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Statement of the European social partners in agriculture

GEOPA-COPA – EFFAT

"*Social security for cross-national seasonal workers: effective social protection for workers and manageable administrative burden*"

The agricultural sector is characterized by seasonality. Several EU Member States (MSs) would not be able to afford seasonality solely recurring to their national workforce and so they use migrant working force. In EU it's estimated that 5 million European agricultural workers cross Europe every year to work.

Having into consideration the Regulation (EC) 883/2004 on the coordination of social security systems, which is into force since 2010, an employee that normally pursues his/her working activities in two or more EU MSs, is subject to the legislation of the MS where he resides in case of substantial part of this activity (25%) is pursued in that MS, though other working activities, "simultaneously" or "alternatively" are pursued elsewhere throughout the year.

Consequently, in many cases, cross-national seasonal workers should not be subject to the social security regulatory system of the country where the work is carried out but "to the legislation of the Member State of residence" (art. 13, n°1, a) and art.13, n°2, al. a)).

Yet, this Regulation is not being respected in many EU MSs. Some workers and employers are not aware of these changes and others simply cannot comply with the rules.

If one farmer employs 200 agricultural workers for two or three months of three or four "MSs of residence", the farmer is not able to comply with the social security burocracy of these three or four EU MSs. Apart from the amount of time spent, the contact with other national authorities systems might be very difficult, if not impossible, due to language constrains and different legal realities.

GEOPA-COPA and EFFAT wish to encourage a debate at EU level on the specific subject "Social security for cross-national seasonal workers".

European legislation and comparative law should be analysed to provide good practices (legal and administrative) and possible solutions at international level (e.g. international agreements) should be explored. This is strategic for the employers and for the cross-national seasonal workers in agriculture, for the Social Partners and to the EU MSs due to its implications in the public spending.

It's urgent to identify adequate solutions which, while respecting EU norms and an effective social security protection for workers, can assure to undertakings a manageable administrative and procedural requirements.

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