Intent²¹⁵ between Germany and Romania signed on 19 May 2020 to strengthen cooperation in the field of labour market policies and social protection and to ensure the respect of health and safety standards and social protection of mobile workers and provide them with access to counselling services on their social and labour rights. More detailed information on these best practices can be found in the European Commission COVID-19 Guidelines²¹⁶.

5.6 Travel restrictions during the COVID-19 pandemic

The COVID-19 pandemic posed particular challenges for seasonal workers in Europe, notably: restrictions to free movement, increased need for proper sanitary conditions and access to health systems, lack of income due to suspension of work.

With regard to *restrictions to free movement*, seasonal workers were affected by the suspension of international and national transport, restricting them from returning to their home country, as was the case for some Romanian seasonal workers in Germany²¹⁷. Going the other direction, seasonal workers – in sectors other than agriculture – had to undergo a 14-day quarantine, usually at their own expense, upon arrival, before they could start working²¹⁸. Difficulties were also mentioned with regard to cross-border seasonal workers in the German accommodation and food services sector, related to the fact that whenever cross-border commuters stayed in their home country for more than 48 hours, they would need to undertake a test²¹⁹.

The *deficient living conditions* that seasonal workers often find themselves in make them more vulnerable to exposure and to suffering from severe illnesses, including COVID-19, due to cramped accommodation, bad hygienic situations and limited access to hygienic articles and to healthcare²²⁰.

Many seasonal workers who, as pointed out above, lived already before the pandemic in difficult economic situations, experienced a further deterioration of their *economic situation*. Many families depend on the income through seasonal work in another country²²¹. Travel restrictions but also lockdown situations – especially for the accommodation and food services sector – have and will further put seasonal workers in situations of de facto unemployment, often without recourse to the respective benefits, due to the absence of permanent employment in the first place. The specific situation of seasonal workers has motivated the Employers' Group of Professional Agricultural Organisation in the European Union, Geopa-Copa, and the European Federation of Trade Unions in the Food, Agriculture and Tourism sectors, EFFAT, to jointly call for the possibility of seasonal workers in the agricultural sector to cross borders within the EU. In addition, they jointly recommend several actions that the employers should take to ensure the protection of seasonal workers. The recommended actions include: providing workers with

²¹⁵ Federal Ministry of Labour and Social Affairs Germany, *Joint Declaration of Intent between the Ministry of Labour and Social Protection of Romania and the Federal Ministry of Labour and Social Affairs of the Federal Republic of Germany on intensifying their cooperation in the field of labour market and social policies*, 19 May 2020, available at: https://www.bmas.de/SharedDocs/Downloads/DE/Meldungen/2020/joint-declaration.pdf?__blob=publicationFile&v=1.

²¹⁶ European Commission, C(2020) 4813 final.

²¹⁷ Information retrieved through the MoveS Network.

²¹⁸ Information retrieved through the MoveS Network.

²¹⁹ Interview with representative of the Bavarian Association of the German Hotel and Gastronomy business DEHOGA (*Deutscher Hotel- und Gaststättenverband*).

²²⁰ IOM (2020); Interviews with stakeholders conducted by the MoveS Network.

²²¹ IOM (2020).

the necessary information about their work; provision of transport and free access to the host country; application of national health and safety regulations, such as respect of social distancing; provision of hygiene equipment; provision of information on health and safety rules in the workers' language; guaranteeing registered work contracts; and ensuring wages in accordance with national legislation or collective agreements²²².

Some Member States have adopted specific measures to allow for longer employment periods under the specific provisions of seasonal work, such as Belgium, Estonia and Poland. Others, for example Germany, allowed for the entry of a certain number of seasonal workers in agriculture (40 000) in spring when travel restrictions were still in place²²³.

Several Member States have developed specific information material for seasonal workers related to the COVID-19 situation, such as guidelines on health and safety and on travelling. However, trade unions and other stakeholders have criticised deficiencies, for example, the lack of availability in languages other than the host countries' and the lack of tailored information for the situation of seasonal workers²²⁴.

²²² GEOPA and EFFAT, (2020) 'Joint Declaration of the European Social Partners of agriculture on the deployment of seasonal workers from European countries in the EU', 15/05/2020.

²²³ IOM (2020).

²²⁴ Information retrieved through the MoveS Network.

ANNEX A. LIST OF SOURCES

A.1. EU Law and Soft Law

Communication from the Commission on Guidelines on Seasonal Workers in the EU in the Context of the COVID-19 Outbreak, C(2020) 4813 final.

Conclusions of the Council of the European Union of 9 October 2020 on improving the working and living conditions of seasonal and other mobile workers, 11726/2/20.

Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, and its individual and related Directives.

Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed- duration employment relationship or a temporary employment relationship, OJ L 206/19.

Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, OJ L 175.

Decision (EU) 2016/344 of the European Parliament and of the Council of 9 March 2016 on establishing a European Platform to enhance cooperation in tackling undeclared work

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 relationship

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 services, OJ L 18.

Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on Temporary Agency Work.

Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.

Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation').

Directive 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services.

Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union.

Draft Report of the Committee on Employment and Social Affairs of the European Parliament on impacts of EU rules on the free movements of workers and services: intra-EU labour mobility as a tool to match labour market needs and skills (2020/2007 (INI)

European Parliament resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis (2020/2664(RSP)).

Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community.

Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.

Regulation (EC) No 987/2009 of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.

Regulation (EU) 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union.

A.2. International and national law or political sources

Deutscher Bundestag (2019), 'Agrarpolitischer Bericht der Bundesregierung 2019', BT-Drs. 19/14500.

Ministero del Lavoro e delle Politiche Sociali (2020) *Piano Triennale di contrasto allo sfruttamento lavorativo in agricoltura e al caporalato 2020-2022*. Available online: <<https://www.lavoro.gov.it/priorita/Documents/Piano-Triennale-contrasto-a-sfruttamento-lavorativo-in-agricoltura-e-al-caporalato-2020-2022.pdf>>. Accessed 02 November 2020.

United Nations (2000), 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime'. Resolution A/RES/55/25, fifty-fifth session of the General Assembly of the United Nations.

A.3. Academic literature

Andriescu, M. (2020), 'Under Lockdown Amid COVID-19 Pandemic, Europe Feels the Pinch from Slowed Intra-EU Labor Mobility', Migration Policy Institute. Available online: <https://www.migrationpolicy.org/article/covid19-europe-feels-pinch-slowed-intra-eu-labor-mobility>.

Baiocco, S., Busse, M., Cirule, E., Di Salvo, M. And Lenaerts, K. (2019), 'Labour costs in agriculture: Comparative Study', report prepared for GEOPA-COPA by CEPS.

Brickenstein, C. (2015) 'Social protection of foreign seasonal workers: from state to best practice', *Comparative Migration Studies*, 3(2), pp. 1-18.

Faleri C. (2019) 'Il lavoro povero in agricoltura, ovvero sullo sfruttamento del (bisogno di) lavoro', *Lavoro e diritto*, No. 1/2019, pp. 149-171.

Fialkowska, K., Piechowska, M. (2016), *New way, old pattern. Seasonal migration from Poland to Germany*.

Hörzenberger, S. (2020), 'Alltagsrassismus aus der Perspektive von Menschen aus EU-Binnenmigrationsländern, die in Tiroler Tourismusbetrieben tätig sind', Master thesis, Leopold-Franzens University Innsbruck. Available online: <<https://diglib.uibk.ac.at/ulbtirolhs/content/titleinfo/4714226>>. Accessed 02 November 2020.

Joppe, M. (2012), 'Migrant workers: Challenges and opportunities in addressing tourism labour shortages', *Tourism Management*, 33(3), pp. 662 – 671.

Lamarche, L. (2014). 'Human Rights, Social Security and Migrant Workers' in Blanpain, R. (Ed.), *Social Security and Migrant Workers: Selected Studies of Cross-Border Social Security Mechanisms*, pp. 9–30. Alphen aan den Rijn: Kluwer Law International.

Kępińska, E. (2013), Gender Differentiation in Seasonal Migration: The case of Poland, *Journal of Ethnic and Migration Studies*, 39(4).

López-Sala, A., Molinero, Y., Jolivet, M., Eremenko, T., Beauchemin, C., Samuk, S. and Consterdine, E. (2014), 'Seasonal Immigrant Workers and Programs in UK, France, Spain and Italy', *Temper Working Paper*, WP1.

López-Sala, A. (2016) 'Induced circularity for selective workers: The case of seasonal labor mobility schemes in the Spanish agriculture', *Arbor*, 192(777), a287.

Nori, M. and Farinella, D. (2020), *Migration, Agriculture and Rural Development*, IMISCOE, University of Amsterdam Press: Amsterdam.

Späth, J., Brändle, T., Preuss, S. and Reiner, M. (2018), *Auswirkungen des Mindestlohns im Bereich Saisonarbeit. Studie im Auftrag der Mindestlohnkommission*, Institut für Angewandte Wirtschaftsforschung IAW.

Späth, J., Brändle, T., Preuss, S. and Reiner, M. (2018 a), 'Operationalizing Seasonal Work in Germany', *IAW Diskussionspapiere*, No. 131.

Wagner, B. and Hassel, A. (2017). 'Arbeitsmigration oder Auswanderung? Eine Analyse atypischer Arbeitsmigration nach Deutschland', *WSI-Mitteilungen* No. 6/2017, pp. 409-420.

A.4. Technical reports, news sources and grey literature

AGRA (2020), 'Saisonniers étrangers: méconnus et cruciaux', 17 April 2020, available at : <http://www.agra.fr/saisonniers-trangers-m-connus-et-cruciaux-art461556-2496.html>. Accessed 01/12/2020.

Ballesteros, M., Kelly, G., Meurens, N. and Perego, A. (2016) 'Obstacles to the right of free movement and residence for EU citizens and their families', DG IPOL study for the LIBE and PETI Committees, European Parliament.

Bocanegra, J. (2020) 'Moncloa planea permitir cobrar el paro y trabajar en el campo por la falta de jornaleros', *El Confidencial*, 6 April 2020. Available online: <https://www.elconfidencial.com/espana/2020-04-06/gobierno-medidas-mano-obra-campo-migrantes-coronavirus_2537148/>. Accessed 30 November 2020.

Business and Human Rights, S.L. (2018) 'Mapping Study on Seasonal Agriculture Workers and Worker Feedback and Grievance Mechanisms in the Agricultural Sector', Business and Human Rights, S.L.: Barcelona.

Carrera, A. and Faure-Atger, A. (2010), 'Impact of the Seasonal Employment of Third-Country Nationals on Local and Regional Authorities'. CEPS: Brussels.

Caruso, F.S. (2016), *Dal caporalato alle agenzie di lavoro temporaneo: i braccianti rumeni nell'agricoltura mediterranea*, in *MondiMigranti*.

Corrado, A. (2017), 'Migrant crop pickers in Italy and Spain', Heinrich-Böll-Stiftung: Brussels.

De Wispelaere, F., De Smedt, L., and Pacolet, J. (2021), *Posting of workers: Report on A1 portable documents issued in 2019*, Network Statistics FMSSFE, Brussels: European Commission.

De Wispelaere, F., De Smedt, L., and Pacolet, J. (2021 a., forthcoming), *Posting of workers: Collection of data from the prior notification tools in 2019*, Network Statistics FMSSFE, Brussels: European Commission.

Deutsche Welle (2020), 'Pracownicy sezonowi: Praca w Niemczech? Nigdy więcej!'. Available at: <<https://www.dw.com/pl/pracownicy-sezonowi-praca-w-niemczech-nigdy-wi%C4%99cej/a-54359183>>.

European Platform Tackling Undeclared Work (2020) 'European Platform Undeclared Work DRAFT Work Programme 2019-2020'. Brussels: European Commission. Available online: <<https://ec.europa.eu/social/BlobServlet?docId=16358&langId=en>>. Accessed 4 February 2021.

ETUC (2020) 'National measures targeting seasonal workers to address labour shortages (particularly in the agricultural sector)', *ETUC Briefing Note*. Available online: <https://www.etuc.org/sites/default/files/publication/file/2020-05/Covid-19%20Briefing%20Seasonal%20Workers%20Final_updated%2029%20May%202020.pdf>. Accessed 26 November 2020.

Eurofound (2018), 'European Industrial Relations Dictionary: Seasonal work'. Available online: <<https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/seasonal-work>>. Accessed 21 October 2020.

Eurostat (2019), 'EU Labour Force Survey Database User Guide'. Available online: <<https://ec.europa.eu/eurostat/documents/1978984/6037342/EULFS-Database-UserGuide.pdf><https://ec.europa.eu/eurostat/documents/1978984/6037342/EULFS-Database-UserGuide.pdf>>. Accessed 26 October 2020.

Eurostat (2020), 'Concepts and Definitions Database: Seasonal migrant workers'. Available online: <https://ec.europa.eu/eurostat/ramon/nomenclatures/index.cfm?TargetUrl=LST_NOM_DTL_GLOSSARY&StrNom=CODED2&StrLanguageCode=EN>. Accessed 21 October 2020.

Focus Online, 'Wochenlang unbezahlte Arbeit: Die dreistesten Tricks, mit denen Chefs den Mindestlohn umgehen', 31 January 2018, available at: https://www.focus.de/finanzen/karriere/arbeitsrecht/keine-arbeitszeit-angegeben-akkordlohn-wochenlang-unbezahlte-arbeit-die-dreistesten-tricks-mit-denen-chefs-den-mindestlohn-umgehen_id_8387560.html.

Fries-Tersch, E., Tugran, T. and Bradley, H. (2017) '2016 Annual Report on Intra-EU Labour Mobility', Network Statistics FMSSFE, Brussels: European Commission.

Fries-Tersch, E., Jones, M. and Siöland, L. (2020), '2020 Annual Report on Intra-EU Labour Mobility', Network Statistics FMSSFE, Brussels: European Commission.

GEOPA (European Employers' Group of Professional Agricultural Organisations) and EFFAT (European Federation of Trade Unions in the Food, Agriculture and Tourism) (2020), 'Joint Declaration of the European Social Partners of agriculture on the deployment of seasonal workers from European countries in the EU', 15/05/2020.

Gherasim, C. (2020) 'As restrictions lift, EU wants Romanian farm workers back', EUObserver. Available online: <https://euobserver.com/coronavirus/148636>.

International Organization for Migration (IOM) (2020), 'COVID-19: Policies and Impact on Seasonal Workers', COVID-19 Response Issue Brief #1. Available online: <https://www.iom.int/sites/default/files/documents/seasonal_agricultural_workers_2705_2020_0.pdf>, accessed 22 October 2020.

INPS (2020) 'Osservatorio sul Precariato: Dati sui nuovi rapporti di lavoro'. Available online: https://www.inps.it/docallegatiNP/Mig/Dati_analisi_bilanci/Osservatori_statistici/Osservatorio_precariato/Osservatorio_Precariato_Gen_Apr_2020.pdf, accessed 4 December 2020.

Jacobs, L. (2020), 'Und wer rettet die Erntehelfer?' In: Die Zeit, 04/06/2020.

Kalantaryan, S., Mazza, J. and Scipioni, M. (2020), 'Meeting labour demand in agriculture in times of COVID 19 pandemic', JRC Technical Report, Publications Office of the European Union.

Migration.gv.at (2020) 'Transitional Regulations for Workers from Croatia'. Available online: <https://www.migration.gv.at/fileadmin/downloads/infoblaetter/Transistional_Regulations_for_Workers_from_Croatia.pdf>. Accessed 4 December 2020.

Moschetti, G. and Valentino, G. (2019) 'L'impiego delle straniere in agricoltura: i dati inps e i risultati di un'indagine diretta in Puglia, nelle aree di Cerignola (FG) e Ginosola (TA)', in CREA, *Il contributo dei lavoratori stranieri all'agricoltura Italiana*.

OECD (2020), 'Glossary of statistical terms: Seasonal migrant worker'. Available online: <<https://stats.oecd.org/glossary/>>. Accessed 21 October 2020.

Osservatorio Placido Rizzotto (2018) *Agromafie e caporalato*, IV report. Available online: < https://www.bibliotheka.it/Agromafie_e_Caporalato_IV_rapporto_IT>, accessed 4 December 2020.

Osservatorio Placido Rizzotto (2020) *Agromafie e caporalato*, V report. Available online <https://www.ediesseonline.it/prodotto/agromafie-e-caporalato-2/>, accessed 4 December 2020.

Palumbo, L. and Scirba, A. (2016) 'The vulnerability to exploitation of women migrant workers in agriculture in the EU: the need for a Human Rights and Gender based approach', DG IPOL Study for the European Parliament FEMM Committee.

Paun, C., Wax, E., Gehrke, L., Mischke, J. (2020) 'Pandemic puts squeeze on Eastern Europe's seasonal workers', *Politico*. Available online: <https://www.politico.eu/article/pandemic-puts-squeeze-on-europes-seasonal-workers/>

Rete Rurale Nazionale 2014-2020 (2020), 'MIGRAZIONI, AGRICOLTURA E RURALITÀ, Politiche e percorsi per lo sviluppo dei territori'. Available online: <https://www.reterurale.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/21203>. Accessed 3 November 2020.

Riesenfelder, A., Danzer, L., Reichert, H. and Wetzel, P. (2019) 'Endbericht: Entsendungen und Überlassungen nach Österreich, Lohndumping. Eine Studie mit Fokus auf dem Baubereich', L&R Sozialforschung, Vienna.

Roth, D. (2020), 'Nichteinhaltung des Mindestlohns in Deutschland. IAB-Stellungnahme', Institute for Labour Research (*Institut für Arbeits- und Berufsforschung*).

Scherle, D.A. (2020) 'Dragoș Pîslaru critică "politica struțului" în contextul sezonierilor români', Deutsche Welle. Available online: <https://www.dw.com/ro/drago%C8%99-p%C3%AElaru-critic%C4%83-politica-stru%C8%9Bului-%C3%AEn-contextul-sezonierilor-rom%C3%A2ni/a-53323223>.

Social Protection Committee (SPC) (2014) 'SPPM thematic reviews on the 2012 social trends to watch: The working poor in Europe'. Available online: <https://ec.europa.eu/social/BlobServlet?docId=14887&langId=en>, accessed 4 December 2020.

United Nations Economic Commission for Europe (UNECE) (2016), 'Defining and Measuring Circular Migration: Prepared by the Task Force on Measuring Circular Migration', ECE/CES/STAT/2016/5.

Williams, C., (2019), 'Tackling undeclared work in the agricultural sector: a learning resource', technical report of the Agricultural Seminar of the European Platform Undeclared Work, Brussels, 24 January 2019. Available at: <https://ec.europa.eu/social/main.jsp?langId=en&catId=1299&eventsId=1463&furtherEvents=yes>. Accessed 02 November 2020.

Williams, C. and Horodnic, I. (2018) 'Tackling undeclared work in the agricultural sector', *European Platform Tackling Undeclared Work*. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20424&langId=en>. Accessed 04 February 2021.

Williams, C., and Horodnic, I. (2020), 'Tackling undeclared work in the tourism sector', *European Platform Tackling Undeclared Work*. Available at: <https://ec.europa.eu/social/BlobServlet?docId=22868&langId=en>. Accessed 02 November 2020.

A.5. Data sources

Barbière, C. (2020) 'COVID-19: France calls unemployed to work in fields as borders stay closed', Euractiv, 25 March 2020. Available online: <https://www.euractiv.com/section/coronavirus/news/covid-19-france-calls-unemployed-to-work-in-fields-as-borders-stay-closed/>. Accessed 30 November 2020.

BUAK (2020) 'Statistiken der BUAK'. Available online: https://www.buak.at/cms/BUAK/BUAK_1.5/die-buak/statistiken. Accessed 4 December 2020.

Bundesministerium des Innern, für Bau und Heimat (BMI) (2020) 'Konzeptpapier Saisonarbeiter im Hinblick auf den Gesundheitsschutz [Coronavirus (SARS-CoV-2)]', 2 April 2020.

De Leo S. and Vanino S. (2019), 'Immigrati in agricoltura in Italia: chi sono e da dove vengono. Analisi multi-temporale dal 2008 al 2017' in: CREA (*Consiglio per la ricerca in agricoltura e l'analisi dell'economia agraria*/Council for Agricultural Research and Economics), *Il contributo dei lavoratori stranieri all'agricoltura italiana*, 2019.

Eurostat (2020) 'Authorisations for the purpose of seasonal work by status, length of validity, economic sector and citizenship' [migr_ressw1_1]. Available online: <https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_ressw1_1&lang=en>. Accessed 30 November 2020.

Eurostat (2020), 'Employment by occupation and economic activity (from 2008 onwards, NACE Rev. 2) - 1 000' [lfsq_eisn2]. Available online: <https://ec.europa.eu/eurostat/databrowser/view/lfsq_eisn2/default/table?lang=enhttps://ec.europa.eu/eurostat/databrowser/view/lfsq_eisn2/default/table?lang=en>. Accessed 22 October 2020.

Eurostat (2020) Employment by sex, age and detailed economic activity (from 2008 onwards, NACE Rev. 2 two digit level) - 1 000 [lfsq_egan22d]. Available online: <http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsq_egan22d&lang=en>. Accessed 30 November 2020.

Forget V., Depeyrot J.-N., Mahé M., Midler E., Hugonnet M., Beaujeu R., Grandjean A., Hérault B. (2019) 'Actif'Agri. Transformations des emplois et des activités en agriculture', Centre d'études et de prospective, Ministère de l'agriculture et de l'alimentation, la Documentation française, Paris, p. 80. Available at: <https://agriculture.gouv.fr/actifagri-de-lemploi-lactivite-agricole-determinants-dynamiques-et-trajectoires>, accessed 01 December 2020.

Fortuna, G. (2020) 'Italy looks to non-EU migrants to plug gap in agricultural workforce', Euractiv, 1 April 2020. Available online: <<https://www.euractiv.com/section/agriculture-food/news/italy-looks-to-non-eu-migrants-plug-gap-in-agricultural-workforce/>>. Accessed 30 November 2020.

Mikulasova, J. (2020) 'COVID-19 Impact – Seasonal Agricultural Workers Missing in Czech Agriculture', United States Department of Agriculture: Washington, D.C. Available online: <https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=COVID-19%20Impact%20-%20%20Seasonal%20Agricultural%20Workers%20Missing%20in%20Czech%20Agriculture%20_Prague_Czech%20Republic_04-13-2020>. Accessed 26 November 2020.

Parent-Thirion, A., et al. (2016) 'Sixth European Working Conditions Survey – Overview report', 2017 update. Publications Office of the European Union: Luxembourg. Available at: <https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1634en.pdf>. Accessed 04 February 2021.

Polish Ministry of Family, Labor and Social Policy (2020) 'Centralny System Analityczno-Raportowy'. Available online: <<https://cesar-test.praca.gov.pl/start/>>. Accessed 30 November 2020.

RTBF (2020) 'Coronavirus: pénurie de saisonniers en vue dans l'horticulture', 27 March 2020. Available online: <https://www.rtbf.be/info/societe/detail_coronavirus-penurie-de-saisonniers-en-vue-dans-l-horticulture?id=10469061>. Accessed 30 November 2020.

Spanish Ministry of Labour and Social Economy (2020) General Directorate for Statistics and Socioeconomic Analysis (MITES, Subdirección General de Estadística y Análisis Sociolaboral), Statistical Yearbooks, Sheet: [Foreign workers affiliated with the social security system](#) (Trabajadores extranjeros afiliados a la Seguridad Social en alta laboral).

Spanish Ministry of Labour and Social Economy (2020) General Directorate for Statistics and Socioeconomic Analysis (MITES, Subdirección General de Estadística y Análisis Sociolaboral), Statistics on Temporary Work Agencies (Estadística de empresas de trabajo temporal).

Statistics Netherlands (CBS) (2020) 'Weknemers geboren in buitenland; wel/niet ingeeten, persoonskenmerken'. Available online:

<<https://opendata.cbs.nl/statline/#/CBS/nl/dataset/84750NED/table?ts=1605697504751>>. Accessed 30 November 2020.

VRT News (2020), 'Between 15 000 and 20 000 too few seasonal workers', 4 May 2020. Available online: <<https://www.vrt.be/vrtnws/en/2020/05/04/between-15-000-and-20-000-too-few-seasonal-workers/>>. Accessed 30 November 2020.

Wanek-Zajic, B. (2018), 'Auf Wiedersehen in der nächsten Saison!', Wiedereinstellungen beim früheren Dienstgeber, *Schnellbericht 10.42*, Statistik Austria, Wien.

A.6. Interviews

Germany:

- Interview with researcher at the Research Data Centre of the Federal Employment Agency at the Institute for Employment Research (*Forschungsdatenzentrum der BA im IAB*)
- Interview with Researcher at the Institute for Applied Economic Research (*Institut für Angewandte Wirtschaftsforschung IAW*), Tübingen
- Interview with representative of the Bavarian Association of the German Hotel and Gastronomy business association DEHOGA (*Deutscher Hotel- und Gaststättenverband*)
- Written reply to enquiry through email to expert on European Labour and Employment Policy, Ministry of Labour and Social Affairs, Germany (*Bundesministerium für Arbeit und Soziales*)

Romania:

- Interview with social security legislation expert at Nestlers Group

Poland:

- Interview with representative of the Ministry of Economic Development, Labour and Technology (*Ministerstwo Rozwoju, Pracy i Technologii*)
- Interview with representative of the Labour Mobility Initiative

Italy:

- Interview with expert at the National Research Council (*Consiglio Nazionale delle Ricerche - Istituto di Ricerche sulla Popolazione e le Politiche Sociali*)

ANNEX B. METHODOLOGICAL EXPLANATIONS

B.1. Limitations of measurement through EU-LFS

Given the time-limited stays of seasonal workers in their countries of work, they are often not recorded in data sources commonly used to look at mobility of workers, namely Eurostat migration statistics based on population registers and transnational surveys such as the EU Labour Force Survey (EU-LFS). Both sources in general refer to persons who reside, or intend to reside, in a country for at least one year. At national level, population registers also capture movers who reside for less than one year, but statistics on such short-term stays are often not processed and published and not connected to information on employment which is why seasonal workers could not be differentiated from other short-term residents. Furthermore, seasonal workers who stay in the country only for a few months are likely not to register residence at all.

The EU-LFS captures those who reside or intend to reside in a country for more than one year and asks about the employment situation in the reference week which leads to a large under-estimation of seasonal work abroad (more detailed explanation can be found in Annex B).

Persons who work in another country for less than one year would count as 'temporarily absent'. The seasonal worker would therefore either report the employment status while being present in his or her home country (so, not report the seasonal work) or not be present for the interview (due to seasonal work abroad) in which case only a proxy interview through another person in the household could inform about the seasonal work. These complications illustrate that the EU-LFS is not an adequate source to capture seasonal workers.

An exception are seasonal workers who are at the same time frontier workers, and commute on a daily or weekly basis. These would be captured by the EU-LFS, and by other, specific sources on commuters at national level.

B.2. Further approximation of non-resident intra-EU seasonal workers with EU-LFS data

EU-LFS data allows approximating numbers of intra-EU seasonal workers who permanently reside²²⁵ in the country where they carry out that work. The seasonal work can be approximated by looking only at employees on fixed-term contracts in the sectors typical for seasonal work (agriculture, forestry and fishing; accommodation and food services). Furthermore, this data is available for persons with an EU citizenship from another country. Since most of the data from the employment and social security registries or other national sources mentioned below does not allow distinguishing those foreign EU seasonal workers who do not permanently reside in the country from those who do, the EU-LFS approximates on permanently resident ones can be subtracted from those totals, with the remaining numbers providing a closer estimate of those who only come to the country to carry out the seasonal work, i.e., the group in focus of this report. Due to lack of reliability of data from the other countries, such a comparison is only possible for the agricultural sector for Italy, Spain and France; and for the accommodation and food services sector for Austria and Germany.

²²⁵ The sample population of the EU-LFS are persons who have resided, or intend to reside, in the country of the survey, for at least one year. Source: Eurostat, EU Labour Force Survey Explanatory Notes (from 2014Q1 onwards), p.4.

B.3. Further estimates of numbers for Germany

Additionally, the Federal Ministry of Labour and Social Affairs provided a specific extraction of employment registry data on the number of persons employed on a short-term contract (maximum 70 days), by groups of nationality and sector²²⁶. However, this data is only available as stocks on a reference day per quarter. Accordingly, in 2019, the number of short-term employed workers with another EU nationality working in agriculture, forestry and fishing varied a lot between the quarters, with the highest number recorded in June (58 012)²²⁷. The numbers of those working in accommodation and food services are much lower and also varied, but to a lesser extent between the quarters, with a peak in the third quarter (2 235 in September 2019)²²⁸. Again, assuming that one person may hold one such short-term contract per year, one may multiply these figures by six to arrive at a rough estimation of number of workers per year – this results in a higher estimate than above for agriculture, and a much lower one for the accommodation and food services sector. One reason for the lower numbers in the accommodation and food services sector is that short-term contracts are not frequently used for seasonal workers in this sector (roughly 10%, compared to 70% in the agricultural sector²²⁹), but mostly the other form of marginal contracts, limiting the monthly salary to a maximum of 450 EUR²³⁰. Statistics on these contracts by nationality and sector were however not provided.

B.4. Data sources for estimations of posted seasonal workers

The two main data sources on posting are **Portable Document A1** and **the prior notifications tools**. Under Regulation (EC) No 883/2004, a Portable Document A1 can be issued to a person. All Member States provide PD A1 forms for workers who pay contributions to the national social security system and who are sent by their employer for work purposes to another Member State. Member States also have introduced a prior notification tool to be informed about workers posted to their territory. However, both the PD A1 data and the data on the prior notification tools only provide an indicative picture of the actual number of postings taking place²³¹.

The A1 data provides information on intra-EU posting according to Article 12 of Regulation (EC) No 883/2004. However, it should be noted that a PD A1 is not only issued to persons active under Article 12 but also to several other mobile workers, such as persons who pursue an activity in two or more Member States, mariners and flight or cabin crew members. Since (posted) seasonal workers can be employed in several Member States, data on the number of PDs A1 issued to persons who are active in two or more Member States under Article 13 of Regulation (EC) No 883/2004 is also used in this section. There are, however, a number of limitations: a) data by receiving Member State and sector is available only for postings according to Art. 12 (posting to one other Member State), b) data by sector is based on the numbers of PDs A1 *issued*, so from a sending country perspective²³² and c) in 2019, only 21 Member States provided data on issued PDs A1 by sector. Among the ones missing are Bulgaria, Germany, Greece, Italy and Spain (furthermore, Denmark), which may lead to under-estimations. Moreover, no data is available on the duration of services provided abroad in these sectors.

²²⁶ Federal Employment Agency, Employment Statistics, special extraction 'Exclusively short-term employed, by characteristics and sectors' (*Ausschließlich kurzfristig Beschäftigte (aKfB) nach Merkmalen und Wirtschaftszweigen WZ 2008*), November 2020.

²²⁷ Workers of EU nationality on short-term contracts in agriculture, forestry and fishing: 23 226 (March 2019), 58 012 (June 2019), 34 066 (September 2019) and 6 353 (December 2019).

²²⁸ Workers of EU nationality on short-term contracts in the hospitality industry: 738 (March 2019), 1 899 (June 2019), 2 235 (September 2019) and 882 (December 2019).

²²⁹ Späth et al. (2018), p. 33.

²³⁰ According to information from one stakeholder (representative of the Bavarian Association of the German Hotel and Gastronomy business association DEHOGA (*Deutscher Hotel- und Gaststättenverband*)), seasonal workers in this sector in regions like Bavaria frequently come from bordering regions – they are employed on these marginal contracts, working some days per week or per month in Germany, while possibly having additional jobs in their home country.

²³¹ See the report of De Wispelaere, F., De Smedts, L. and Pacolet, J. (2021 and 2021a., forthcoming) on the Portable Documents A1 and the prior notification tools for a comprehensive overview of the methodological limitations of both data sources to measure 'intra-EU posting'.

²³² For reference, in 2019 only 21 Member States provided data by sector of activity for Article 12 and 15 Member States for Article 13.

See the reports of De Wispelaere, F., De Smedts, L. and Pacolet, J. (2021 and 2021 a., forthcoming) for a comprehensive overview of the methodological limitations of both data sources to measure 'intra-EU posting'.

ANNEX C. DATA ANNEX

Table 9: Sectors of work covered by national regulations on seasonal work

	Sectors covered
AT	Agriculture/horticulture, forestry, tourism, trade, construction and transportation
BE	Agriculture/horticulture (in some regions also tourism/hotel industry)
CZ	Agriculture/horticulture, forestry, tourism
DE	Agriculture/horticulture, forestry, tourism, construction, fun fairs and circuses
ES	Agriculture/horticulture, tourism
FR	Agriculture/horticulture, tourism, entertainment
IT	Agriculture/horticulture, tourism, food industry
LU	Agriculture/horticulture, tourism, aviation
NL	Agriculture/horticulture, forestry, hiring and business services, trade, industry
PL	Agriculture/horticulture, forestry, fishing, tourism, construction
RO	No data available

'TOURISM' INCLUDES ACCOMMODATION AND CATERING AND FOOD SERVICES.

SOURCE: INFORMATION COLLECTED THROUGH THE MOVES NETWORK.

Table 10: Definitions of seasonal work from EU legislation and international organisations

Organisation	Definition
Seasonal Workers Directive	Seasonal worker: A third-country national who retains his or her principal place of residence in a third country and stays legally and temporarily in the territory of a Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that Member State.
Regulation 1408/71	Seasonal worker: any worker who goes to the territory of a Member State other than the one in which he is resident to do work there of a seasonal nature for an undertaking or an employee of that state for a period which may on no account exceed eight months, and who stays in the territory of the said State for the duration of his work; work of a seasonal nature shall be taken to mean work which, being dependent on the succession of the seasons, automatically recurs each year.
Eurofound	Seasonal worker: A form of temporary employment linked to specific periods of the year and sectors (e.g. fruit pickers in the agricultural sector) or the tourist industry (e.g. cleaners in holiday resorts) ²³³ .
OECD	Seasonal migrant worker: Persons employed by a country other than their own for only part of a year because the work they perform depends on seasonal conditions ²³⁴ .
Eurostat and ILO	Seasonal migrant worker: Persons employed in a State other than their own for only part of a year because the work they perform depends on seasonal conditions ²³⁵ .
Centre for European Policy Studies (CEPS)	A form of temporary migration for short-term employment of foreign workers, which occurs only at certain periods of the year ²³⁶ .

TABLE ADAPTED FROM LÓPEZ-SALA, ET AL. (2014)²³⁷, PP. 3-4.

²³³ Eurofound (2018), 'European Industrial Relations Dictionary: Seasonal work'. Available online: <<https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/seasonal-work>>. Accessed 21 October 2020.

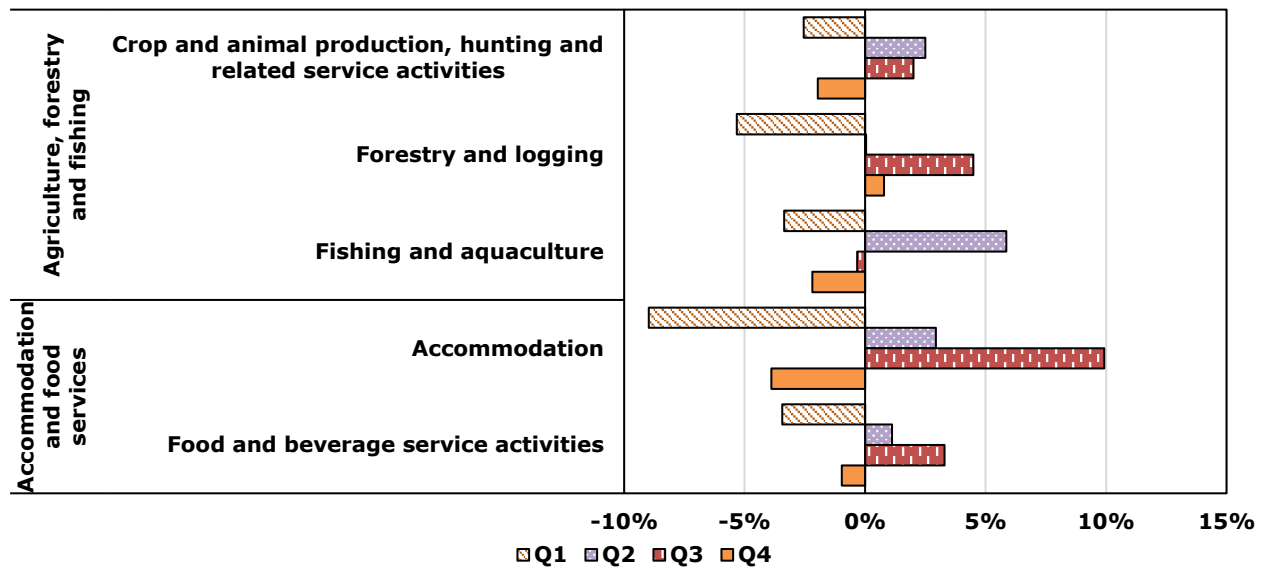
²³⁴ OECD (2020), 'Glossary of statistical terms: Seasonal migrant worker'. Available online: <<https://stats.oecd.org/glossary/>>. Accessed 21 October 2020.

²³⁵ Eurostat (2020), 'Concepts and Definitions Database: Seasonal migrant workers'. Available online: <https://ec.europa.eu/eurostat/ramon/nomenclatures/index.cfm?TargetUrl=LST_NOM_DTL_GLOSSARY&StrNom=CODED2&StrLanguageCode=EN>. Accessed 21 October 2020.

²³⁶ Carrera, A. and Faure-Atger, A. (2010), 'Impact of the Seasonal Employment of Third-Country Nationals on Local and Regional Authorities'. CEPS: Brussels.

²³⁷ López-Sala, A., et al. (2014).

Figure 11: Employment per quarter compared with annual average*, NACE-2 sub-sectors of Agriculture, forestry and fishing and Accommodation and food services in EU-28, average for 2017-2019

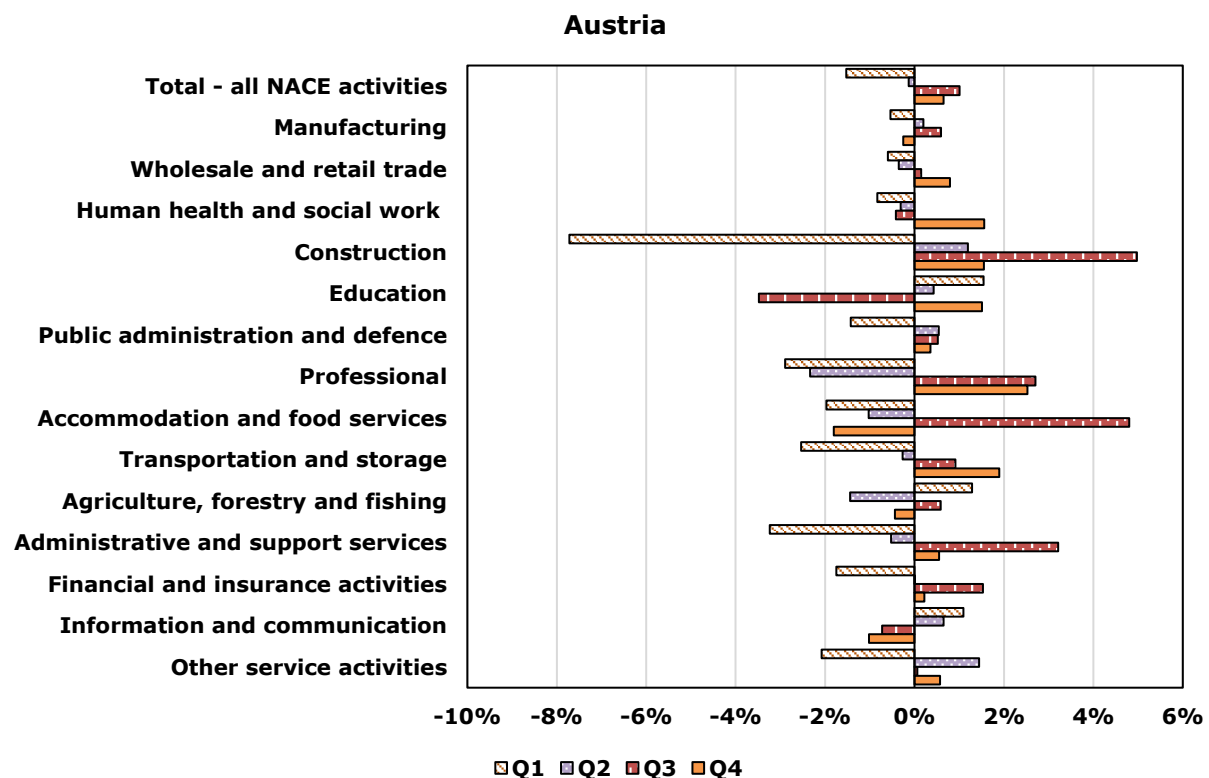


THE WIDTH OF THE BARS INDICATES HOW MUCH THE QUARTER IS ABOVE OR BELOW THE ANNUAL AVERAGE.

*CALCULATED AS: $\frac{Q}{\text{AVERAGE (Q1:Q4)}}$

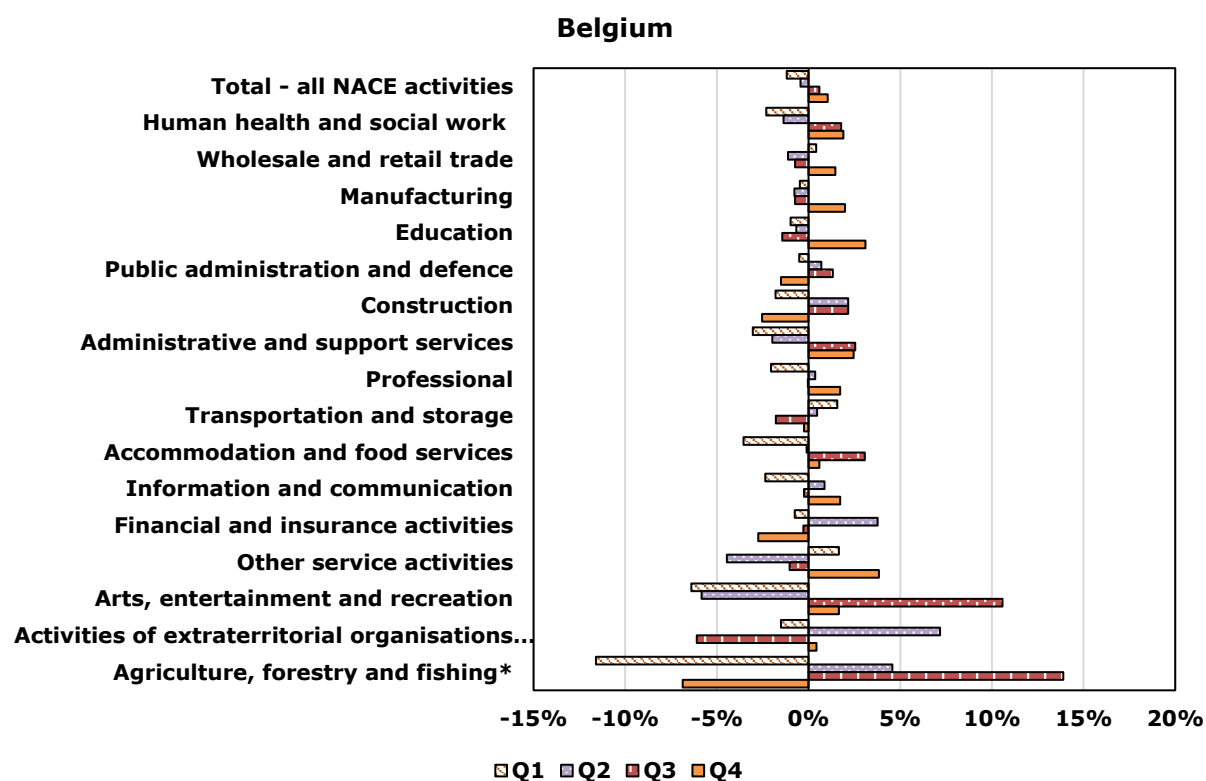
SOURCE: EMPLOYMENT BY SEX, AGE AND DETAILED ECONOMIC ACTIVITY (FROM 2008 ONWARDS, NACE REV. 2 TWO DIGIT LEVEL) - 1 000 [LFSQ_EGAN22D], ACCESSED 30 NOVEMBER 2020.

Figure 12: Employment per quarter compared with annual average* in Austria, 2017-2019 average



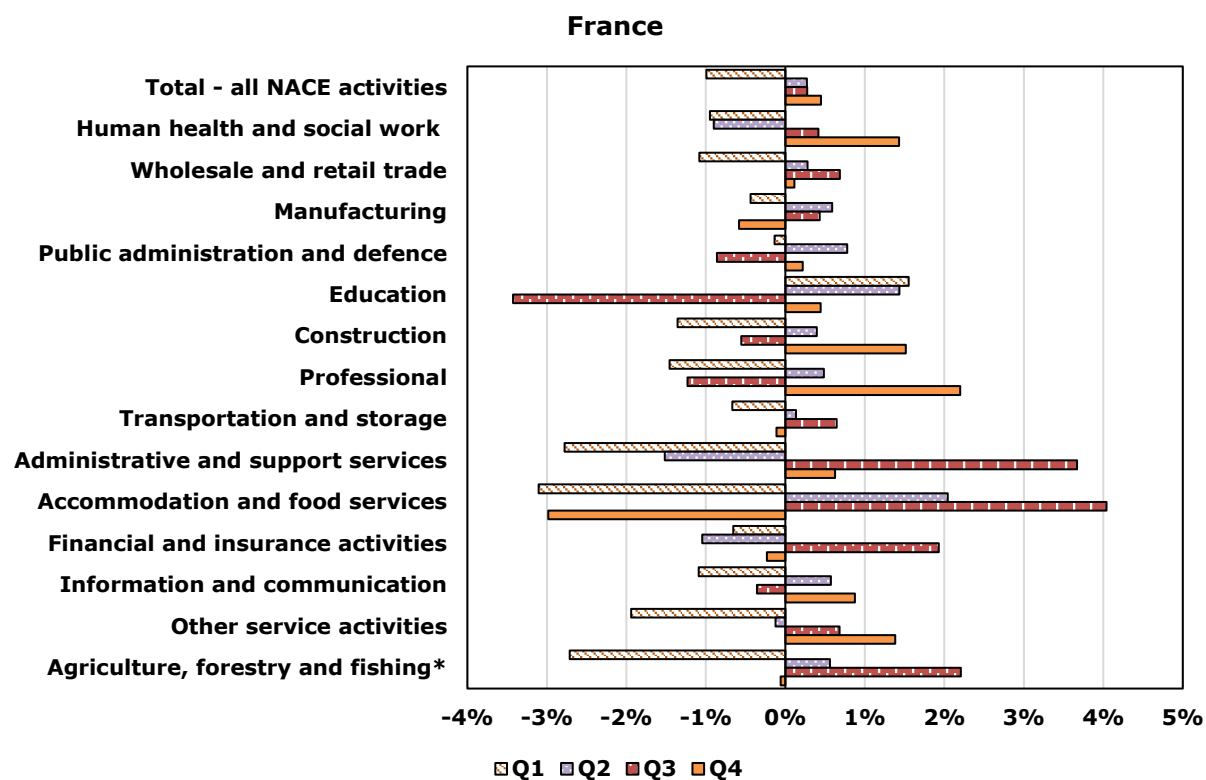
FLAGS AND SOURCE ATTRIBUTION UNDER FIGURE 18 APPLY.

Figure 13: Employment per quarter compared with annual average* in Belgium, 2017-2019 average



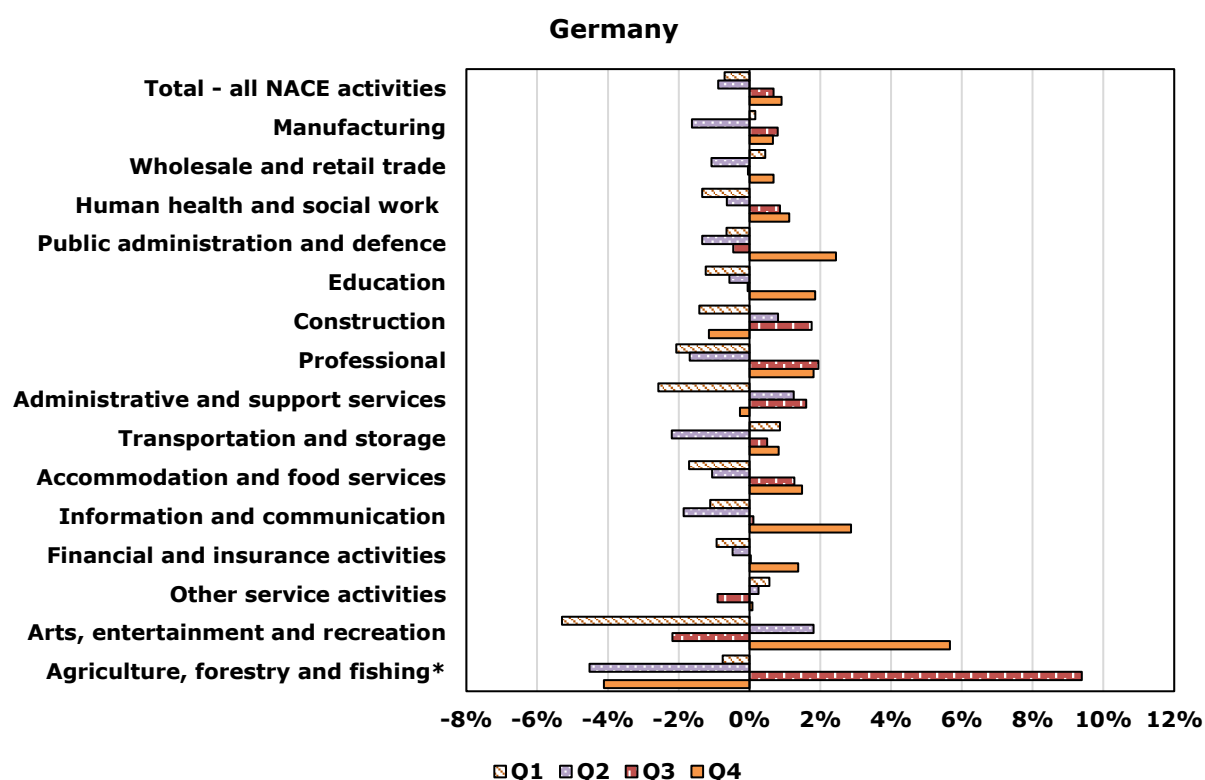
FLAGS AND SOURCE ATTRIBUTION UNDER FIGURE 18 APPLY.

Figure 14: Employment per quarter compared with annual average* in France, 2017-2019 average



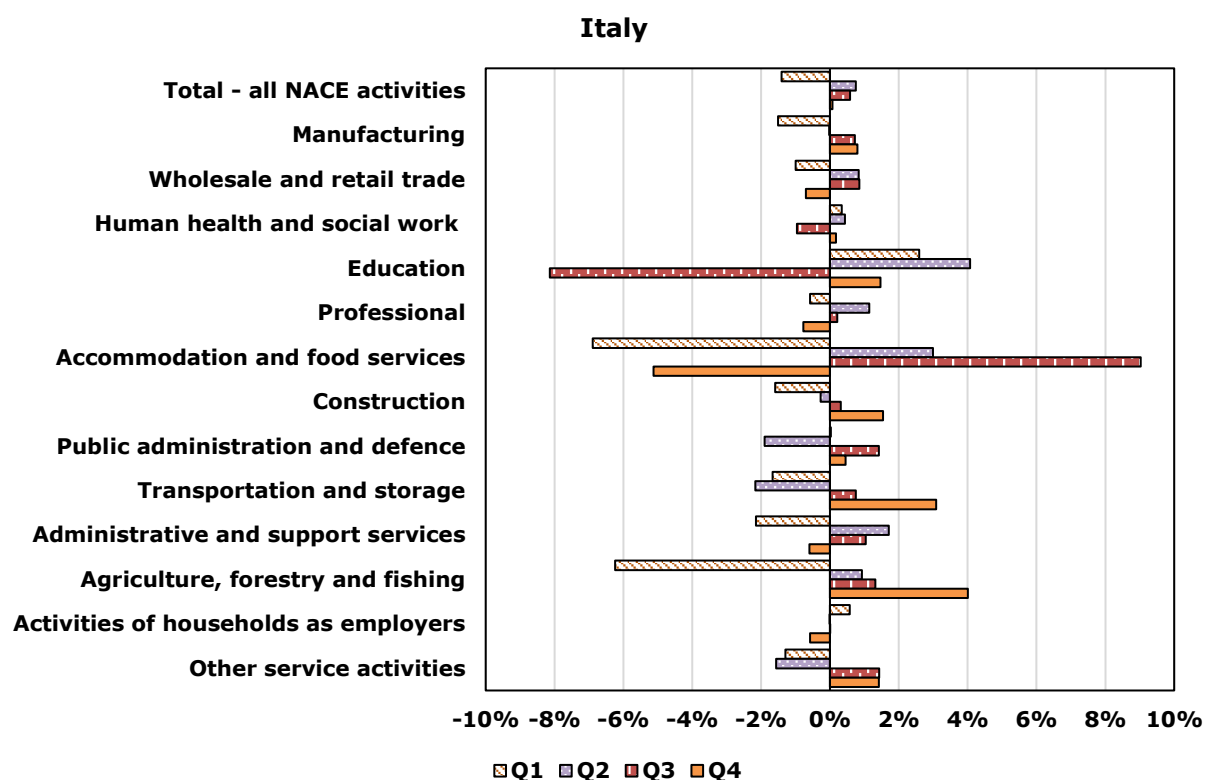
FLAGS AND SOURCE ATTRIBUTION UNDER FIGURE 18 APPLY.

Figure 15: Employment per quarter compared with annual average* in Germany, 2017-2019 average



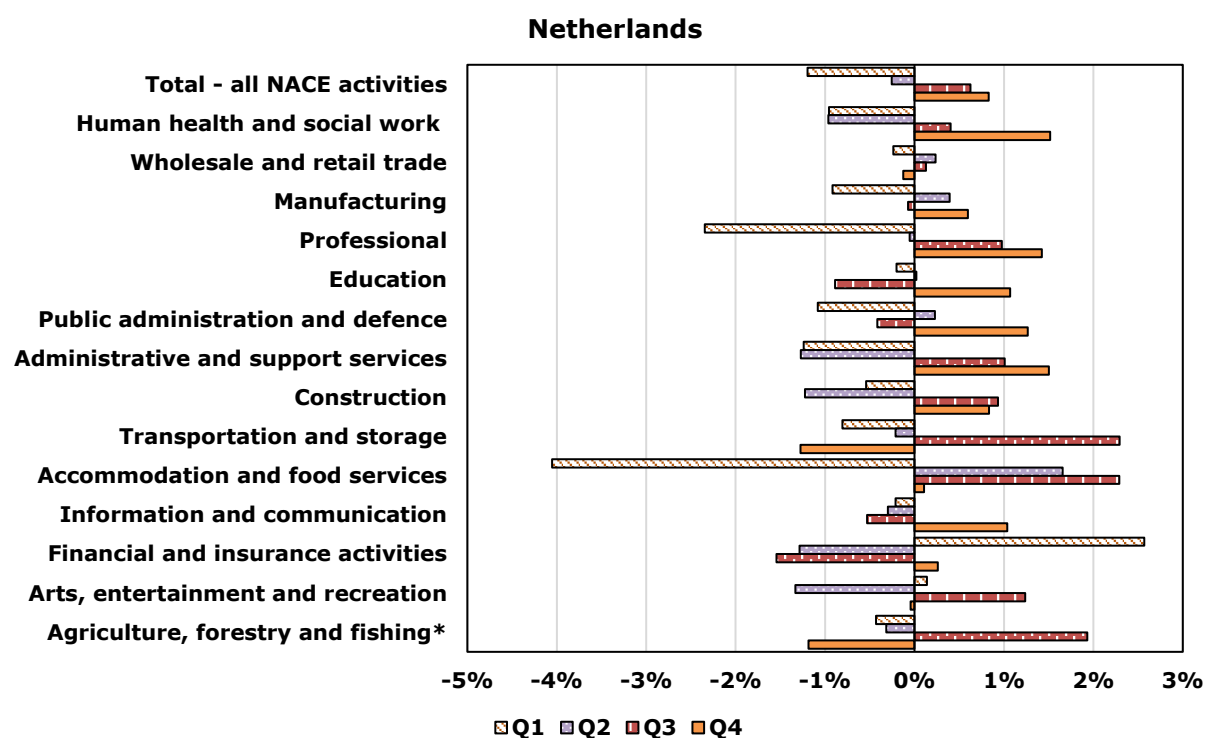
FLAGS AND SOURCE ATTRIBUTION UNDER FIGURE 18 APPLY.

Figure 16: Employment per quarter compared with annual average* in Italy, 2017-2019 average



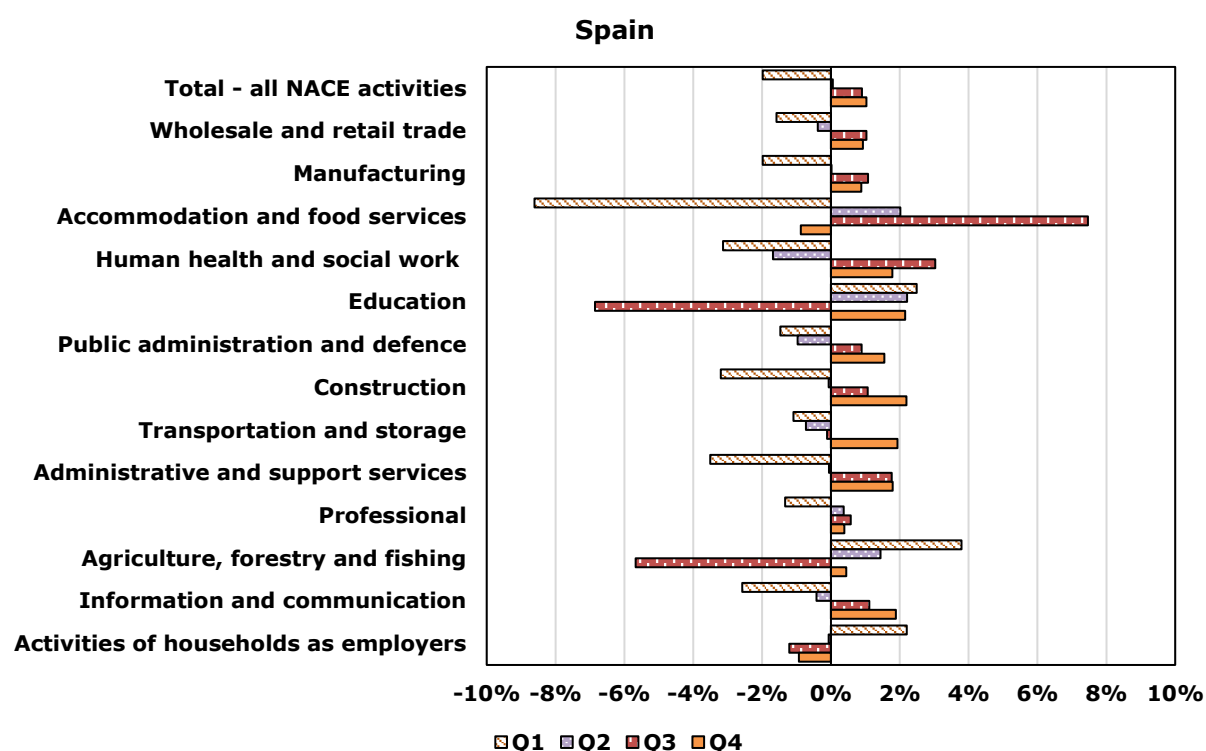
FLAGS AND SOURCE ATTRIBUTION UNDER FIGURE 18 APPLY.

Figure 17: Employment per quarter compared with annual average* in the Netherlands, 2017-2019 average



FLAGS AND SOURCE ATTRIBUTION UNDER **FIGURE 18** APPLY.

Figure 18: Employment per quarter compared with annual average* in Spain, 2017-2019 average



THE WIDTH OF THE BARS INDICATES HOW MUCH THE QUARTER IS ABOVE OR BELOW THE ANNUAL AVERAGE.

TO AVOID OUTLIERS, **FIGURE 12** TO **FIGURE 18** INCLUDE ONLY SECTORS WHICH MAKE UP 3% OR MORE OF THE TOTAL LABOUR FORCE IN THE COUNTRY. AN ASTERISK (*) AFTER THE SECTOR AGRICULTURE, FORESTRY AND FISHING INDICATES CASES WHERE AGRICULTURE IS INCLUDED IN THE CHART DESPITE CONSTITUTING LESS THAN 3% OF THE TOTAL IN THE COUNTRY.

*CALCULATED AS: $\frac{Q}{\text{AVERAGE}(Q1:Q4)}$

SOURCE: EUROSTAT INDICATOR ON EMPLOYMENT BY OCCUPATION AND ECONOMIC ACTIVITY (FROM 2008 ONWARDS, NACE REV. 2) - 1 000 [LFSQ_EISN2], ACCESSED 22 OCTOBER 2020.

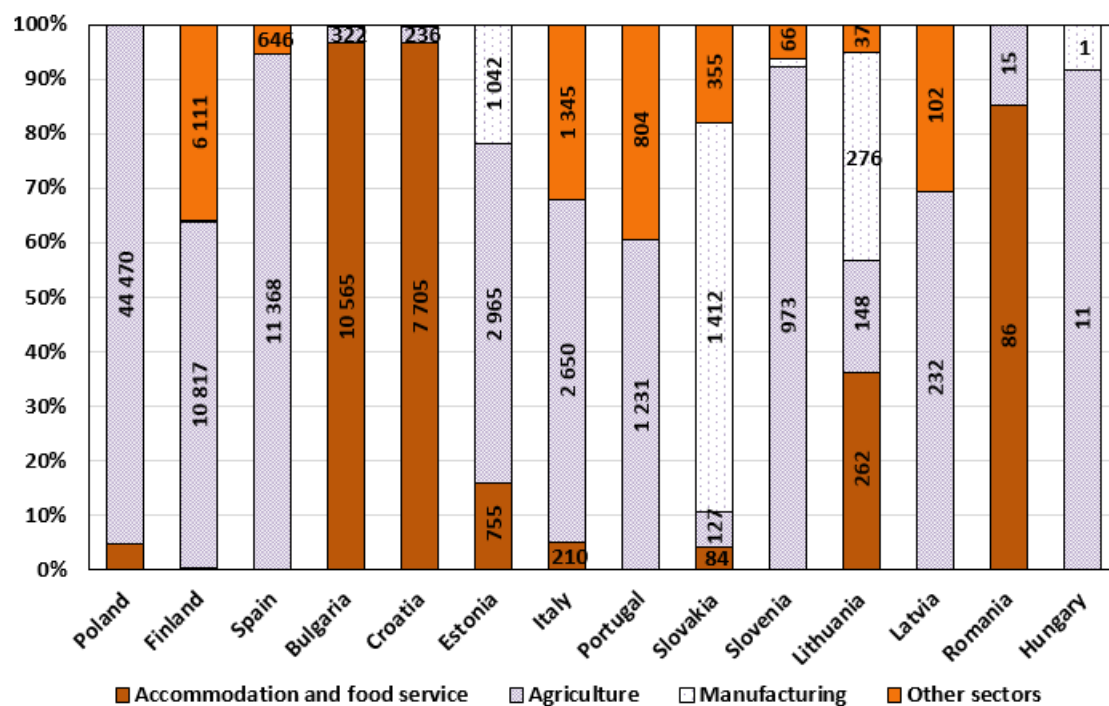
Table 11: Employees on 1-6-month contracts by sector and nationality, as a share of all of the same nationality in the sector, and aggregate of all employees in the sector 2019

	EU-28 nationals	Nationals	Total employment in sector (% of all sectors)
Accommodation and food services	17%	10%	11 262 (5%)
Manufacturing	14%	15%	35 545 (15%)
Wholesale and retail trade	13%	15%	31 605 (14%)
Agriculture	10%	5%	8 999 (4%)
Construction	9%	6%	15 814 (7%)
Administrative and support service	8%	6%	9 863 (4%)
Transportation and storage	7%	6%	12 264 (5%)
Human health and social work	6%	11%	25 819 (11%)
Education	4%	6%	17 872 (8%)
Activities of households as employers	3%	1%	2 254 (1%)
Arts	3%	3%	4 167 (2%)
Professional	2%	3%	13 519 (6%)
Other service activities	2%	2%	5 783 (3%)
Information and communication	2%	3%	7 605 (3%)

NOTE THAT PERCENTAGES OF THE WHOLE DO NOT ADD UP TO 100% AS THE TABLE EXCLUDES SECTORS WHERE LESS THAN 2% OF EU-28 NATIONALS ARE EMPLOYED.

SOURCE: EU-LFS, SPECIAL EXTRACTIONS PROVIDED BY EUROSTAT, MILIEU CALCULATIONS

Figure 19: Authorisations for the purpose of seasonal work, by country and by sector of activity, sorted by total number of authorisations, 2019



THE DATA REFERS TO THE NUMBER OF AUTHORISATIONS GRANTED TO THIRD-COUNTRY NATIONALS FOR THE PURPOSE OF WORK, GRANTING RESIDENCE IN A MEMBER STATE OF AT LEAST THREE MONTHS.

SOURCE: EUROSTAT INDICATOR ON 'AUTHORISATIONS FOR THE PURPOSE OF SEASONAL WORK BY STATUS, LENGTH OF VALIDITY, ECONOMIC SECTOR AND CITIZENSHIP' [MIGR_RESSW1_1], ACCESSED 22 NOVEMBER 2020.

Table 12: Number of employees in EU-28 by NACE sector and nationality group, 2019

	Reporting country	EU-28	TCN	Total
Accommodation and food services	9 055	933	1 260	11 249
Activities of extraterritorial organisations	109	76	20	205
Activities of households as employers	1 283	314	648	2 245
Administrative and support services	8 455	669	726	9 851
Agriculture	8 485	222	289	8 996
Arts	3 835	189	135	4 159
Construction	14 016	952	830	15 798
Education	17 004	483	377	17 864
Electricity	1 571	22	20	1 612
EU-28 average	9 678	431	456	10 564
Financial and insurance	6 210	191	165	6 565
Human health and social work	24 118	806	881	25 805
Information and communication	6 940	316	338	7 594
Manufacturing	32 743	1 413	1 371	35 527
Mining and quarrying	700	14	11	725
No answer	1 426	65	87	1 578
Other service activities	5 207	244	324	5 776
Professional	12 598	527	388	13 513
Public administration and defence	15 448	141	121	15 710
Real estate	1 818	62	60	1 939
Transportation and storage	11 022	649	586	12 257
Water supply; sewerage	1 767	43	46	1 856
Wholesale and retail trade	29 098	1 141	1 342	31 580

NOTE THAT 'EU-28' REFERS TO EU-28 NATIONALS *EXCLUSIVE* OF THOSE WITH THE REPORTING COUNTRY'S NATIONALITY.

SOURCE: EU-LFS, SPECIAL EXTRACTIONS PROVIDED BY EUROSTAT, MILIEU CALCULATIONS

Table 13: Share of employed in accommodation and food services and in agriculture, forestry and fishing from the total economy, Q3 2019 and total number of employed in the sector (in 1 000s)

Accommodation and food services			Agriculture, forestry and fishing		
	share from total economy	total employed in sector (in 1 000s)		share from total economy	total employed in sector (in 1 000s)
EL	11%	375.6	RO	22%	1 602.2
CY	10%	36.7	EL	11%	419.4
ES	9%	1697.6	PL	9%	1 447.10
IE	8%	173.8	LV	8%	63.9
HR	7%	105.7	BG	7%	203.4
MT	7%	18.8	HR	7%	91.8
IT	7%	1447.9	LT	6%	82.7
PT	7%	307.4	PT	6%	158.7
AT	6%	262.5	HU	5%	206.8
BG	6%	178.5	EU-27	4%	7 903.1
UK	5%	1700.5	IE	4%	80.7
EU-28	5%	11019.4	SI	4%	35.8
EU-27	5%	9318.9	IT	4%	843.7
NL	4%	378.4	EU-28	4%	8 179.2
EE	4%	28.2	FI	4%	83.4
HU	4%	187.5	ES	4%	781.6
SK	4%	106.9	AT	4%	142.2
LU	4%	11.0	EE	3%	19.9
LV	4%	31.0	SK	3%	70.8
BE	4%	179.7	CZ	3%	134.9
DK	4%	111.0	FR	3%	640.8
SI	4%	40.0	DK	2%	56.5
FR	4%	1005.3	CY	2%	8.3
FI	4%	95.2	NL	2%	154.5
CZ	4%	191.2	SE	2%	65.7
DE	4%	1529.0	DE	1%	463.6
SE	3%	162.8	UK	1%	276.1
LT	3%	37.9	BE	1%	40.5
RO	3%	221.6	MT	1%	2.3
PL	3%	397.8	LU	:	1.8

SOURCE: EUROSTAT, 'EMPLOYMENT BY OCCUPATION AND ECONOMIC ACTIVITY (FROM 2008 ONWARDS, NACE REV. 2) - 1 000' [LFSQ_EISN2] AND EUROSTAT, EU-LFS, EMPLOYMENT BY SEX, AGE AND ECONOMIC ACTIVITY (NACE REV. 2) - 1 000 [LFSQ_EGAN2].

Table 14: Employees on temporary contracts of 1-6 months (1 000s), EU-28 aggregate, 2015-2019

Sector of work	2015	2016	2017	2018	2019
Accommodation and food service	54.0 (23 %)	54.5 (23 %)	54.5 (23 %)	57.3 (24 %)	60.7 (26 %)
Manufacturing	46.9 (20 %)	53.9 (23 %)	52.4 (22 %)	52.0 (22 %)	49.2 (21 %)
Wholesale and retail trade	36.3 (15 %)	37.7 (16 %)	43.8 (19 %)	46.2 (20 %)	44.6 (19 %)
Agriculture	36.2 (15 %)	35.8 (15 %)	35.9 (15 %)	36.2 (15 %)	36.2 (15 %)
Construction	31.6 (13 %)	36.0 (15 %)	34.6 (15 %)	30.1 (13 %)	33.5 (15 %)
Administrative and support service	31.1 (13 %)	31.1 (13 %)	26.6 (11 %)	32.1 (14 %)	28.0 (12 %)
Transportation and storage	20.3 (9 %)	23.7 (10 %)	28.4 (12 %)	21.6 (9 %)	25.2 (11 %)
Human health and social work	24.3 (10 %)	22.6 (10 %)	24.7 (11 %)	22.0 (9 %)	21.4 (9 %)
Education	13.1 (6 %)	15.6 (7 %)	14.6 (6 %)	16.0 (7 %)	12.5 (5 %)
Activities of households as employers	11.3 (5 %)	15.7 (7 %)	12.8 (5 %)	9.7 (4 %)	12.0 (5 %)
Arts		8.4 (4 %)	7.8 (3 %)	7.2 (3 %)	10.0 (4 %)
Professional	6.7 (3 %)	8.5 (4 %)	9.4 (4 %)	7.3 (3 %)	7.5 (3 %)
Other service activities	6.8 (3 %)		7.6 (3 %)		7.2 (3 %)
Information and communication			7.0 (3 %)	8.3 (4 %)	6.6 (3 %)

PERCENTAGES INDICATE THE PROPORTION OF EMPLOYEES IN A GIVEN SECTOR, OUT OF THE AGGREGATE OF ALL SECTORS FOR WHICH THERE WAS RELIABLE DATA AVAILABLE.

THE AGGREGATE EXCLUDES THE FOLLOWING SECTORS: ACTIVITIES OF EXTRATERRITORIAL ORGANISATIONS AND BODIES, ELECTRICITY, FINANCIAL AND INSURANCE ACTIVITIES, MINING AND QUARRYING, PUBLIC ADMIN AND DEFENCE, REAL ESTATE ACTIVITIES, AND WATER SUPPLY AND SEWERAGE .

SOURCE: EU-LFS, SPECIAL EXTRACTIONS PROVIDED BY EUROSTAT, MILIEU CALCULATIONS

Table 15: Employees on temporary contracts in absolute numbers (1 000s) and as a proportion of all employees on temporary contracts, by sector and nationality on an EU-28 level, 2019

	EU28 movers			Reporting country		
	1 to 6 months	7 to 12 months	13 months+	1 to 6 months	7 to 12 months	13 months+
Accommodation and food services	61 (53 %)	36 (32 %)	17 (15 %)	742 (56 %)	355 (27 %)	230 (17 %)
Activities of households as employers	(12)			52 (47 %)	39 (35 %)	19 (17 %)
Administrative and support services	28 (47 %)	20 (34 %)	(12) (19 %)	430 (45 %)	297 (31 %)	226 (24 %)
Agriculture	36 (61 %)	23 (39 %)		333 (62 %)	144 (27 %)	61 (11 %)
Arts	(10) (41 %)	(7) (31 %)	(7) (28 %)	230 (43 %)	184 (34 %)	125 (23 %)
Construction	34 (47 %)	22 (31 %)	15 (22 %)	456 (43 %)	265 (25 %)	352 (33 %)
Education	(13) (14 %)	34 (37 %)	43 (49 %)	406 (19 %)	1 080 (52%)	605 (29 %)
Human health and social work	21 (24 %)	24 (27 %)	43 (49 %)	76 (33 %)	696 (31 %)	814 (36 %)
Information and communication	(7)			179 (40 %)	129 (29 %)	138 (31 %)
Manufacturing	49 (36 %)	52 (38 %)	36 (26%)	1 051 (37 %)	755 (27 %)	1 037 (36 %)
Other service activities	(7) (49 %)		(7) (51 %)	151 (33 %)	137 (30 %)	171 (37 %)
Professional	(8) (17 %)	(15) (33 %)	21 (49 %)	248 (33 %)	285 (38 %)	210 (28 %)
Transportation and storage	25 (42 %)	21 (36 %)	(13) (22 %)	404 (46 %)	262 (30 %)	218 (25 %)
Wholesale and retail trade	45 (46 %)	30 (30 %)	23 (24 %)	1 063 (41 %)	710 (28 %)	804 (31 %)

PERCENTAGES INDICATE THE PROPORTION OF EMPLOYEES ON TEMPORARY CONTRACTS OF THE INDICATED LENGTH, BY GROUP OF NATIONALITY. NO PERCENTAGES ARE PROVIDED FOR CATEGORIES WHERE THERE IS ONLY DATA FOR ONE CATEGORY.

ABSOLUTE NUMBERS IN BRACKETS INDICATE LOW RELIABILITY.

SOURCE: EU-LFS, SPECIAL EXTRACTIONS PROVIDED BY EUROSTAT, MILIEU CALCULATIONS

Table 16: Number of PDs A1 issued according to Art. 12 , in agriculture, by competent/sending Member State (columns) and receiving Member State, 2019

		BE	CZ	EE	FR	HR	LV	LT	LU	HU	NL	AT	PL	PT	RO	SI	SK	FI	SE	IS	Total
Receiving Member State	BE		0	0	0	0	0	0	8	0	103	5	110	0	0	3	12	3	0	0	244
	BG	0	0	0	0	0	0	0	0	4	0	0	2	0	0	1	0	0	0	0	7
	CZ	0		0	0	1	0	0	0	4	0	4	118	0	0	0	100	0	0	0	227
	DK	0	0	0	0	0	0	5	0	8	2	0	2	0	0	0	7	0	0	0	24
	DE	10	6	2	1	24	0	0	16	14	112	210	3 843	0	31	60	601	7	0	0	4 937
	EE	0	0		0	0	0	0	0	0	1	0	0	0	0	0	0	2	0	0	3
	IE	0	0	0	1	0	0	0	0	2	0	0	1	0	0	0	0	0	0	0	4
	EL	0	0	0	0	0	0	0	0	4	0	0	6	0	0	0	0	0	0	0	10
	ES	1	1	0	0	0	0	0	0	9	4	0	117	44	0	0	2	1	0	9	188
	FR	284	9	0		0	0	0	21	13	6	0	97	8	20	0	67	0	0	0	525
	HR	0	0	0	0		0	0	0	0	0	19	0	0	0	16	3	0	0	0	38
	IT	0	1	19	0	27	5	0	0	0	1	119	49	0	0	8	10	0	0	0	239
	CY	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0
	LV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	LT	0	0	16	0	0	0		0	0	0	1	0	0	0	0	0	0	0	0	17
	LU	24	0	0	0	0	0	0		0	0	1	5	0	0	1	0	0	0	0	31
	HU	1	1	0	1	0	0	0	0		1	47	0	0	21	0	14	0	0	0	86
	MT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0
	NL	35	1	65	0	0	0	0	1	0		0	2 092	0	14	1	75	1	0	0	2 285
	AT	1	15	0	0	0	0	0	0	21	1		11	0	0	25	255	0	0	0	329
	PL	0	0	0	0	0	0	0	0	0	11	2		0	0	0	2	1	0	0	16
	PT	4	0	5	0	0	0	0	0	0	0	0	1		0	0	0	0	0	0	10
	RO	0	0	0	0	0	0	0	0	12	0	12	15	0		1	8	0	0	0	48

		BE	CZ	EE	FR	HR	LV	LT	LU	HU	NL	AT	PL	PT	RO	SI	SK	FI	SE	IS	Total
	SI	0	0	0	0	9	0	0	0	0	0	26	0	0	0		0		0	0	35
	SK	0	69	0	0	0	0	0	0	0	0	1	0	0	4	0		0	0	0	74
	FI	0	0	164	1	0	12	14	0	0	0	0	9	0	8	0	0		5	0	213
	SE	0	11	1	0	0	6	21	0	0	0	0	30	0	29	0	1	27		0	126
	UK	1	0	0	1	0	0	0	0	0	4	2	3	0	0	0	0	0	0	0	11
	IS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0
	LI	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NO	1	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	1	1	5
	CH	1	3	0	0	0	0	0	0	0	5	39	5	0	1	1	0	0	0	0	55
	Total	363	117	272	5	61	23	40	46	91	252	488	6 517	52	128	117	1 157	42	6	10	9 787

SOURCE: DATA ON PDS A1 AND ON PRIOR NOTIFICATION TOOLS PROVIDED TO THE NETWORK OF EXPERTS ON STATISTICS ON FREE MOVEMENT AND SOCIAL SECURITY COORDINATION (FMSSFE)

Table 17: Data on posting (PD A1) according to Art. 12 in accommodation and food services by competent/sending Member State (columns) and receiving Member State 2019

		BE	CZ	EE	FR	HR	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	IS	Total
Receiving Member State	BE		0	0	55	11	0	0	0	22	93	0	276	9	10	16	0	0	0	0	0	0	492
	BG	0	1	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	3
	CZ	0		0	10	0	0	0	0	0	0	0	0	8	0	0	0	0	1	0	0	0	19
	DK	0	0	0	10	0	0	0	0	0	0	0	0	802	0	1	0	0	0	2	0	0	815
	DE	10	18	0	60	224	0	0	0	9	0	0	274	446	170	1	198	6	7	31	1	0	1 455
	EE	0	0		5	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	6
	IE	0	0	0	34	0	0	0	0	0	0	0	0	32	0	0	0	0	0	0	0	0	66
	EL	1	23	0	128	0	5	0	0	0	0	0	0	8	0	0	2	1	0	0	0	0	168
	ES	5	4	0	103	0	0	0	0	4	12	0	19	6	52	11	0	0	1	2	0	0	219
	FR	453	3	4		1	0	0	0	33	25	0	16	6	33	182	0	10	1	8	0	0	775
	HR	0	3	0	31		0	0	0	0	28	0	0	29	1	0	0	31	0	0	0	0	123
	IT	12	9	0	231	8	0	0	0	5	52	0	2	418	92	0	0	5	1	0	0	0	835
	CY	0	0	0	0	0		0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
	LV	0	0	0	1	0	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	LT	0	0	0	4	0	0	0		0	0	0	0	3	0	0	0	0	0	0	0	0	7
	LU	232	0	0	78	0	0	0	0		31	0	0	0	0	0	0	0	0	0	0	0	341
	HU	0	2	0	2	0	0	0	0	0		0	0	42	0	0	0	0	0	0	0	0	46
	MT	0	0	0	10	0	0	0	0	0	5		0	6	0	0	0	0	0	0	0	0	21
	NL	444	0	0	16	0	0	0	0	11	68	0		24	5	0	0	0	125	0	0	0	693
	AT	2	51	0	2	17	0	0	0	2	89	0	4		28	169	0	55	54	0	0	0	473
	PL	0	3	0	2	0	0	0	0	1	0	0	0	12		0	0	0	0	0	0	0	18
	PT	1	1	0	86	0	0	0	0	0	0	0	0	4	0		0	0	0	0	0	0	92
	RO	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0		0	0	0	0	0	2

		BE	CZ	EE	FR	HR	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	IS	Total
	SI	0	0	0	9	28	0	0	0	0	12	0	0	176	0	0	0		0	0	0	0	225
	SK	0	0	0	1	0	0	0	0	1	15	0	0	43	0	0	0	0		0	0	0	60
	FI	1	0	8	9	0	0	0	0	0	0	0	0	6	0	0	0	0	0		0	0	24
	SE	0	0	0	4	0	0	0	0	0	0	0	0	21	95	0	0	0	0	1		0	121
	UK	2	1	0	90	0	0	0	0	1	0	0	0	172	0	0	0	0	0	0	1	0	267
	IS	0	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		6
	LI	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	3
	NO	0	1	0	6	0	0	0	0	0	0	0	0	15	0	0	0	0	0	0	1	0	23
	CH	3	0	0	30	0	0	0	0	0	0	0	1	111	0	0	0	1	0	0	0	0	146
	TOTAL	1 166	120	12	1 024	289	5	0	0	90	430	0	592	2 406	486	380	200	109	190	44	3	0	7 546

SOURCE: DATA ON PDS A1 AND ON PRIOR NOTIFICATION TOOLS PROVIDED TO THE NETWORK OF EXPERTS ON STATISTICS ON FREE MOVEMENT AND SOCIAL SECURITY COORDINATION (FMSSFE)

TABLE OF TABLES

Table 1: Types of legal provisions covering seasonal work in key destination countries	22
Table 2: Estimates of intra-EU seasonal workers, posted workers in key seasonal sectors	34
Table 3: Estimates of undeclared work in agriculture and accommodation and food services, based on intra-EU seasonal worker estimates and estimated rates of undeclared work per sector in 2015	35
Table 4: Estimates of seasonal workers in agriculture and accommodation and food services or adjacent sectors, based on official estimates and stakeholder/expert contacts	40
Table 5: Most common countries of origin and destination of seasonal workers	43
Table 6: Country-specific examples of challenges concerning information and redress on rights ...	48
Table 7: Country-specific examples of challenges concerning wages	52
Table 8: Examples concerning challenges in relation to accommodation	53
Table 9: Sectors of work covered by national regulations on seasonal work	67
Table 10: Definitions of seasonal work from EU legislation and international organisations	68
Table 11: Employees on 1-6-month contracts by sector and nationality, as a share of all of the same nationality in the sector, and aggregate of all employees in the sector 2019.....	73
Table 12: Number of employees in EU-28 by NACE sector and nationality group, 2019	75
Table 13: Share of employed in accommodation and food services and in agriculture, forestry and fishing from the total economy, Q3 2019 and total number of employed in the sector (in 1 000s)	76
Table 14: Employees on temporary contracts of 1-6 months (1 000s), EU-28 aggregate, 2015-2019	77
Table 15: Employees on temporary contracts in absolute numbers (1 000s) and as a proportion of all employees on temporary contracts, by sector and nationality on an EU-28 level, 2019....	78
Table 16: Number of PDs A1 issued according to Art. 12 , in agriculture, by competent/sending Member State (columns) and receiving Member State, 2019	79
Table 17: Data on posting (PD A1) according to Art. 12 in accommodation and food services by competent/sending Member State (columns) and receiving Member State 2019	81

TABLE OF FIGURES

Figure 1: Employment per quarter compared with annual average*, EU-28, average for 2017-2019	19
Figure 3: Number of employees in contracts of varying duration (in 1 000s), nationals and EU-28 movers by NACE sector and by length of contract, EU-28, 2019.....	20
Figure 4: Number of employees in temporary contracts by sector and length of contract (in 1 000s), all nationalities, EU-28, 2019.....	21
Figure 5: EU movers employed in agriculture, in absolute numbers (1 000s) and as a percentage of all employed in the sector per Member State, 2019	27
Figure 6: EU movers employed in accommodation and food services, in absolute numbers (1 000s) and as a percentage of the whole sector per Member State, 2019	28
Figure 7: Shares of different types of labour in agricultural holdings in the EU-28, by country (in annual work units)	28
Figure 8: Quarterly employment levels in accommodation and food services for EU-28 aggregate and key destination countries (expressed as a percentage of Q1 2017), 2017-2020	30
Figure 9: Quarterly employment levels in agriculture for EU-28 aggregate and key destination countries (expressed as a percentage of Q1 2017), 2017-2020	30
Figure 10: Number of postings (PDs A1) in agriculture, by sending Member State, 2019	45
Figure 11: Number of postings (PDs A1) in accommodation and food services, by sending Member State, 2019.....	45
Figure 12: Employment per quarter compared with annual average*, NACE-2 sub-sectors of Agriculture, forestry and fishing and Accommodation and food services in EU-28, average for 2017-2019.....	69
Figure 13: Employment per quarter compared with annual average* in Austria, 2017-2019 average	69
Figure 14: Employment per quarter compared with annual average* in Belgium, 2017-2019 average	70
Figure 15: Employment per quarter compared with annual average* in France, 2017-2019 average	70
Figure 16: Employment per quarter compared with annual average* in Germany, 2017-2019 average	71
Figure 17: Employment per quarter compared with annual average* in Italy, 2017-2019 average	71
Figure 18: Employment per quarter compared with annual average* in the Netherlands, 2017-2019 average	72
Figure 19: Employment per quarter compared with annual average* in Spain, 2017-2019 average	72
Figure 20: Authorisations for the purpose of seasonal work, by country and by sector of activity, sorted by total number of authorisations, 2019.....	74

GETTING IN TOUCH WITH THE EU

In person

All over the European Union there are hundreds of Europe Direct information centres. You can find the address of the centre nearest you at: https://europa.eu/european-union/contact_en

On the phone or by email

Europe Direct is a service that answers your questions about the European Union. You can contact this service:

- by freephone: 00 800 6 7 8 9 10 11 (certain operators may charge for these calls),
- at the following standard number: +32 22999696 or
- by email via: https://europa.eu/european-union/contact_en

FINDING INFORMATION ABOUT THE EU

Online

Information about the European Union in all the official languages of the EU is available on the Europa website at: https://europa.eu/european-union/index_en

EU publications

You can download or order free and priced EU publications at: <https://publications.europa.eu/en/publications>. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see https://europa.eu/european-union/contact_en).

EU law and related documents

For access to legal information from the EU, including all EU law since 1952 in all the official language versions, go to EUR-Lex at: <http://eur-lex.europa.eu>

Open data from the EU

The EU Open Data Portal (<http://data.europa.eu/euodp/en>) provides access to datasets from the EU. Data can be downloaded and reused for free, for both commercial and non-commercial purposes.

