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Directorate C – Migration & Asylum  
C.2 – Legal Pathways and Integration

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## Fourth Meeting of the Labour Migration Platform

21.03.2024 (9:30 – 17:00)

Conference Centre Albert Borschette

Rue Froissart 36 – Brussels, Belgium

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### Minutes

#### 1. Nature of the meeting

The fourth meeting of the “Labour Migration Platform” brought together representatives of Member States’ migration and employment sectors and European Social and Economic Partners, as well as relevant stakeholders active in labour migration. The topics of the meeting were measures and best practices to tackle undeclared work and labour exploitation of third-country nationals (morning) and the role of third-country nationals in the long-term care sector in the EU (afternoon).

#### 2. List of points discussed

##### A. Welcoming remarks

**COM** opened the meeting by highlighting the importance of promoting the exchange of best practices among migration and employment authorities. **COM** outlined the latest developments since the last meeting in October 2023, with the adoption of the EU Talent Pool proposal (November 2023) and the political agreement on the recast of the Single Permit Directive (December 2023), as well as the recent adoption of the Communication outlining an Action Plan to tackle labour and skills shortages in the EU (March 2024). **COM** recalled that, given the significant labour shortages and demographic challenges faced by the EU, the attraction of workers and talent from outside the EU is a growing priority. In this context, **COM** reiterated the need to also ensure consistent enforcement of national and EU legislation to combat labour exploitation of migrant workers and ensure fair and decent working conditions for all. **COM** considered as crucial to

undertake additional efforts to address undeclared work and labour exploitation and focusing on specific sectors like the long-term care. Finally, **COM** concluded by stressing the importance of these topics in preventing irregular migration.

## **B. Measures and good practices to fight undeclared work and labour exploitation of third-country nationals**

**COM** highlighted the role of the European Platform Tackling Undeclared Work which has become a focal point for practitioners' exchanges concerning undeclared work across Europe. **COM** underlined the need to design and implement effective cooperation procedures among labour inspectorates, law enforcement and migration authorities in order to tackle undeclared work and labour exploitation of third-country nationals. Besides, **COM** also stressed the key role of social partners and NGOs in supporting migrant workers to step forward without fear of facing sanctions or return.

### *National administrations and their strategies to address undeclared work and labour exploitation of third-country nationals*

**NL** and **SE** authorities presented the main challenges they face as well as the strategies put in place to address undeclared work and labour exploitation of third-country nationals. **NL** indicated, among others, that cooperation with tax authorities as well as public employment services is essential and stressed the good cooperation with the European Labour Authority (ELA) in cross-border situation (through joint inspections). **SE** presented its definition of "work-related crimes", a wide definition that allows for a multi-sectoral and level approach to tackle undeclared work and labour exploitation. While this approach is relatively recent, it already led to an increase in the number of inspections and more positive outcomes of such inspections.

### *Tour de table*

Some Member States stressed the importance of good cooperation and information sharing among different authorities (**FI, EL, RO**), notably through the creation of dedicated taskforces (**AT**). **IT** stressed the need to have comprehensive approaches, involving a wide range of stakeholders. There was agreement that improving the gathering and exchange of data are essential aspects for tackling undeclared work and labour exploitation of third-country nationals (**IT, NL, FI, ES**). In this context, **ES** aims to use artificial intelligence and developing a draft legislation on combating human trafficking linked to labour exploitation. **NL** indicated interest in reinforcing ELA's capacities in exchanging data between Member States. Dialogue and collaboration with trade unions (**ES, ETUC**), employers (**BusinessEurope**), NGOs (**ES, IT**) and Public Employment Services authorities (**DE, SGI-Europe**) were also deemed crucial in supporting vulnerable workers in claiming their rights. Intervening Member States also acknowledged the added value of ELA in jointly tackling abusive situations (**NL**) and providing information (advice centres in **DE**), and in favouring exchanges of best practices and capacity building opportunities (**ES**). Best practices such as disseminating information through multiple channels, and ideally in different languages (**AT, EL**), were also mentioned.

### *The role of NGOs and social partners to fight undeclared work and labour exploitation of third-country nationals*

Representatives from the **Italian Federation of Agro-Industrial Workers (FLAI-CGIL)** and **Fair Mobility** shared their insights on the role of NGOs and trade unions in

fighting undeclared work and exploitation of TCNs. **FLAI-CGIL** presented its activities, notably the ‘Raise UP’ project aiming at tackling undeclared work and labour exploitation in the agricultural sector, and the “sindacato di strada”, a strategy to assist migrant workers by offering guidance on labour and social laws and providing “safe spaces” for interaction with other migrant workers. **Fair Mobility** presented its experience in enhancing administrative cooperation and access to information notably through information and counselling centres for posted workers in both sending and hosting countries.

*Closing session (morning)*

**COM** underlined that the Platform on Undeclared Work could help in the future to further explore the collaboration between employment and migration authorities, not only with regards to undeclared work, but also by promoting exchanges on barriers to inter-agency collaboration. **COM** suggested that the Platform on Undeclared Work could also help explore ways to improve worker protection and ways to develop collaboration with advisory services for migrants.

**C. Third-country nationals in the long-term care sector in the EU**

**COM** recalled that the long-term care sector in the EU faces significant labour shortages at the EU level (up to 7 million job openings are expected to emerge by 2030). **COM** indicated that Member States struggle to attract and retain care workers due to inadequate skills, difficult working conditions and low wages. **COM** explained that exploring legal and ethical migration pathways for long-term care workers could potentially contribute to addressing workforce shortages.

*State of play of the European Care Strategy*

**COM** recalled that the care sector is an important sector for the EU’s economy in the context of an ageing EU population, underlining that women carry the biggest burden of care. **COM** provided a state of play of the European Care Strategy (2022), which seeks to ensure quality, affordable and accessible care services across the European Union and improve the situation for both care receivers and the people caring for them, professionally or informally. Long-term care is one of the cornerstones of this strategy. **COM** presented the Council Recommendation on long-term care adopted in 2022, which aims to improve access to affordable, high-quality long-term care for all people who need it and concerns all people in need of long-term care, and all formal and informal carers.

*Results of the feasibility study on attracting third-country nationals for the long-term care sector in the EU*

As a follow-up to the Skills & Talent package (April 2022), **COM** launched in 2023 a feasibility study on attracting long-term care workers from non-EU countries. **COM** recalled the aims of the study: (1) better understand the role of third-country nationals in the long-term care sector in the EU, (2) explore options for creating legal pathways to attract such workers to the EU and (3) formulate recommendations for the Member States and the EU, while ensuring fair and ethical recruitment and treatment of third country long-term care workers. The outcome of the study was presented by **RAND EUROPE** (as part of the consortium conducting the study) and confirmed the critical shortages of long-term care professionals across all Member States, especially nurses, and the challenges to attract more workers to this sector. The study also identified four policy pointers that could be used to facilitate the admission and recruitment of third-country nationals in the long-term care sector: (1) EU guidelines and stakeholder cooperation platform, (2) non-binding EU initiative on long-term care workforce, (3) binding EU law

introducing a long-term care-specific visa for non-EU workers and (4) international cooperation between EU Member States and third countries, notably through Talent Partnerships. MS were invited to share their views on the policy pointers of the study.

#### *Presentation of national good practices*

**DE** presented best practices and strategies put in place to fill labour shortages in the long-term care sector in Germany, and notably pilot projects, which focus primarily on improving the quality of work, changing the culture of work in the long-term care sector, and creating an overall modern immigration framework that facilitates attracting skilled workers (Skilled Immigration Act). **DE** mentioned concrete actions in this regard such as the creation of common curricula with partner countries, the simplification of recognition procedures, the academisation of nursing care or the creation new job profiles.

**DE** presented the Triple Win Programme, set up in 2013, as one example which contributes to achieve these targets. Within this program, nursing staff from third countries (for the moment these countries are Bosnia-Herzegovina, the Philippines, Tunisia, Indonesia, India and Jordan) is recruited for the German labour market. Prior to their departure, they attend language courses up to level B1, a four-day specialist nursing course and a one-day orientation course (“life in Germany”) and upon arrival in Germany, they receive integration support. As a result, employers can hire linguistically and professionally well-prepared nurses. The Triple Win Programme reflects that integration is an important factor, which in Germany - in particular - takes place via the employer. However, it is also to be mentioned, that in **DE**, up to 90 % of the LTC workers are hired via private service agencies which may lead to challenges in enforcing fair recruitment processes. **DE** also mentioned its legislation adopted in 2021 ensuring the quality of the recruitment of nursing staff from abroad, which provides for the protection of nursing staff through the compliance with standards for fair recruitment and transparency, specific requirements for agencies and health and care facilities and independent testing and monitoring. Finally, **DE** referred to the high costs of recruiting workers from third countries.

#### *Tour de table*

Member States exchanged best practices to attract workers in this sector (**IE**), including through lower salary thresholds (**BE**), absence of single permit fees (**DE**, **MT**) or labour market tests (**BE**, **MT**), fast-track procedures (on recognition of qualifications, authorisation to work, e.g. in **DE** or in **DK**, where a new legislation on facilitating the whole process for hiring care workers from third countries will enter into force in July 2024, or in **ES** where changes were introduced to facilitate the recognition of qualifications) and bilateral agreements with third countries (**AT**, for example, signed a Memorandum of Understanding with the Philippines in October 2023 aiming to improve recruitment processes and attract skilled workers; **DK** signed a mobility partnership agreement with India, referring to the health sector as a point of common interest; **ES** is working on a project with Colombia on education and training in the long-term care sector and has an agreement with Philippines since 2006, which is however not a lot used); **EL** has bilateral agreements with Moldova, Georgia and the Philippines).

**BE** referred that most third country nationals working in the long-term care sector enter the country to pursue studies on health-related matters and are hired to work on long-term care after finishing their studies, thus allowing for an easy transition and integration in the job market (in terms of qualifications and language requirements). **CZ** welcomed the EU Talent Pool and highlighted the vulnerability of workers in the care sector. **CZ** is introducing a new institute for accredited employers for third-country nationals to ensure

fair recruitment and appropriate working conditions. In **MT**, language classes are offered to long-term care workers, the fees for their single permits have to be paid by the employer and there is no labour market test. **DK** is implementing a new legislation facilitating the authorisation process for long-term care workers from third countries entering into force in June 2024, also, these workers will have the right to free language education. **PT** has created a so-called care giver status in its legislation, giving more rights to care givers as for example the possibility of remote work, protection of unemployment and social benefits. Member States also highlighted that the most relevant obstacles to recruitment of third-country nationals in the long-term sector are the long authorisation procedures (**DK**) language barriers (**SE, DK, GR, ETUC**). **SE** highlighted that the language barrier is an issue of medical security, especially in the care work with elderly people; even if language classes are provided, they are often too general and not targeted for the health sector (**DK**). Also, due to situations of abuse and exploitation, **SE** is considering restricting access to work permits for TCN working as LTC workers providing home care services. At the same time, **SE** is struggling with huge labour shortages, expressing a high need of much more work force in the long-term care sector. This need is shared by almost all Member States and in addition to the abovementioned measures taken by the public administration and the legislator, work agencies and intermediaries also play a key role in counteracting these shortages (**NL, FI**). But while the demand on work agencies and intermediaries cannot be ignored, their role needs to be carefully discussed (**DE, NL, MT, ETUC**) including in the context of the future EU Talent Pool (**ETUC**). The working conditions and the potential dependency of third-country workers to one employer should also be addressed in the long-term care sector (**ETUC**).

On the policy pointers identified in the study regarding the way forward at the EU level, the majority of intervening Member States expressed a strong interest in strengthening stakeholder cooperation and information sharing (**BE, NL, DE, DK, SE, AT - Policy option 1**). In this context, the need to avoid duplication of structures was raised (**BE, SE, DE, AT**). The development of recommendations at the EU level focusing on third-country nationals in the long-term care sector was also mentioned as a potential solution to help MS address identified challenges (**IE, AT - Policy option 2**).

Apart from **ES**, some Member States did not see a need of developing new EU legislation targeting specifically the admission of third-country workers in the long-term care sector (**CZ, NL, AT - Policy option 3**). Finally, continuing to enhance cooperation with partner countries to facilitate access to legal pathways (e.g. in implementing common curricula with partner countries, in simplifying the recognition procedure or by an academisation of nursing care) was highlighted by several Member States (**BE, ES, EE, DK, GR - Policy option 4**) as an essential objective to help attract non-EU workers to this sector, with **EL** calling for greater engagement in Talent Partnerships to help achieve this objective. **CZ** considers that the recast of the Single Permit Directive, the revised Blue Card Directive and the implementation of the EU Talent Pool are relevant initiatives at EU level to address the need to better attract and retain third-country workers in the long-term care sector. However, **CZ** warned about the competition between Member States to attract these workers due to varying wage levels.

### *Closing remarks*

**COM** underlined that while challenges identified by Member States are often similar, the ways chosen to address them often differ. **COM** noticed the important role of private actors, notably intermediaries and work agencies, in the recruitment of third-country long-term workers. **COM** recalled finally that faster and cheaper authorisation

processes, coupled with integration measures, can help attract and retain third-country long-term workers.

For the next meeting (foreseen for October 2024), **COM** will reflect on the possibility to focus discussions on labour market tests, as well as the role of intermediaries and work agencies (as proposed by **FI & NL**). **Business Europe** also mentioned the possibility to discuss other prioritised sectors in the Labour Migration Platform. Besides, **COM** will also reflect on how to structure the work of the Labour Migration Platform in the future, including through topics that could be discussed on a rolling basis to favour more continuity in exchanges.

## 6. List of participants

<b>Member States</b>	
<b>ALL (27)</b>	
<b>European Social and Economic Partners</b>	
<b>EuroChambers</b>	
<b>SMEunited</b>	
<b>SGI Europe</b>	
<b>BusinessEurope</b>	
<b>ETUC</b>	
<b>EU Institutions and Agencies</b>	
<b>ELA</b>	
<b>JRC</b>	
<b>COM</b>	
<b>COUNCIL</b>	
<b>EP</b>	
<b>Others</b>	
<b>RAND-EUROPE</b>	
<b>FAIR MOBILITY</b>	
<b>FLAI-CGIL</b>	