

## THE MIGRATION OF LABOR FORCE WITHIN THE EU

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**Abstract:**

*Within the European Union, the migration of labor force has stimulated politics leading not only to a high level of occupancy but also to the modernization and improvement of the existent social security system and the creation of a community system that ensures the social protection of migrant workers.*

*Free circulation of people is a fundamental liberty guaranteed by the community legislation and encompasses the right to live and work in another member state. On the other hand, the community treaties provide the possibility of restricting its application for citizens of states that have newly adhered to EU but these restrictions only regard the free circulation with employment purposes and can differ from a member state to another.*

**Keywords:** *migration, labor force, migrant workers, migration politics, free circulation of people.*

At present, all member states of the European Union are affected by the flux of international migration. They have agreed to develop a common policy regarding European migration. The Committee has made numerous propositions for the development of this policy, many of which became an integral part of EU legislation. The main objective is a better management of the migration flux by using a coordinated approach that takes into account the economic and demographic situation of EU.

In spite of the restrictive immigration policies that exist in numerous member states ever since the 70's, a great number of illegal immigrants continued to enter European territory along with people who were in search of asylum. Taking advantage of people in search for a better life, a number of traffic and smuggling networks infiltrated the European territory. This situation leads to the necessity for assigning considerable resources to fight against illegal immigration, especially aiming traffickers and smugglers. Moreover, it is a known fact that EU needs immigrants in some regions in order to satisfy the economic and demographic needs. [1,129]

The most important aspect is that the status of European demographic is not in accordance with the attitude of the political leaders of developed countries. The aging of the population and implicitly its decrease will determine more and more imbalances of the

labor market in its whole. There will be a shortage of labor force that can only be adjusted by the free circulation of the labor force. [2]

Acknowledging that a new approach regarding the management of migration is necessary, the EU leaders have decided, during the European Council of October 1999 that took place in Tampere (Finland), on the required elements of an immigration policy on a European level. The approach established at Tampere in 1999 has been confirmed in 2004 by adopting the Haga Programme which establishes the objectives for the consolidation of liberty, security, and justice within EU between 2005 and 2010.

At the same time, the Committee's plan of 2005 regarding legal migration is a nonlegislative document of the European Committee which establishes the EU priorities regarding legal migration. The context of these priorities depends on the growing need of the EU to attract labor force from third countries in order to sustain the economic growth within the EU.

Subsequently, through the Stockholm Programme adopted in May 2010, there have been defined the major priorities of the European Union regarding justice, internal affairs and immigration between 2010-2014, this being a continuation of the Programmes of Tampere (1999-2004) and Haga (2005-2009). Within the range of legal immigration, the program provides the taking of some measures to regulate the state and the labor conditions of different categories of workers from third countries, according to the Committee's Plan regarding legal migration (2005).

A study of the United Nations Organization shows that Europe cannot come out of the crisis without import of people. The EU, in order to withstand the economic challenges, will have to annually attract 6.1 million specialists (people with higher education or qualified for a technical profession) between 2015 and 2040.

Likewise, it is remarked that the improvement of labor conditions and the keeping of workers' rights are some of the most important objectives of the European Union through which it aims that the development of the single market is not followed by a decrease in labor standards or distortions. [3, 269]

The priorities of the European Community for the labor legislation are directed to the definition of the minimal labor requirements through national legislation.

At this point, the situation of the labor force in the EU is the following:

- the European population is continuously decreasing which also affects the active population on the labor market (the Romanian population of 2050 will be of approximately 17 million – the second highest decrease in the EU after Bulgaria);
- it is foreseen that by 2050 the active population of the labor market will decrease by more than 10% or 50 million people;
- the aging of the population and the increase of life expectancy negatively participate to the diminution of the EU's labor force;
- internationally, USA attracts 55% of the highly qualified labor force while the EU attracts only 5%, the fact which will determine the decrease of the competitiveness of the European economics;

Due to the lack of the judicial frame, the immigrants of third countries who come on EU territory are forced to work illegally thus not paying taxes and not benefiting from access to health, education and basic public services.

All these factors lead to the idea that the European Union needs to attract labor force both highly qualified and unqualified from third countries, therefore, taking some regulatory measures for legal migration on a European level is overdue.

However, despite the efforts made by the EU to solve the migration issue and to satisfy the regional economic and demographic needs, it does not focus enough on issues and implicitly solutions that could come from within European borders.

Thus, for the citizens of the newly adhered member states to the European Union, namely: Bulgaria and Romania (and until recently the Czech Republic, Estonia, Letonia, Lithuania, Hungary, Poland, Slovenia and Slovakia) there are temporary restrictions for the liberty of movement of the labor force enforced by the other member states of the EU.

Presently, 8 out of the 27 member states of the EU apply a restriction to Romanian citizens who wish to work in another member state of the EU. The states applying this restriction are Austria, Belgium, France, Germany, Luxemburg, Malta, Great Britain and Holland.

Spain, Portugal, Hungary, and Greece have stopped applying the transitory regime to Romanian citizens since the 1st of January 2009 and Denmark since the 1st of May 2009. [1,132]

The access of Romanian citizens to the labor markets of other states that have restrictions is granted based on the national legislation of that state and on the potential bilateral agreements regarding the circulation of labor force signed by Romania and these states (mainly with Germany, Spain, and France).

The free circulation of people is one of the fundamental liberties granted by the community legislation and includes the right to live and work in another member state. The right to free circulation does not refer only to workers but also to other categories such as students, pensionaries and all the EU members in general. This is probably the most important right provided by the community legislation regarding people and it is an essential element both for the internal market and for the European citizenship. [4, 253] The community treaties provide the possibility of restricting the application of this liberty during a period of maximum 7 years for the newly adhered states. These restrictions only regard the free circulation with the purpose of employment and can differ from a member state to another. [5, 254]

In the case of Romania, by the Treaty of Adherence of Romania to the European Union, there has been established the possibility of applying some transitional measures during a period of 2 years to regulate the right of every member state to establish the access policy for employment for people from the member states of the European Union that are newly adhered according to the situation of the national labor market so as to not cause an economic imbalance and to not put higher pressure on the social security system.

The application of the transitional measures could be extended to a subsequent period of another 3 years. After this, a member state of the EU that applies transitional measures can be authorized to continue the practice for another two years, but only if it is going through a serious imbalance of the international labor market. The transitional dispositions cannot extend to a period longer than 7 years.

Thus, Romanian workers should be given priority before the workers from third countries and at the same time, once the worker is granted access to the labor market, he/she needs to benefit from equality of treatment. [1, 153]

Presently there are several documents within the European Union that approach the issue of the free circulation of workers.

In July 2010 the European Committee has published a Communication on " The reaffirming of the free circulation of workers: rights and major evolutions" which recounts a general perspective over the rights of the migrant workers within the EU and discusses the rights of workers that are in a more vulnerable situation than national workers.

After this communication, the European Parliament, namely the Committee for Employment and Social Affairs, has opened the debate of the Report over the Free Circulation of Workers within the EU which analyzes the present situation of the member states and comes with concrete suggestions for the future.

In spite of the general fear regarding the immigrant issue, namely that a powerful flux from countries that are less developed to more prosperous ones would lead to the loss of numerous jobs for the citizens of the latter or to salary decreases, the report shows that recent studies prove the irrelevance of these factors, on the contrary, sustaining that the migration of labor force has granted numerous benefits to the European Union. Moreover, the same studies say that the illegal migration of workforce has experienced a significant decrease because of the liberty of circulation of the workforce.

The starting point of this approach, which must be reached on a European level, is the acknowledgment of member states that the free circulation of workers is a fundamental right and that the exercise of this right does not cause negative effects on the labor markets. At the same time, a clear need for adapting the labor force migration to the existent strategies on a European level is visible, especially to the EU 2020 strategy. The present situation and the laws learned from the financial crisis have revealed a new spectrum of possibilities to stimulate economic performance and to increase employment rates. [6, 89]

The main point of the report, which must be understood by all member states, is that as long as there are no registered negative effects caused by the mobility of labor force, especially after the two EU extensions of 2004 and 2007, there is no socio-economical reason to mention the restriction of free circulation of labor force, especially for Romanian and Bulgarian citizens. All unnecessary administrative procedures that can delay or prevent the exercise of the right to free circulation of workers are seen as

unjustified and must be promptly eliminated; they were an economical and social burden.  
[6, 91]

The economic arguments for opening the labor markets gain more and more power within the present European situation. The overprotectiveness over the liberty of movement of workers will create distance between the member states and a lack of trust that may affect the performance of the European Union as a part of the world market and can weaken its competitiveness position.

In terms of legal migration, there is a fundamental issue within the European Union regarding the gap between what is declared and is agreed on a European level and the politics of each member state. There is, on one side, the ambitious objectives of the Stockholm Programme which emphasize EU's need for legal immigrants to solve the demographic issues of the European labor market. However, on the other side, what really happens is the exact opposite of the European strategy namely a growing closure of the labor market to immigrants.

The treatment of Romanians and Bulgarians leads to the second fundamental issue of the EU regarding legal migration namely the discrimination on the European labor market of workers from new member states.

Practically, after more than 10 years since their adherence, Romania and Bulgaria are treated within the Union as any other third country. The citizens of the two new member states have limited access to the labor market of certain occidental European states. This second-hand citizen's treatment can also be found in the case of seasonal work which is performed by many Romanian and Bulgarian people in countries such as Spain, Greece or Italy.

An improvement is necessary for the European legislation that can drive things in the right direction. Continuing to implement the legislative package regarding legal migration is essential. The labor conditions, especially for seasonal workers must be highly improved because, as far as this field is concerned, standards start very low, a level which violates fundamental rights and practices of modern slavery.

Procedures for granting work and residence permits must be simplified and must grant real social and economic rights to all legal immigrants who work on the EU territory.

A fact equally as important is that the mediators that ensure the immigrant recruitment must be closely monitored and controlled because, most times, they behave as organized crime networks promoting forced labor, prostitution, sequestration.

At last, it is believed that when creating a regulation for legal immigration one must first observe its own country and see that there are major issues in this regard even in what regards the migrational intra-European flux.

Romanian and Bulgarian citizens still have to deal with discrimination in numerous member states. Moreover, citizens from outside the EU sometimes benefit from better labor conditions than the ones previously mentioned a thing which violates the principle of community preference.

Restrictions on the labor market for the citizens of the two states must be urgently lifted in order to enable the effective circulation of all European citizens, a fundamental value of the European Union. Furthermore, I am convinced that enabling total liberty of the labor force within the EU is an important advantage for the economic recovery of the whole Union. [7, 236]

#### *Assessments Regarding the Migration of Labor Force within the EU*

The importance of the migration phenomenon has registered a continuous growth during the post-war period. Apparently, this phenomenon does not need special measures regarding national social security. However, reality has proven that the existent regulation must be permanently perfected and adapted to the evolution of migration, so as their applicability to be more efficient. [6, 110]

Within the European Union, the migration of labor force has stimulated policies that lead not only to a higher level of employment but also to an improvement and modernization of the existent social security systems and creating a community system to ensure the social protection of immigrant workers.

The free circulation of people – the fundamental principle of the European Union – would not be possible if the social security rights of the migrant workers and their families would not be ensured.

The perspective of the eastern expansion of the European Union generated through the old member states a series of fears regarding labor force migration. It can be proven however that these fears are proven in very few cases and, eventually, only from

the point of view of the national interest. At the level of the European Union, the free circulation of people is a means to create a European labor force market, more efficient and flexible, benefitting the workers, employers and the member states. [6, 115]

In fact, the effects of labor force migration are very complex, connected both to the economic and demographic aspect and for the new and future member states which will be the main providers of migrant labor force within the European Union during the following years, the migration phenomenon has multiple effects: financial-economical, social and occupational, political and cultural.

For this reason, accepting workers who come from the new member states as means to sustain and grow both the economy and the social security systems and the pensions programme, will be a particular concern of the European Union.

Free circulation of people, especially workers, has therefore certain advantages both for the old member states of the European Union – mainly the destination states for migrant workers – and for the new future member states. It probably is the most important individual right within the community legislation and an essential element both for the Internal Market and for European citizenship. Therefore, it is very important that the candidate states and the workers know the consequences of this liberty. [7, 240]

Migration has existed ever since the beginning of mankind. The phenomenon has not ceased in time but has changed and taken new forms. Migration processes happen simultaneously and are growing in multiple countries all over the globe. One of the long-term results of this evolution would be the apparition of multicultural societies, aiming for new concepts of citizenship or national state. The majority of developed states have become diverse, multiethnic societies and the ones who did not reach this level yet have a decisive orientation in this direction.

For researchers from the migration domain, it has become clearer that this phenomenon must be regarded as a natural and structural element of human society throughout history.

For the citizens of the EU member states the free circulation of workers has been one of the first community recognized rights. The competition with the politic socialist model of Central and Eastern Europe has helped the development of policies that lead not only to the achievement of a higher level of employment but also to the improvement



and modernization of the social security systems and therefore to the evolution towards the general welfare states of Western Europe. Heavy industry, manufacturing, construction and public activity fields have been developed determining an important economic growth in European countries.

During the last years a growth in permanent migration and the temporary migration of the labor force has been registered as a result of, on one hand, the intensity of the expansion at the end of the 90's and, on the other hand, the development of the information and communication technology, health and education, fields that need highly qualified labor force. At the same time, there has been a growth in the demand for unqualified labor especially in agriculture, constructions and public works, as well as domestic services (in the case of Italy, Spain, Greece, and Portugal).

After 1989, migration has grown especially in Germany and Great Britain, the policies regarding the recruitment of foreign labor force favoring the solution of temporary foreign workers. At the same time, foreign students have contributed to the coverage of the necessary labor force within the host countries (Great Britain, Germany, France and Spain).

During the 90's the number of female workers amongst migrants has also grown. This is especially observed in France, Greece, Sweden, Great Britain, and Italy. The feminization tendency is observed in every component of migration fluxes not only in the case of family reunification.

The countries from Eastern and Central Europe are not only emigration states but also transitional and immigrational becoming attractive for the immigrants from the Extreme Orient. While the population from Central Europe (the Czech Republic, Slovakia, Hungary, and Poland) migrates to Western Europe, the same countries become a destination for migrants from the Eastern European countries such as Belarus and Ukraine. At the same time, illegal migration has taken new dimension and has become more dangerous. As a consequence of the development of international trafficking networks and the growth of their role in the international circulation of the labor force, the policies of the member states regarding migration and employing foreigners have increased the repressive measures against trafficking, illegal employers or immigrants.

[5, 50]

Since the second half of the 90's, discussions regarding the effects of international migration of highly qualified workers have intensified. In Europe, the migration of specialists and students of Central and Eastern Europe to Western Europe has been observed after the fall of the Berlin Wall and the socialist regimes of 1989. Countries such as Great Britain, Germany, and France have adopted certain measures to ease the entrance of highly qualified people, especially IT specialists, in order to cope with the global competition for such workers. The requirement for highly qualified workers can mostly be satisfied by developing countries, the direct benefits of the "brains' migration" still be greatly appreciated. The specialists' import still takes place even if its significance has decreased. It can, however, be seen that a growth in the reverse flux of specialists, from rich countries to the less developed ones, as a result of the decrease of demand for highly qualified staff because of the growth in economic efficiency in developed countries. At the same time, the capital and direct investments will go to poor countries, attracting specialists from rich ones. [5, 52]

The connections between demographic changes and policies regarding migration, including the migration of highly qualified people, will represent an important problem in the near future. It is to be expected that some of the member states will prefer that the specialists' migration to develop regulations and procedures to facilitate it. The European Union will have to also identify, at the same time, solutions to limit the negative effects of the "brain exodus" over the development of the states of origin.

The OECD statistics regarding migration show that, in the last years, the number of foreign workers has grown in the majority of the developed European countries. Immigrant workers are, on average, younger than the rest of the labor force and are distributed to a wide range of activities throughout the economy: agriculture, constructions and civil engineering, light industry, tourism, the hotel, and catering field, domestic activities or various services including informatics. Foreigners have a higher average in certain fields than within the total of the workforce. Usually, this over-representation occurs in the secondary field. In Germany and Italy, for example, more than a quarter of the foreign labor force is employed in the mining and industrial fields. In Austria, Belgium, France, and the countries from the South of Europe foreigners are preponderant to the constructions field.

Generally, foreigners are more vulnerable to unemployment than inland. Likewise, foreigners are differently affected by unemployment depending on their nationality. These differences occur due to economical tendencies but also because of the nature of the activities performed by foreigners. The same influences are inflicted by the demographic structure of the foreign population and the moment when migrants have entered the host country. The degree of employment of migrants is also determined by their profiles. Unemployment varies depending on age, gender, nationality, migrant category (refugees, family member or worker), abilities, professional experience and the duration of the stay. Knowing the language of the host country significantly contributes to the integration in the labor market and in society. [1, 205]

The European Union presently considered that an integrant and extensive approach is to be desired for a better management of the migration phenomenon. The member states must establish exactly the conditions for the citizens of other states can enter and live on their territory, the rights and obligations of these people and ensure their access to information as well as to the functional control mechanisms. The external policies and and the current programmes of the European Community for the support of human rights, the consolidation of democracy, decrease of poverty, job creation and improvement of the general economic situation of the countries involved in the circulation of workforce, in the migration phenomenon, are essential instruments for the decrease of migration pressure.

The member states of the European Union face very different situations regarding migration: different migration history, different level of economic dependency on immigration, and, not lastly, a different preoccupation regarding the tendency of the manifestation of migration in the last period.

The circulation of labor force encourages the dissemination of technical knowledge and the modern work methods between the states affected by the migration phenomenon. Likewise, within the European Union, the free circulation of people enables the assimilation of a European way of thinking. On one hand, in the origin country, the unemployment rate drops and the salaries grow, the migration of labor force decreasing the imbalance of the labor market. At the same time, there occur new factors of economic

growth: the transfer of the income of the migrants and the improved qualifications of the workers who come back.

On the other hand, in the destination country, the human resources reserve grows which leads to the slowdown of the salary and capital increase.

The negative effects of migration for the origin countries are determined by the loss of highly qualified labor force but also by the consequences of illegal immigration, namely the need to integrate the repatriated within society and the labor market. For migrant workers, the main advantage is the possibility to find a workplace, according to abilities and qualifications, most times gaining a higher salary than in the country of origin. Accepting an employment offer from abroad makes professional evolution on a medium and long-term uncertain. Moreover, immigrant workers are mostly willing to make compromises regarding the type of activity they are going to perform abroad in relation to their studies, qualifications, and abilities gained in the country of origin. The interruption of the specialized activity has a negative impact on professional continuity as well as on the necessary ability for practicing that certain profession upon returning to the home country.

From this perspective, the emigration of the qualified and highly qualified personnel is a loss for the state of origin, it not being able to benefit from the result of its investment in forming human resources. For the countries of origin, the departure of specialists can have an effect the decrease of technological development, economic growth, income and employment in certain fields.

The migration of labor force within the EU and the issues it causes has a very important place on the work agendas of European organizations and governments from the European community space. The discrepancy between the sovereign right of the states that wish to protect their internal labor market and the fundamental rights of the individual who, for various reasons, is forced or chose to migrate in search of a workplace is accentuated more and more. [1, 210]

There are, however, states that, although officially combat illegal migration, they informally tolerate it for various reasons – the need for cheap and unqualified labor, the possibility to quickly reduce, during certain periods, the number of migrants through forced repatriation etc. This only encourages a series of illegal practices and, at the same

time, causes multiple negative consequences for migrant workers regarding their social security rights, labor conditions, representation.

## **Conclusions**

For the European Union, the free circulation of people is a means to create a more efficient and flexible European labor market, for the benefit of workers, employers, and the member states. It is recognized on a community level that the mobility of workforce allows individuals to improve their perspectives regarding career and employers to recruit the staff they need. It is, therefore, an important element in the creation of an efficient labor market and a high level of employment. To ensure the mobility of labor force within the Community – which implies the elimination of any form of discrimination based on nationality – the community judicial frame has continuously developed and perfected itself.

The level of income, the salary differences, the harsh labor conditions, the inequalities between individual determine the emigration of the labor force. The increase of unemployment and the loss of job, the general growth of prices as a result of the growth of inflation, the widening of the discrepancy between salary levels, the deterioration of living conditions and health determines the reduction of the migrants' capacity to move and live in another country, determining the decrease of emigrant flux from the states of origin to the main destination states within the European Union.

On the other hand, the improvement of living standards by the growth of the GDP/resident, the growth of life expectancy, determines the growth of immigrant flux mainly due to the access to the necessary financial resources for this process. [8, 12-17]

The effects of the migration of labor force are very complex, because, on one hand, migrants increase the labor force of a country, with the consequences unfolding from this, and, on the other hand, it generates new jobs and increase the demand for a series of activity fields. At the level of community labor market, the economical migration prevents the growth and even decreases the costs of the labor force, thus participating in the growth of international competitiveness.

Taking into account the already evident tendencies in the dynamics of demographic tendencies, with the perspective of the decrease of the population of

Romania during the following decades up to 16 million people, it is clear that the need for adopting a new national strategy occurs regarding the management of demographic issues and issues regarding the jobs from our country, strategies that take into account the emigration of population and the free circulation of people who are tempted to go work abroad.

At the same time, we should ask ourselves how the migration flux will affect the final lift of transitional measures. We will witness a reorientation of fluxes towards Germany and Austria, for example, who hold more important growth factors and who, in spite of the transitional measures in force, has already attracted a great number of workers from the new member states? Will Romanians actually be tempted to work in developed countries from the Western side of Europe?

The current economic crisis makes its presence known in the evolution of the migrational fluxes as well. A common effort from the member states of the EU is needed in order to better manage migration and the labor market in order to create a sustainable future.

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