



PICUM's submission to the European Commission's call for evidence on the Quality Jobs Roadmap

July 2025



PICUM

Introduction

The Platform for International Cooperation on Undocumented Migrants (PICUM) was founded in 2001 as an initiative of grassroots organisations. Since then, it has built a comprehensive evidence base regarding the gap between international human rights law and the policies and practices existing at national level. Nowadays it represents a network of 155 member organisations working to promote social justice and human rights of undocumented migrants in 34 countries. With two decades of evidence, experience and expertise on undocumented migrants, PICUM promotes recognition of their fundamental rights, providing an essential link between local realities and the debates at policy level.

PICUM welcomes the opportunity to provide input to the European Commission's call for evidence on the Quality Jobs Roadmap¹. Drawing upon the 2020 report "[A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#)" and on the 2022 "[Guide to Undocumented Workers' Rights at Work under International and EU Law](#)", this contribution first shows how the EU's existing legal and policy frameworks have the potential to support just and safe working conditions for undocumented workers. Secondly, it presents recommendations to ensure that the upcoming Quality Jobs Roadmap reflects the realities faced by undocumented workers across Europe.

Background

Undocumented workers and risks of exploitation

Most migrants, regardless of their residence status and whether they migrate for work, study, family reunification or protection, participate in the EU labour market.² Undocumented migrants are no exception. As they are excluded from social protection systems, which would provide some

income support when unemployed or unable to work – due to long-term health issues or disability, or of retirement age –, undocumented migrants are often left with no choice but to work under precarious and exploitative conditions to support themselves and their families³.

Fair wages and working conditions

The systemic exposure to underpayment and exploitation affects other aspects of undocumented workers' lives. For instance, undocumented people are overrepresented in homeless populations,

among others, in cities like Brussels⁴ and Lisbon⁵, with the income insecurity that comes with exploitative working conditions feeding into housing insecurity.

1 Find here the [call for evidence on the Quality Jobs Roadmap](#).

2 PICUM, 2020. [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), p. 6.

3 *Idem*.

4 Samusocial Brussels, 2023. [Sans papiers Sans droits Sansabri](#).

5 Portugal Resident, 17 January 2024. [Immigrants in majority among Lisbon's homeless](#).

Undocumented workers often endure prolonged underpayment or non-payment of wages, and exploitative working conditions. The fear of retaliation, arrest or deportation deters them from negotiating for the respect of basic working conditions and from reporting abuses.⁶ Workers

with a permit tied to a specific employer are also similarly deterred from asking for better working conditions and reporting, out of fear of being fired and consequently becoming undocumented. Therefore, job loss and exploitation are key reasons for people becoming undocumented in Europe.⁷

Health and safety

Moreover, migrant workers are disproportionately exposed to occupational illnesses, injuries and accidents, including fatal accidents.⁸ Their vulnerability is due to the employment in often high-risk sectors – demanding excessive workloads, repetitive strenuous tasks –, to poor working conditions and limited training and safety equipment, as well as language barriers which hamper their understanding of safety regulations.⁹

In addition, migrant workers often experience mental health issues related to their working conditions¹⁰. For instance, they experience

psychological pressure and stress related to the feeling of being forced to endure unfair or unsafe working circumstances to be able to access or maintain the right to reside in a country.¹¹

In this framework, under certain EU countries regulations, undocumented workers are eligible to claim compensation for occupational illness and injury, but face significant obstacles in the process of doing so, and are usually excluded from incapacity allowance and essential health services¹², while being particularly vulnerable¹³.

Collective bargaining

Migrant workers are also targeted by bogus self-employment schemes, which hinder labour inspections and the enforcement of basic employment standards. This practice is particularly common in the "gig economy"¹⁴ sectors, such as delivery riders¹⁵, but, depending on the member state, these loopholes can be exploited by employers across sectors. Undocumented workers have variously been associated with already established

trade unions or organised autonomously to exercise their rights of collective bargaining under the EU Charter on Fundamental Rights, but given both the general erosion in trade union power and collective bargaining rights across the EU, as well as the growth of platform-based work across sectors that frequently employ (undocumented) migrant workers, undocumented workers are increasingly vulnerable to exploitation and abuse¹⁶.

6 PICUM, 2020. [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), p. 6.

7 *Ibidem*, p. 8.

8 European Agency on Safety and Health at Work, 2007. [Literature study on migrant workers](#).

9 PICUM, 2020. [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), p. 43.

10 See for instance: Mucci, N., Traversini, V., Giorgi, G., Tommasi, E., De Sio, S., & Arcangeli, G. (2020). Migrant Workers and Psychological Health: A Systematic Review. *Sustainability*, 12(1), 120. <https://doi.org/10.3390/su12010120>

11 European Agency for Safety and Health at Work, 2020. [Preventing musculoskeletal disorders in a diverse workforce: risk factors for women, migrants and LGBTI workers](#), p. 74.

12 For more information see: Médecins du Monde, [Falling through the cracks: The failure of universal healthcare coverage in Europe](#), 2017 Observatory report.

13 PICUM, 2020. [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), p. 5.

14 The "gig economy" is a non-standard working mode based on people having temporary jobs or doing separate pieces of work, each paid separately, rather than working for an employer.

15 *Ibidem*, p. 47.

16 See the report of the UN Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, [The working poor: a human rights approach to wages](#) (2023).

Why is it important to protect undocumented workers?

As the European Commission works towards a more just economy – aiming to implement measures that uphold fair wages, safe working conditions, access to training, and ensure collective bargaining for all workers¹⁷ – it is essential to ensure that the transition includes and protects every worker's rights, especially those in precarious situations and regardless of residence status.

Undocumented workers have rights as workers, and as any worker are entitled to quality employment, in terms of equal treatment, entitlements and benefits linked to previous employment. They disproportionately represented in sectors facing labour shortages, including care work, construction, agriculture, hospitality and domestic work, often in part due to reductionist approaches to migration that treat migrant workers as commodities rather than individuals with rights.¹⁸ In these sectors, the monitoring and enforcement of employment standards is particularly challenging.¹⁹ Undocumented workers also contribute to the welfare state, for instance, through the payment of consumption taxes and the purchase of products and services, even though they do not have access to its protections.²⁰

Undocumented migrants' precarity could be further exacerbated by the European Commission's new proposal for a return regulation²¹ which would result in further risks of exploitation. In particular, the new proposal promotes "detection" measures to identify undocumented people, which could encourage the adoption of reporting obligations²² for labour inspectors. The regulation is in opposition

to international human rights standards, including those enshrined in Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families²³. It would also have a detrimental effect on the protection of all workers, as it would create a climate of increased hostility and criminalisation and further discourage the reporting of exploitative labour conditions.

There is a need to recognise and protect the rights of undocumented workers, without exception, as this means strengthening labour standards for all workers and benefitting society as a whole: effectively implementing undocumented workers' labour rights would contribute to reducing undeclared work, exploitation, forced labour, human trafficking and modern slavery, as well as support the advancement of employment and safety standards for all workers.

The forthcoming Quality Jobs Roadmap must ensure coherence with other EU social inclusion strategies, namely:

The EU Anti-Poverty Strategy

Undocumented people are especially vulnerable to poverty²⁴ as they are excluded from the formal labour market and social support systems, and either relegated to (undeclared) precarious and exploitative jobs and/or dependent on charity.

17 [Call for evidence on the Quality Jobs Roadmap](#).

18 EAPN, 2025. [Towards the Eradication of Poverty. EAPN Vision and Recommendations for the EU Anti-Poverty Strategy](#), p. 44.

19 PICUM, 2020. [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), p. 45.

20 PICUM 2025, Why inclusive, needs-based social policies matter, p.4

21 [Proposal for a regulation of the European Parliament and of the Council](#) establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC.

22 Reporting obligations are laws or policies that require public authorities and service providers, such as healthcare workers, teachers, and social service employees, to report undocumented migrants to the public authority responsible for migration control, which might include police, border guards, immigration offices. Thus, 'reporting' refers to the act of sharing a person's personal data, particularly their residence status, with the authorities responsible for migration control. See: [PICUM's factsheet Reporting obligations and 'firewalls'](#) (2025).

23 [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#).

24 PICUM, 2025. Why inclusive, needs-based social policies matter; EAPN, 2025. [Towards the Eradication of Poverty. EAPN Vision and Recommendations for the EU Anti-Poverty Strategy](#), p. 44; PICUM, 2020, [Navigating irregularity: The impact of growing up undocumented in Europe](#), pp. 18-20.

The Roadmap for Women's Rights and Gender Equality Strategy

Undocumented workers in cleaning, care and domestic jobs, especially women, face greater risks of facing sexual harassment and violence, both in the private households where they live and/or work – due to their isolation and to the solitary work environment²⁵ – and while commuting during night or early shifts. Those that live in as care or domestic workers also risk homelessness if they lose their job. Women who are sex workers face additional layers of criminalisation, discrimination, and violence.²⁶

It is also more likely for women to be on dependent visas, whether as spouses/ partners or in low-wage work, or to be working irregularly. This can trap them in situations of domestic violence or violence, harassment and exploitation in the workplace²⁷, because they face losing their status if they leave the relationship. In addition, it is virtually impossible for undocumented migrant women to exercise

maternity rights²⁸.

The Istanbul Convention²⁹ - ratified by the EU in 2023 - and especially article 59 provides for the protection of victims of gender-based violence regardless of their residence status. It also provides the possibility of applying for an autonomous staying permit for migrant women victims of domestic violence and whose residence status depends on that of their spouse or partner.

The Anti-Racism Strategy

Racial and ethnic discrimination also shape exploitative labour practices. In addition to discrimination based on not having a work permit, and in access to work permits, workers are sometimes assigned different jobs in a workplace, and paid different wages for the same work, along lines of national or ethnic origin.

EU legal framework that can strengthen the Quality Jobs Roadmap and be strengthened by it

EU Charter of Fundamental Rights³⁰

The EU Charter of Fundamental Rights ensures that every worker³¹ has the right to:

- working conditions which respect their health, safety and dignity and has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual

period of paid leave (Article 31),

- freedom of assembly and of association (Article 12),
- non-discrimination (Article 21),
- collective bargaining (Article 28) and,
- protection in the event of unjustified dismissal (Article 30), among others.

25 See for example: Fundamental Rights Agency (FRA), 2011. [Irregular migrants employed in domestic work](#); FRA, 2018. [Out of sight: migrant women exploited in domestic work](#); PICUM, 2018. [Shared concerns and joint recommendations on migrant domestic and care work](#). Working document.

26 See for example: PICUM, 2019. [Safeguarding the human rights and dignity of undocumented migrant sex workers](#); European Sex Workers Rights Alliance (ESWA), 2025. [No Place to Call Home: How Housing Policies and Criminalisation Impact Migrant Sex Workers](#).

27 See for instance: PICUM, 2019. [Fact sheet Istanbul Convention: Achieving a World Free from Violence Against Women](#).

28 See for example: A. Triandafyllidou, 2013. Irregular migrant domestic workers in Europe: who cares? P.109.

29 [Council of Europe Convention on preventing and combating violence against women and domestic violence](#)

30 [Charter of Fundamental Rights of the European Union](#)

31 The EU Charter on Fundamental Rights applies to all EU institutions and Member States when legislating, and whenever a Member State applies EU law (Article 51). The Charter applies to undocumented migrants unless stated otherwise (see for example Article 34(2)). When a right in the Charter has a counterpart in the European Convention on Human Rights (ECHR), the scope of the provision of the Charter should have at least the same meaning and scope as the corresponding right of the ECHR (Article 52(3)).

Employers Sanction Directive (ESD)³²

The Employers' Sanctions Directive (2009/52/EC) explicitly requires member states to implement effective complaints mechanisms for undocumented workers (Article 13.1)

It explicitly includes labour rights protections for undocumented workers, with provisions requiring effective complaint mechanisms and access to permits (Article 13) and payment of outstanding wages (Article 6).

For a complaints mechanism to be effective and meaningfully accessible when people are in an irregular situation, it must not have direct negative results and sanctions for the person who is seeking to exercise their fundamental rights and access justice, such as arrest, detention and/ or deportation. The next section explores this aspect of complaints mechanisms in different EU countries.

Victims of Crime Directive³³

It applies in its entirety, without discrimination for undocumented victims (Article 1), including of criminal labour exploitation, so an effective labour complaints mechanism for undocumented would be a critical implementing measure for effective application of the Directive.

It includes provisions on: right of information (Article 4 and 6); complaints mechanisms (Article 5); free interpretation and confidential victim support services (Article 7, 8 and 9); legal aid (Article 13); right to compensation (Article 16); protection from repeat and secondary victimisation (several articles); and privacy (Article 21).

Single Permit Directive³⁴

Simplifying or removing notification procedures for changing of jobs and employers, and moving towards broader, longer-term permits reduces the ability of employers to wield the threat of permit loss to exploit workers

Anti-Trafficking Directive³⁵

Granting rights to trafficked persons, including e.g. non-punishment for any crimes committed as a consequence of the trafficking (Article 8), assistance and support – including safe accommodation, healthcare, psychological support, information and interpretation – independent of whether or not the victim agrees to testify (Article 11); legal representation (Article 12) and access to existing compensation schemes for victims of violent crime of intent (Article 17).

Violence Against Women Directive³⁶

Granting rights to women victims of violence and domestic violence, including the right to specialist support for victims of sexual harassment at work (Article 28)

General Data Protection Regulation³⁷

Setting rules for how personal and especially sensitive data – including trade union membership (Article 9) – can be collected, processed and shared. In this framework, data sharing from labour inspections with immigration authorities can violate GDPR principles if not transparent with the workers (Articles 12-22), legally justified and proportionate (Articles 5-6).

32 [Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals](#)

33 [Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA](#)

34 [Directive \(EU\) 2024/1233 of the European Parliament and of the Council of 24 April 2024 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State \(recast\)](#)

35 [Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA](#)

36 [Directive \(EU\) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence](#)

37 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance)

Recommendations

In light of the above, the upcoming Quality Jobs Roadmap should:

Promote decent working conditions for all workers, regardless of their residence status

Reaffirming that all workers, regardless of their residence status, are entitled to the same rights and protections must be the first step towards a truly inclusive approach to quality employment. Initiatives such as peer-to-peer knowledge exchanges can be funded and facilitated by the EU under the scope of the Roadmap, and support for trade unions, especially smaller and migrant unions.

Address the rights and situation of workers who are undocumented or with precarious status facing labour rights violations, exploitation, violence or other crimes, in every relevant policy area

Consider and address the political and institutional measures that need to be taken to enable access to justice for undocumented workers in every relevant area of work of the European Council, European Commission, and European Parliament, including: migration, employment and social affairs, equality, justice, agriculture, regional development, trade, foreign affairs and health.³⁸

Enhance coherence with and full implementation of undocumented workers' rights under the ESD, Anti-Trafficking Directive, Victims' Directive and Victims' Strategy

The EU current legal framework already includes the recognition of certain rights to undocumented workers, including access to compensation, protection from violence, abuse, exploitation and trafficking, including the provision of residence permits in these cases. Nonetheless the implementation of these protections is not yet effective. The Quality Jobs Roadmap has the potential to further strengthen this framework and ensure its full implementation.

Ensure undocumented migrant workers can effectively exercise their labour rights without risking immigration enforcement by setting up firewalls³⁹

Support the reestablishment of independent labour authorities, with their function being enforcement of laws related to workers' rights and conditions of work. Ensure this role is not undermined by immigration enforcement responsibilities or cooperation as frequently it is now⁴⁰, and include minimum standards for

38 PICUM, 2020. [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#) p53

39 A 'firewall' separates immigration enforcement activities from public service provision and systems, such as healthcare, education, social welfare, labour inspection, or justice. Firewalls ensure that individuals can access these services and interact with competent authorities without fear of migration-related repercussions, such as arrest, detention, or deportation. For further information see PICUM's factsheet [Reporting obligations and 'firewalls'](#) (2025).

40 The ILO Committee of Experts has underlined that giving labour inspectors duties to enforce immigration law interferes with their primary duties, see Articles 3 and 15 [ILO C081 - Labour Inspection Convention, 1947 \(No. 81\)](#). The Organisation for Security and Co-operation in Europe (OSCE) Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings has also underlined that the increasingly widespread imposition of measures that compel labour inspectors to conduct immigration enforcement activity as part of their workplace inspection agenda is a challenge to effective enforcement of labour standards, see Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings at the OSCE, *An Agenda for Prevention: Trafficking for Labour Exploitation*, 2011, p.12.

labour inspections across member states. This also means ensuring that there is no risk to the worker of immigration enforcement following the filing of a complaint to labour authorities, civil courts, or tribunals, and establishing clear policies and training around professional secrecy of labour inspection authorities and courts to prevent employer retaliation and exploitation.

Strengthen safeguards in data collection

Revise practical cooperation arrangements to ensure that personal data collected and actions taken for the enforcement of labour, social, and financial laws are not used for immigration enforcement purposes. This includes ending automatic data sharing through joint databases, as well as abolishing reporting obligations and joint inspections with immigration authorities.

Ensure the meaningful participation of undocumented, formerly undocumented and precarious workers in the design and monitoring of the Quality Jobs Roadmap

The meaningful, informed and safe – including firewalls against migration enforcement – participation of undocumented, formerly undocumented and precarious workers is essential to the effectiveness and the inclusiveness of the Quality Jobs Roadmap. This includes consultations throughout the design, implementation, and evaluation of policies within the Roadmap.

Ensure the meaningful participation of civil society organisations (CSOs) and trade unions and in the design and monitoring of the Quality Jobs Roadmap

The meaningful participation of civil society organisations and trade unions is essential to advancing the objectives of the Quality Jobs Roadmap. In fact, CSOs and trade unions play a crucial role in exposing exploitative and unjust working settings, holding institutions accountable, and protecting and advocating for precarious workers' interests. It is necessary to ensure that CSOs and job unions can operate freely in all Member States, without fear of harassment, intimidation, or restrictions. Consequently, the Quality Jobs Roadmap should recognise CSOs and unions as drivers in the transition towards a fair and safe job market. This means committing to actively involve them in the implementation and monitoring of the Roadmap, through regular consultations with the relevant institutions, including the European Labour Authority.

Channel EU funds in the current and next multi-annual financial framework to support effective labour complaints and recourse for back pay mechanisms for all workers, regardless of residence status

Channel resources from the structural funds such as the ESF+ and the AMIF to support CSOs and trade union organisations in providing independent information and advice, legal assistance, and support services to workers with precarious or irregular status and facilitating access to complaints mechanisms, and ensure that these funds do not establish separate mechanisms or support any aspect of labour complaints mechanisms that may lead to immigration enforcement, but facilitate access of undocumented workers to existing complaints mechanisms for all workers. These funds can also be used for training of labour inspectors on the rights of undocumented workers under Employer Sanctions Directive, and the establishment of specific funds to pre-pay compensation to workers in cases where employers evade paying due financial settlements similar to those in place in cases of employer insolvency or for victims of violent crime.

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This publication was made possible with the kind support from:



Co-funded by the
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Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Union Programme for Employment and Social Innovation "EaSI" (2021-2027). Neither the European Union nor the granting authority can be held responsible for them.



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