

JOINT STATEMENT

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Employers' sanctions directive: Migrant workers, not employers, will pay the price of their exploitation

Today, the European Parliament voted in favour of a report by Mr. Fava MEP on EU legislation aiming to introduce sanctions for employers of irregular third country nationals. ENAR, EWL, PICUM and SOLIDAR have been encouraged to see the high priority given by the European Parliament to addressing the exploitation of migrant workers. This is why we are also disappointed that a compromise has been reached by the EU Council and MEPs that retains the focus on the status of the migrant, rather than the exploitation by the employer. While welcoming key protective provisions, we are concerned that this directive does not recognise that undocumented workers have labour rights and that the priority must be ensuring such rights are enforced.

Indeed, the directive will have a number of unintended effects that run counter to the EU's values:

- For many employers, the profits that can be made by hiring flexible and cheap undocumented workers outweigh by far the risk of being sanctioned. It is therefore to be questioned whether status-based employers' sanctions reduce irregular employment in a significant way.
- If employers continue to hire undocumented workers, enhancing migration control efforts in the workplace will keep these workers even further away from authorities, and will encourage employers to adopt more strategies to escape their responsibilities towards their workers. This will make it harder to effectively address the problems associated with irregular migration, such as exploitation and social fraud.
- The EU has promoted the employment of third country nationals as a priority, yet the directive endangers these integration measures by stigmatising the employment of third country nationals.
- Placing the duty on employers to control immigration is likely to lead to open or hidden racial discrimination whereby not only every third country national but also every 'foreign' looking worker is placed under suspicion and subjected to scrutiny.

Nevertheless, the legislation contains at least some positive aspects towards undocumented workers. These include measures to enforce automatic payment of any outstanding remuneration and ensuring the possibility to lodge a complaint through or with the support of a third party, such as a voluntary body or trade union. Having adopted this Directive, the European Parliament, along with the other EU institutions, now have an obligation to remain vigilant in monitoring and ensuring that such protective measures do in fact have the intended effect of ensuring that employers, not migrants, pay the price of exploitation.

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