



# EU file

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## Free movement: new European Commission report on mobility of Croatian workers

On the 29th May the European Commission published a new report on transitional arrangements on free movement for Croatian workers, concluding that future potential flows of Croatian workers to other EU Member States are likely to be small and unlikely to lead to labour market disturbances. Mobile citizens from Croatia are mainly of working-age and relatively well educated; they tend to be younger and more likely to be employed compared to nationals of the host countries.

Commissioner for Employment, Social Affairs,

Skills and Labour Mobility Marianne Thyssen commented: "Mobility can be an opportunity both for workers and the host economies. This has been shown by previous enlargements. The Commission is fully committed to facilitating labour mobility, while ensuring it is fair for all".

Since Croatia joined the EU in July 2013, Croatian workers' mobility has been small in relation to the population and labour force of 13 Member States that currently apply transitional restrictions.

After the accession, Germany and Austria have remained the main destinations of mobile workers from Croatia, despite the fact that they

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apply restrictions. Germany hosts 68% of total mobile Croatians and Austria 17%.

In the 14 Member States which have opened their labour markets, the increase of Croatian workers has been very low in absolute terms. Croatian workers' mobility is likely to continue at a low level in the future, without leading to labour market disturbances even in the main destination countries and, as estimates show, even if the restrictions are lifted.

The outflow of young and highly educated Croatian workers, although higher since the accession, remains so far moderate. There is no evidence of this having caused skills shortages in the Croatian economy. On the contrary, the report points to the positive impact of labour mobility for Croatia, both in terms of a potential reduction of unemployment and of benefiting from remittances sent from Croatian workers abroad.

The report recalls that after previous enlargements mobile EU workers have brought needed skills to the host labour markets and help fill local labour shortages. Studies have also shown that they tend to have a neutral or positive fiscal impact on the host economies.

### **Commission refers Estonia to Court of Justice of the European Union over successive fixed-term employment in the academic sector**

The European Commission is referring Estonia to the EU Court of Justice over its national law which does not provide sufficient protection against abuse arising from the use of successive fixed-term employment contracts or relationships in the academic sector.

Estonian law limits successive fixed-term employment to 5 years. If this limit is reached, the fixed-term employment is converted to a permanent contract. However, the limit only applies to fixed-term contracts concluded with less than 2 months between the contracts. In accordance with the case law of the Court of Justice, the specific context of the sector has to be taken into account in the assessment of whether a particular definition of 'successive' fixed-term employment provides effective protection as required by the Fixed-Term Work Directive (1999/70/EC). The academic sector is characterised by long closures over the summer period. In Estonia, the academic year ends in the first half of June and begins in September, meaning that it is

possible for universities to employ teachers indefinitely on fixed-term contracts covering the academic year, by interrupting the employment contract over the summer closure period. This does not provide effective protection against abuse arising from successive fixed-term employment.

Clause 5 of the Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP provides that to prevent abuse arising from the use of successive fixed-term employment contracts or relationships, Member States shall, where there are no equivalent legal measures to prevent abuse, introduce one or more of the following measures: (a) objective reasons justifying the renewal of such contracts or relationships; (b) the maximum total duration of successive fixed-term employment contracts or relationships; (c) the number of renewals of such contracts or relationships.

The Commission sent Estonia a reasoned opinion in October 2012, giving Estonia 2 months to comply with EU rules but Estonia has not adapted its national law to guarantee sufficient protection against abuse arising from the use of

successive fixed-term employment contracts or relationships in the academic sector. The Commission therefore decided to refer Estonia to the EU Court of Justice.

### **Service sector workers more likely to experience aggression at work**

Workers in the service sectors more often experience violence and harassment in the workplace than workers in other broad sectors such as manufacturing, construction or agriculture.

While 14% of EU workers in total report experiencing adverse social behaviour at work – which includes verbal abuse, unwanted sexual attention, threats or

humiliating behaviour, physical violence and bullying – the proportion reaches 23% among workers in health and social work. Such behaviour is also more prevalent in the transportation and storage, accommodation and food services, public administration, and education sectors.

Women are subjected to sexual harassment more than men, while men show higher levels of exposure to physical violence than women.

Part of the reason for this greater exposure to violence and harassment is that many workers who provide services not only have to deal with colleagues, but often have substantial interaction with third parties, such as customers, patients and

students, and this increases the risk of being harassed or attacked.

An analysis of workplace violence based on data from Eurofound's European Working Conditions Survey found that employees in hotels and restaurants, health and education, and public administration are at higher risk of third-party violence. While the possibility of having to confront violence is inherent to some jobs, notably in policing and defence (areas categorised under public administration), it has not traditionally been associated with the work of teachers, food service staff or doctors, but current trends may change perceptions.