



Occupational Safety and Health of Undocumented Migrant Workers in Europe

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Executive Summary

Undocumented workers are an integral part of key sectors of the European labour market but face unsafe, unhealthy and exploitative working conditions across the European Union, with limited access to justice, healthcare, and compensation.

Drawing on information from PICUM members in Belgium, Czechia, Germany, Greece, the Netherlands and Sweden, this report analyses undocumented workers' exposure to occupational health and safety risks, and access to preventative and post-incidence measures under major legal and policy frameworks and in practice.

Disproportionate occupational health and safety risks

Undocumented workers often work in jobs and sectors with high exposure to occupational health and safety (OSH) risks, including construction, agriculture and food processing, delivery work, hospitality, logistics, and domestic work and care. Many of the jobs are physically demanding, impose excessive workloads, and involve repetitive strenuous tasks and working in physical conditions and with machinery and toxic substances that are dangerous, especially if training, protective equipment and safety measures are inadequate. The climate crisis is also exacerbating conditions, with workers exposed to extreme weather events and conditions.

Both within these sectors and in others, workers face disproportionate and particular occupational health and safety (OSH) risks related to their status and experiences as migrants, especially

when undocumented. For example, undocumented workers are often required to carry out the most hazardous tasks in the workplace, are not provided with necessary training and protective equipment, and face highly restricted and prohibitive costs to access medical care in case of injury or illness. Undocumented workers are usually unable to access paid sick leave or incapacity allowance and may even lose their job if unable to work for health reasons, forcing them to continue working at the expense of their health and meaning that workplace accidents or illnesses can lead to financial ruin. Migrant workers also frequently face threats, violence and psychosocial risks stemming from unpredictable and precarious working conditions and dependency on their employers.

A generally inclusive legal framework at international and EU level

A healthy and safe working environment is recognised as a fundamental right, principle and social objective across various International Labour Organization (ILO) and European Union (EU) legal and policy instruments. While there are some gaps for specific groups of workers and emerging occupational health and safety risks, there is an extensive legal framework around preventative measures and labour rights, which is inclusive of undocumented workers at international and EU level.

Undocumented workers and their families are also entitled to equal treatment according to ILO conventions related to measures to provide income support and compensation for workplace or occupational injury or illness (post-incidence responses), but there is no EU-level legislation.

Inability to exercise these rights in practice

Despite these occupational safety and health legal provisions for undocumented workers, there are significant barriers to access these rights in practice. The main means of enforcing preventative OSH provisions is through inspections, and proof gathered by an inspection may be crucial to access remedy post-incidence. Yet inspections may lead to a loss of income and job, and risks of detention and deportation – both for migrant workers with dependent permits and undocumented workers.

While specialist health and safety inspections do not systematically involve immigration enforcement, they generally do not provide for individual complaints and redress, and measures taken to prevent occupational health and safety incidents from occurring may lead to loss of employment and associated work permits, as well as loss of essential income for migrant workers who are unable to access income support schemes.

General labour inspectorates that address occupational health and safety standards may report data from inspections or complaints to police or immigration authorities, exposing workers to direct risks of detention and deportation. Both specialist and general labour inspections are sometimes carried

out together with police, who may also enforce immigration rules against workers onsite. The efficacy of labour inspectorates is also hampered by limitations in mandate, capacity and resources.

National systems for employer liability and accident insurance are diverse and often have significant gaps in coverage for workers who are undeclared and/or are unable to prove their employment relationship and the work-related nature of the harm experienced. For example, in some cases, such as Czechia, undocumented workers are specifically excluded as beneficiaries, while the systems of both Germany and Greece theoretically contain routes for remedy for undocumented workers, but practical barriers mean these routes are all but inaccessible.

In practice, access to post-incidence income support and compensation would require undocumented workers to pursue a case via civil courts and administrative procedures. Evidential requirements are extremely difficult for undocumented workers to meet, and stack together with the length of procedures, costs, and difficulty to access legal representation, to prevent access to remedy for the majority of workers.

The way forward

The state of play regarding occupational safety and health for undocumented workers as well as those with precarious work permits, is bleak.

The denial of occupational safety and health rights to undocumented workers is not accidental. It is the result of intersecting policy failures: the criminalisation of migration, the informalisation of labour, and the prioritisation of border control over human dignity. These failures create the conditions for exploitation, injury, and, in some cases, death.

At the same time, there are notable examples of law and policy that aim to protect workers' rights, including occupational safety and health, and are inclusive of migrant workers. Spain has introduced measures to address new occupational safety risks posed by climate change, including paid 'climate leave' when workers cannot access the workplace due to extreme weather events, and mandating employers to inform workers about disaster alerts

and extreme weather warnings. Whilst not without its practical barriers, Belgium has a system that provides for workers and their families – including when undocumented – to receive compensation for occupational accidents from the state if the employer has no insurance, or the insurance company defaults.

The report also sets out numerous policy and practical measures that can be taken both at EU and national level to protect some of Europe's most vulnerable workers, ensuring that they are able to contribute to the economy without sacrificing their health, safety, or well-being, and to uphold fundamental labour standards for all. Chief among these is the establishment of effective complaints mechanisms and channels for remedy for all workers, no matter their residence status, without threat of detention and deportation.

Introduction

Migrants work. Across society, migrant labour keeps transport running, food on the supermarket shelves, buildings from falling down, and people in need cared for. In Europe, migrant workers, regardless of status, are key to the functioning of some of the most important sectors of the labour market. Many people whose residence status does not allow them recourse to public funds and social protection have no choice but to find work to provide for themselves and their families. Yet despite their critical contributions, these workers are often denied the most basic protections afforded to others in the labour force. Nowhere is this exclusion more visible, or more dangerous, than in the area of occupational safety and health.

Undocumented migrant workers often work in fields with already high levels of occupational risk, including construction, agriculture and food processing, hospitality, logistics, and domestic work. Within these sectors, they face disproportionately high levels of risk at work, often carrying out the most hazardous tasks without adequate training, protective equipment, or access to medical care in case of injury.¹ Fear of detection, detention, and deportation, forces many to endure unsafe conditions in silence, with little to no recourse against exploitative or negligent employers. This results in a profound gap between legal entitlements on paper and the reality experienced by undocumented workers on the ground.

Proper occupational safety and health systems mean dignity, protection, and knowing that in case of injury or illness at work, there is access to remedy. These are rights that belong to all workers, regardless of their administrative status.² Yet occupational safety and health frameworks, inspection systems, and redress mechanisms often fail to protect the most vulnerable among us: those working informally, under precarious contracts, or in situations of false self-employment.

The International Labour Organization (ILO) defines decent work as employment that is productive, delivers a fair income, ensures workplace security and human dignity, and provides social protection.³ Undocumented workers, however, often experience the opposite: precarious arrangements, substandard conditions, and fear of retaliation for asserting their rights. This contradiction lies at the heart of occupational safety and health challenges for this population.

The Measuring Irregular Migration and related Policies project (MiReM) estimated that the undocumented migrant population in 12 European countries⁴ over the period 2016-2023 was between 2.6 million and 3.2 million⁵ (approximately 1% of the population).⁶ However, because of their irregular status, their presence in the labour force is under-reported, and workplace incidents are largely absent from

1 European Agency on Safety and Health at Work (EU-OSHA), 'Literature study on migrant workers', 2007; S. Moyce & M. Schenker ['Migrant Workers and Their Occupational Health and Safety'](#), 2018 Annual Review of Public Health, Volume 39, p. 351-365.

2 This includes international, regional and national human rights laws, including ILO Conventions, the European Convention on Human Rights (ECHR) and related jurisprudence from the European Court of Human Rights ("ECtHR"), and the EU Charter on Fundamental Rights, among others. They are also covered by a range of other EU law on migration, anti-trafficking, employment, health and safety and anti-discrimination and related jurisprudence from the Court of Justice of the European Union ("CJEU").

3 ILO, ['Toolkit for mainstreaming employment and decent work'](#). International Labour Organization, Geneva: 2008

4 Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Poland, Spain and the UK

5 [The MiReM Public Database on Irregular Migration Flow Estimates and Indicators](#) (Siruno et al., 2024a) and accompanying analysis, MiReM Working Paper on Irregular Migration Flows (Siruno et al., 2024b).

6 Kierans, D. and Vargas-Silva, C. [The Irregular Migrant Population of Europe](#). MiReM Working Paper No.10. Krems: University for Continuing Education Krems (Danube University Krems), 2024

official occupational safety and health data. As a result, national statistics often fail to reflect the full scope of work-related injuries and illnesses among this group.

Moreover, recent EU policy priorities and discussion on labour mobility around shortage occupations have tended to prioritise new initiatives such as Talent Partnerships, and enforcement measures. As such, whilst combatting the exploitation of undocumented workers forms part of the mission of Commissioner for Internal Affairs and Migration Magnus Brunner,⁷ addressing gaps in occupational safety and health protections has fallen in the pecking order. This creates a blind spot in both occupational safety and health policy and labour rights enforcement, one that must be addressed if Europe is to meet its commitments under the European Pillar of Social Rights, and adhere to the fundamental principles of the ILO.⁸

Undocumented status is often a product of complex structural factors, including restrictive migration policies, employer abuse, and administrative obstacles to regular stay and/or work. In this context, protecting the health and safety of all workers, regardless of status, is a matter of fundamental rights and social justice.

Undocumented migrant workers should be able to exercise their labour rights without risking immigration enforcement, in order to 'promote decent working conditions for all workers, prevent and provide remedy for exploitation, and reform sectors that rely on exploitation and undeclared work'.⁹ Occupational safety and health rights are no exception - safety, health, and dignity at work must never be contingent on immigration status.

This briefing aims to bring visibility to the structural barriers that prevent undocumented workers in Europe from accessing their fundamental right to safe and healthy working conditions. With input from a survey completed by PICUM members in Czechia, Greece, Germany, the Netherlands, and Sweden, and national, European, and international legal and policy frameworks, it maps risk sectors, structural barriers to occupational safety and health rights, and outlines pathways to reform. Central to this discussion is a call to decouple labour rights enforcement from immigration control and to develop inclusive occupational safety and health policies that reflect the reality of all workers, including when working undocumented.

⁷ Von der Leyen, U, [Mission Letter for Magnus Brunner, Commissioner for Internal Affairs and Migration](#), European Commission, 2024, Brussels

⁸ [Declaration on Fundamental Principles and Rights at Work and its Follow-up](#), International Labour Organization, 1998, amended 2022

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

The risks and barriers to decent occupational safety and health practices for undocumented migrant workers

Undocumented workers often work in fields with high levels of occupational risk, including construction, agriculture and food processing, delivery work, hospitality, logistics, and domestic work and care.¹⁰ The survey responses from PICUM members revealed these sectors as characterised by low salaries, a lack of predictability, excessive workloads, long working hours, and a lack of adequate rest periods. Most undocumented migrants with informal working arrangements also do not have access to sick pay or paid leave, forcing them to continue working or face reduced wages. This in turn creates a cyclical effect, wherein the excessive working hours can cause occupational illness itself, but can also cause accident and injury due to tiredness.

Undocumented migrant workers are especially vulnerable to poor working conditions due to their status, and the knowledge that both worker and employer have of precarious statuses means that the worker will accept poorer working conditions for fear of retaliation from the employer, including weaponising immigration enforcement or non-payment of salary.¹¹ For undocumented workers, worry

over irregular status and potential repercussions can cause mental and physical health issues. In some member states, undocumented workers have the right to healthcare beyond emergency healthcare,¹² but the risks and fears of immigration enforcement and debt mean undocumented workers in reality lack proper access.

For some migrant workers, they face the additional challenge of false self-employment,¹³ putting additional pressure to continue working excessive hours in order to secure a salary. The EU Platform Work Directive¹⁴ was a victory for many dependent workers who won the right to a presumption of salaried employment, and access to associated minimum wage, rest periods, and health benefits.¹⁵ However, many platform workers will struggle to reclassify as dependent workers, particularly in sectors where the labour force is predominantly women such as care and domestic work. Nonetheless, it remains an important step from which to build greater protection for workers in key sectors, and force platforms to be more accountable to their workforces.

10 Moyce, S, and Schenker, M, ['Migrant workers and their occupational safety and health'](#), Annual Review of Public Health, 39:351-356, 2018

11 Information from PICUM survey response from Community Rights in Greece

12 FRA, 2011, ['Migrants in an irregular situation: access to healthcare in 10 European Union Member States'](#)

13 Workers registered as self-employed, despite a de facto dependent working relationship. Often used by employers to circumvent tax and social security liabilities, as well as other employer responsibilities. OECD (2014) [Employment Outlook 2014](#). Paris: OECD

14 [Directive \(EU\) 2024/2831 on improving working conditions in platform work](#)

15 ETUC, ['Platform Work Directive: a milestone towards innovation that delivers for all'](#), ETUC: 2024

Physically demanding and high-risk work

Migrant workers in Europe are overrepresented in physically demanding and high-risk jobs, especially in sectors such as agriculture, construction and cleaning.¹⁶ Workers in these sectors often endure excessive workloads, repetitive strenuous tasks and unsafe working conditions with minimal protection.¹⁷

In this context, a significant vulnerability factor for migrant workers can be inadequate provision of training and safety equipment. These issues can be exacerbated by language barriers. Employers, particularly small and medium-sized enterprises, are often reluctant to invest in safety equipment, training, or workplace adaptations, citing these as excessive costs.¹⁸ In some cases, workers must pay for the safety equipment themselves.¹⁹

Often, migrant workers do not receive safety and health instructions in a language they fully understand, or they only receive limited and informal instructions. The lack of accessible and adequate information makes it difficult for workers to understand how to properly use protective equipment, how risk assessments are performed, what to do in emergency situations, and how to report issues or seek help when needed.²⁰ Together with limited and inadequate training, language barriers limit migrant

workers' ability to operate safely and increases reliance on supervisors or co-workers,²¹ ultimately fuelling the risk for errors and exploitation.

In addition, workers face regular exposure to harmful physical agents such as excessive noise and strong vibrations (particularly in the construction sector), and extreme temperatures (especially in agriculture and construction). Furthermore, both the construction and agricultural sectors commonly involve ergonomic risks, like repetitive, uncomfortable postures and lifting heavy loads, as well as mechanical risks, including falls from heights, entrapment, cuts, and crush injuries.²² Kitchen assistants also described being made to work in unsafe environments like lofts and steep, unguarded stairways, where the risk of falls and injuries was high.²³ Hotel cleaners change body position every three seconds while cleaning and changing a guest room, and are required to move heavy and irregularly shaped objects such as beds and industrial vacuum cleaners.²⁴²⁵ These precarious working conditions lead to a wide range of health problems, including musculoskeletal disorders, cardiovascular issues, and respiratory conditions. PICUM members in Greece reported cases of heart attacks at work.²⁶

16 Orrenius, P and Zavodny, M, 'Do immigrants work in riskier jobs?', *Demography* vol. 46,3 (2009): 535-51

17 Gottlieb, N. and Ertel, M, *Migration, work and health: mapping the evidence - A systematised review of the global literature on the interrelations between migration, work, and occupational health*, DignityFIRM: 2024

18 Information from PICUM survey response from Community Rights in Greece

19 Information from PICUM survey response from Servicestelle gegen Arbeitsausbeutung, Zwangsarbeit und Menschenhandel (managed by Arbeit und Leben Berlin-Brandenburg gGmbH)

20 Ibid

21 Ibid

22 Information from PICUM survey response from Community Rights in Greece

23 Information from PICUM survey response from Generation 2.0 for Rights, Equality and Diversity

24 S. Moyce & M. Schenker '[Migrant Workers and Their Occupational Health and Safety](#)', 2018 Annual Review of Public Health, Volume 39, p. 351-365

25 Canadian Center for Occupational Safety and Health, '[Hotel housekeeping. Fact Sheet](#)', 2016

26 Information from PICUM survey response from Solidarity Now

Construction is also a sector typified by long sub-contracting chains,²⁷ meaning workers may be recruited by agencies or intermediaries. Not only are sub-contracted workers more vulnerable to occupational safety and health risks,²⁸ but this then makes accessing remedy in the case of occupational

incidence even more difficult, as the worker has to prove an employment relationship with a sub-contractor who may have had very little interaction with the worker.²⁹

The case of Brahim A. in the construction sector (Spain, 2010)

Brahim A., a 54-year-old Moroccan national without a work or residence permit in Spain, died after suffering a severe fall while painting a staircase in a home in the Príncipe Alfonso neighbourhood, in Ceuta. He fell approximately six meters, sustaining critical head injuries that led to brain death. After the incident, instead of calling emergency services, the contractor transported and abandoned Brahim, who was still alive, at the doors of the Ceuta University Hospital. He died a few days later from his injuries.³⁰

The case of Satnam Singh (Italy, 2024)

Satnam Singh, a 31-year-old Indian farmworker, died on 19 June 2024, following a brutal workplace accident in the agricultural fields of Borgo Santa Maria, near Latina, Italy. Singh was operating a cable-winding machine when his arm was severed, and he sustained multiple fractures and serious head injuries. Despite the severity of his condition, his employer, Antonello Lovato, did not call emergency services and instead abandoned him outside his home, with the amputated limb placed in a plastic crate.³¹ Singh, who did not have a valid residence permit, died shortly thereafter due to the injuries sustained. Journalists monitoring deaths on the workplace in Italy report that this case, while shocking, is not isolated but rather emblematic of the systemic exploitation and dangerous working conditions faced by thousands of undocumented migrant agricultural workers in Italy, many of whom work without protection or access to emergency care.³² Singh's death has reignited urgent calls for stronger protections, inspections and legal accountability in the agricultural sector.³³

27 Posting.Stat webinar, Subcontracting chains in the construction sector, 12 May 2025

28 James, Phil, et al. "Regulating the employment dynamics of domestic supply chains." *Journal of Industrial Relations* 57.4 (2015): 526-543.

29 Cremers, J., & Houwerzijl, M., Subcontracting and social liability: Report & policy recommendations. ETUC, 2021.

30 'Muere el trabajador 'sin papeles' que fue abandonado en un hospital de Ceuta', *El Mundo* 9 November 2010

31 'Bracciante morto a Latina: disposta l'autopsia, sigillati a parte dell'azienda', *Rai News Italy*, 20 June 2024

32 Vitale A, "Morti di lavoro": Satnam Singh è il centesimo del 2024', *L'identità*, 20 June 2024

33 Camilli, A, La morte atroce del bracciante Satnam Singh, *Internazionale*, 24 June 2024

Exposure to harmful substances

According to the European Agency for Safety and Health at Work (EU-OSHA), exposure to dangerous substances remains one of the leading causes of work-related illnesses, including cancer,³⁴ which the ILO cites as the biggest cause of work-related death.³⁵ In sectors such as agriculture, construction and cleaning, workers are exposed to harmful substances such as industrial cleaning agents, pesticides, and dust particles. Occupational exposure to toxic substances is a recognised cause of respiratory illness. The European Environment Agency identifies exposure to several harmful agents in the workplace as responsible for the high number of people diagnosed with asthma, chronic obstructive pulmonary disease (COPD), bronchitis, and hypersensitivity pneumonitis.³⁶ Harmful agents typically encountered in the aforementioned sectors include diisocyanates, ammonia, chlorine, sulphur and nitrogen oxides, ozone, benzene, bioaerosols and agricultural dusts.

Cleaning workers (around 30% of whom in the EU are migrant workers) regularly handle toxic cleaning chemicals in enclosed spaces, increasing their exposure to harmful substances without adequate

training or dermal and respiratory protective gear.³⁷ In some situations, cleaning workers may be exposed to needles or bodily secretions.³⁸ Migrant care workers reported increased risks of contracting infectious diseases due to a lack of appropriate training and protective measures.³⁹

PICUM members in Greece reported daily exposure to toxic chemicals used in cleaning and farming, along with frequent contact with dust and other harmful airborne particles on construction sites. They also highlight that exposure to these agents not only results in respiratory issues, but also in skin illnesses.⁴⁰ Workers in a frozen fish processing factory, for instance, reported having to handle ice without gloves, exposing them to cold burns and frostbite.⁴¹

Despite these well-documented risks, employers often neglect investments in safety equipment, training, and workplace adjustments, perceiving them as unnecessary expenses, rather than essential components of occupational health. As a result, workers are left vulnerable to occupational illnesses with little recourse for preventive care or compensation.

34 European Agency for Safety and Health at Work (EU-OSHA). [Exposure to carcinogens and work-related cancer: A review of assessment methods](#), 2014

35 International Labour Organization, 'Exposure to hazardous chemicals at work and resulting health impacts: a global review', International Labour Organization: 2021, Geneva

36 [Beating chronic respiratory disease: the role of Europe's environment](#), EEA (2024)

37 Roskams et al., [The occupational safety and health of cleaning workers](#), p. 28. EU-OSHA (2009).

38 S. Moyce & M. Schenker '[Migrant Workers and Their Occupational Health and Safety](#)', 2018 Annual Review of Public Health, Volume 39, p. 351-365

39 Information from PICUM survey response from Servicestelle gegen Arbeitsausbeutung, Zwangsarbeit und Menschenhandel (managed by Arbeit und Leben Berlin-Brandenburg gGmbH)

40 Information from PICUM survey response from Community Rights in Greece

41 Information from PICUM survey response from Generation 2.0 for Rights, Equality and Diversity

Psychosocial risks

Whilst musculoskeletal disorders⁴² remain the biggest occupational health problem for workers in the European Union,⁴³ mental health issues, such as depression, anxiety, post-traumatic stress disorder, and psychoses⁴⁴ related to work are common among migrant workers. Some PICUM members surveyed indicated that undocumented workers frequently develop (or may face aggravations of previous) poor mental health.⁴⁵ Anxiety around non-payment and under-payment, lack of predictability and security in terms of working hours and income, and poor working conditions including excessive hours, pose particular mental health risks.

Another significant health risk are the recurrent episodes of workplace abuse and harassment by employers (including sexual harassment),⁴⁶ reported by migrants in all work sectors.⁴⁷ In situations where the worker lives on-site, either as a domestic worker, or in employer-provided accommodation in the agricultural and hospitality sectors, workers can be especially isolated and vulnerable to mental health issues.

The domestic work sector employs mainly migrant women, who are often working informally and without access to basic labour protections. Migrant

domestic workers may reside in the same household as their employers (so called “live-in” workers), leading to working hours that far exceed legal and contractual limits.⁴⁸ Furthermore, the isolation inherent in this living arrangement, together with the extreme dependence on the employer’s family, often contributes to mental health deterioration, including burnout and depression.⁴⁹ Cleaning jobs, even in public institutions like schools, are frequently scheduled during early morning or night shifts and carried out alone, with travel time between multiple work sites unpaid or wrongly counted as rest periods, leaving them no possibility for breaks on the workplace.⁵⁰

In the transport sector, truck drivers are entitled to a 45-hour rest period every three weeks and can choose their rest location every four weeks. However, many face pressure to waive this right, often signing documents to confirm it. Drivers frequently live in their trucks for months, sleeping on small emergency beds in the cabin. Insufficient rest periods and areas for truck drivers contribute to fatigue and increased accident risks – and for undocumented workers, traffic accidents can lead to problems with immigration authorities.⁵¹

42 In terms of definition, work-related musculoskeletal disorders include several forms of painful condition associated with strain caused to body tissues in the region of joints (muscles, tendons, nerves, blood vessels) including carpal tunnel syndrome, neck and back pain, rotator cuff tendon damage. See Sluiter J.K., Rest K.M. et Frings-Dresen M.H. (2001) [‘Criteria document for evaluating the work-relatedness of upperextremity musculoskeletal disorders,’ Scandinavian Journal of Work, Environment and Health](#), 27 (Suppl. 1), 1-102.

43 Roquelaure, Y. [‘Musculoskeletal disorders: a major challenge for occupational risk prevention in Europe,’ ETUI, The European Trade Union Institute](#), 05 November 2020

44 Factsheet: [‘Refugee and migrant mental health,’ World Health Organization](#), 1 September 2025

45 Information from PICUM survey response from Solidarity Now

46 S. Moyce & M. Schenker [‘Migrant Workers and Their Occupational Health and Safety,’ 2018 Annual Review of Public Health, Volume 39](#), p. 351-365

47 Information from PICUM survey response from Community Rights in Greece

48 Information from PICUM survey response from Servicestelle gegen Arbeitsausbeutung, Zwangarbeit und Menschenhandel (managed by Arbeit und Leben Berlin-Brandenburg gGmbH)

49 Ibid

50 Ibid

51 Ibid

Psychosocial risks in the workplace can have an especially damaging knock-on impact on precarious and undocumented workers.⁵² Mental health issues can be further exacerbated by the fact migrant workers are often covered only by minimal group insurance schemes or lack health insurance altogether.⁵³ This means that workplace accidents or illnesses can lead to financial ruin, as workers may not be entitled to wage continuation or medical care. Workers report denials of sick leave and a

complete absence of compensation for workplace injuries when employed without formal contracts.⁵⁴ Migrant workers (especially undocumented) also face additional barriers to accessing healthcare and mental health support and as a result, psychosocial occupational risks can put undocumented workers in situations where they face police violence, fines, and deportation.⁵⁵

52 Bretones, F. et al. ["Psychosocial Working Conditions and Well-Being of Migrant Workers in Spain."](#) International journal of environmental research and public health vol. 17,7 2547. 8 Apr. 2020

53 Information from PICUM survey response from Servicestelle gegen Arbeitsausbeutung, Zwangsarbeit und Menschenhandel (managed by Arbeit und Leben Berlin-Brandenburg gGmbH)

54 Information from PICUM survey response from Generation 2.0 for Rights, Equality and Diversity

55 PICUM, ['Migration status: A key structural social determinant of health inequalities for undocumented migrants'](#), PICUM, December 2023

Violence

Undocumented workers may be faced with verbal harassment, racial abuse, physical and/or sexual violence.⁵⁶ In some cases, threats and acts of violence are used to force workers to work faster, longer hours, or in unsafe conditions.

For victims of crime, risk of immigration enforcement creates a fear of reporting, so workers lack access to remedy for situations of workplace abuse. In sectors such as cleaning, domestic care, and sex work, which are disproportionately staffed by women, there are

heightened risks of harassment and violence, both in the private households where they live and/or work, and while commuting during early morning or night shifts. Their isolation, lack of formal protections, and irregular working hours increase their vulnerability to abuse, often without access to reporting mechanisms or support services. In this context, undocumented women have even less protection, and are discouraged from reporting for fear of losing their only source of income and of being arrested or deported.

Racist assaults on delivery riders in Cyprus

PICUM members have highlighted a number of recent violent racist attacks on food delivery riders in Cyprus. In October 2024, eleven incidents were reported in Limassol alone,⁵⁷ with drivers facing stones being thrown at them, racist abuse, and theft of bikes or navigation equipment such as tablets – costs which workers are forced to cover themselves. In August 2024, drivers engaged in a 3-day protest⁵⁸ against racist attacks, demanding protection and implementation of the collective agreement regulating the profession⁵⁹ (which does not apply to undocumented workers). Attacks have continued, however, and in 2025 around 20 armed people attacked and robbed a delivery driver in Limassol.⁶⁰ In some cases, assailants order food to lure the rider out in order to attack them.

56 S. Moyce & M. Schenker 'Migrant Workers and Their Occupational Health and Safety', 2018 Annual Review of Public Health, Volume 39, p. 351-365

57 Bouris, C. '19 attacks on foreign delivery workers spark crackdown on racist violence', KNEWS, 2024

58 Mantzipa, I. [Delivery drivers protest against racist attacks in Limassol](#). In-Cyprus.Philenews, 2024

59 Adamou, A. [Collective agreement to safeguard rights of delivery workers](#), In-Cyprus.Philenews, 2024.

60 [Masked gang attacks food delivery driver in Limassol](#), KNEWS, 2025

Extreme conditions adaptation and climate change

In 2025, 33% of workers across the EU reported having been exposed to at least one climate change-related risk factor in the past 12 months.⁶¹ In 2024, 62,000⁶² deaths in Europe were attributed to summer heat, a figure which is likely an underestimate (the ILO estimates that 2.41 billion workers face exposure to extreme heat annually⁶³ - 71% of the world's working population).

Sectors such as agriculture, construction, production lines, and platform economy jobs such as food delivery are increasingly vulnerable to extreme weather conditions as the climate crisis worsens. Between 36%-38% of workers in Europe in agriculture and industry and construction report exposure to extreme heat levels for more than a quarter of their working hours, far higher than the average of 23% of workers across sectors.⁶⁴ When these factors are combined with other conditions typically experienced by undocumented workers, such as excessive working hours and lack of protective equipment, the risk factors from extreme heat become far more serious.

Migrant agricultural workers are often provided minimal or no protection against UV radiation, dehydration, and heatstroke. In Germany, skin cancer caused by prolonged sun exposure was recognised as an occupational illness in 2015.⁶⁵ However, despite the official recognition of these risks, many migrant workers depend entirely on employers for access to medical assistance, especially on remote farms where healthcare services are difficult to reach.⁶⁶ Migrant agricultural workers report high rates of heat-related illnesses such as strokes and cardiovascular events, as well as exposure to allergens, infections, and pesticides.⁶⁷ Some agricultural workers are also housed by the employer, often in poor and unhygienic accommodation, which can add to both physiological and mental difficulties. The agricultural sector in Europe is marked by weak enforcement of labour standards and widespread informality, and is one of the most vulnerable sectors in which migrant workers face exploitation.⁶⁸

61 Belli, S and De Keulenaer, F, ['OSH Pulse 2025: Occupational safety'](#), EU-OSHA:2025

62 Janoš, T., Quijal-Zamorano, M., Shartova, N. et al. ['Heat-related mortality in Europe during 2024 and health emergency forecasting to reduce preventable deaths.'](#) Nat Med 2025.

63 Flouris, A., Azzi, M., Graczyk, H., Nafradi, B., and Scott, N., eds. [Heat at Work: Implications for Safety and Health. A Global Review of the Science, Policy and Practice.](#) ILO:2024

64 Cefaliello, A, ['Heat stress at work – a political emergency'](#), Social Europe: 2024

65 Wittlich M (2022) [Criteria for Occupational Health Prevention for Solar UVR Exposed Outdoor Workers-Prevalence, Affected Parties, and Occupational Disease.](#) Front. Public Health 9:772290

66 Information from PICUM survey response from Servicestelle gegen Arbeitsausbeutung, Zwangsarbeit und Menschenhandel (managed by Arbeit und Leben Berlin-Brandenburg gGmbH)

67 Information from PICUM survey response from Solidarity Now

68 Castillo-Rojas-Marcos, J.; Molinero-Gerbeau, Y.; Ruiz-Ramírez, C. (2024). [Essential but Invisible and Exploited: A literature review of migrant workers' experiences in European agriculture.](#) Oxfam International.

Extreme weather conditions are also occupational hazards for delivery riders. Gig economy models which require intense and long working hours with no break, lack of protective gear for cycling and riding, and lack of appropriate clothing for winter and summer conditions create additional risks beside the presence of road traffic, faults with bicycles and e-bikes, and sometimes lack of knowledge

of traffic laws. Occupational inspection is also very difficult despite the frequency of accidents, as there is no worksite to inspect,⁶⁹ and in some cases, delivery companies have cooperated with immigration enforcement to check the statuses of riders,⁷⁰ meaning riders are even less likely to report accidents.⁷¹

The case of Eleazar Benjamín Blandón Herrera (Spain, 2020)

On 1 August 2020, Eleazar Benjamín Blandón Herrera, a 42-year-old Nicaraguan undocumented seasonal worker, suffered a heatstroke while working under extreme conditions in a watermelon field in Lorca, Murcia. He reportedly worked over eleven hours in temperatures exceeding 40°C, with inadequate access to water or shade.⁷² When he collapsed, his colleagues reported that the employer did not call the ambulance and waited until all the workers finished their shift before transporting him to the town with the workers' van.⁷³ Eleazar was finally abandoned by the employer at the entrance of a local health centre, where he later died. The incident sparked widespread outrage and led to investigations by Spanish authorities into the exploitative conditions faced by migrant agricultural workers in the region of Murcia.⁷⁴

69 Information from PICUM survey response from Servicestelle gegen Arbeitsausbeutung, Zwangsaarbeit und Menschenhandel (managed by Arbeit und Leben Berlin-Brandenburg gGmbH)

70 Bryan, K., ['Police swoop on UberEATS and Deliveroo delivery riders'](#), The Sunday Times, 13 January 2019

71 Sigona, N., Piemontese, S., Achi, A., Mendes, S.S. (2025) [Irregularised migrant workers in the UK food delivery sector](#). I-CLAIM.

72 Martín M, ['La muerte de un temporero en Murcia: jornadas de 11 horas a más de 40 grados y sin agua'](#), El País, 3 August 2020

73 ['La trágica muerte de Eleazar Blandón, un temporero explotado en España'](#), France24, 6 August 2020

74 Coy, J, ['Al jornalero Eleazar no le mató el sol'](#), El Salto, 12 August 2020

Legal and policy framework and practice

Occupational safety and health legislation and policy is managed both at the national and European level, with further rules coming from various International Labour Organization conventions. The frameworks can be split broadly into two categories: legislation

and policy that is designed to prevent occupational safety and health incidents, and legislation and policy that is designed to offer recourse to remedy to the worker after a workplace incident has occurred.

Prevention

European Union legislation

The European Union legislative approach to occupational safety and health focuses predominantly on prevention. This approach is primarily based on the 1989 'Framework Directive' on Occupational Safety and Health, its subsequent 'daughter' directives, and the EU strategic framework on health and safety at work 2021-2027. Whilst the latter attempts to address the changing world of work with a focus on digitalisation and the post-Covid working model,⁷⁵ the former directives deal more extensively with the types of occupational health and safety issues associated with sectors that are commonly (and disproportionately) staffed by (undocumented) migrant workers.⁷⁶

The 1989 Occupational Safety and Health Framework Directive recognises a worker as 'any person employed by an employer, including trainees and apprentices but excluding domestic servants.'⁷⁷ regardless of permits or documentation.⁷⁸ As the directive refers to 'any person employed', it is one of the EU directives that definitely applies to undocumented migrant workers.⁷⁹ The directive is built on general principles of prevention:

- 'avoiding risks
- evaluating the risks
- combating the risks at source
- adapting the work to the individual
- adapting to technical progress
- replacing the dangerous by the non- or the less dangerous

75 EU strategic framework on health and safety at work 2021-2027

76 Undocumented Worker Transitions 'The relationship between migration status and employment outcomes: Final Report' 2009, p. 22; ILO, Migrant Work and Employment in the Construction Centre, 2016.

77 Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ([89/391/EEC](#))

78 As stated in above, the legal framework recognises this at international, regional and national level, including ILO Conventions, the European Convention on Human Rights (ECHR) and related jurisprudence from the European Court of Human Rights ("EctHR"), and the EU Charter on Fundamental Rights, among others. Undocumented migrant workers are also covered by a range of other EU law on migration, anti-trafficking, employment, health and safety and anti-discrimination and related jurisprudence from the Court of Justice of the European Union ("CJEU")

79 PICUM, '[Guide to Undocumented Workers' Rights at Work under International and EU Law](#)', 2022

- developing a coherent overall prevention policy
- prioritizing collective protective measures (over individual protective measures)
- giving appropriate instructions to the workers.⁸⁰

These principles mandate employers to:

- 'evaluate all the risks to the safety and health of workers, *inter alia* in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of workplaces;
- implement measures which assure an improvement in the level of protection afforded to workers and are integrated into all the activities of the undertaking and/or establishment at all hierarchical levels;
- take into consideration the worker's capabilities as regards health and safety when entrusting tasks to workers;
- consult workers on introduction of new technologies;
- designate worker(s) to carry out activities related to the protection and prevention of occupational risks;

- take the necessary measures for first aid, fire-fighting, evacuation of workers and action required in the event of serious and imminent danger;
- keep a list of occupational accidents and draw up and draw up, for the responsible authorities reports on occupational accidents suffered by workers;
- inform and consult workers and allow them to take part in discussions on all questions relating to safety and health at work;
- ensure that each worker receives adequate safety and health training.⁸¹

Further directives develop occupational safety and health standards for specific risks and sectors including sectors in which migrant workers are disproportionately represented, such as protection from biological and chemical agents, manual load handling, and physical agents that generate noise and/or vibration, as well as more general minimum health and safety standards for the workplace.⁸² The full list of 'daughter directives' can be found in the annex.

80 Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (89/391/EEC)

81 Ibid

⁸² See, for example, Council Directive 89/654/EEC – Minimum safety and health requirements for the workplace; Directive 2009/104/EC – Minimum safety and health requirements for the use of work equipment by workers; Directive 2000/54/EC – Protection from risks related to exposure to biological agents at work; Council Directive 98/24/EC – Protection from risks related to chemical agents at work; Council Directive 90/269/EEC – Minimum requirements for the manual handling of loads, preventing back injuries.

European Union policy framework

Additional EU policy programmes promote the protection of occupational health and safety, such as the European Pillar of Social Rights, which states that 'Workers have the right to a high level of protection of their health and safety at work.'⁸³ The European Commission communication on Modernisation of the EU Occupational Safety and Health Legislation and Policy highlighted a focus on occupational cancer, supporting micro-, small-, and medium-sized businesses in complying with occupational safety and health rules, and engaging with member states to update rules at national level and provision enforcement post-incidence.⁸⁴

This communication notes that employers are legally obligated to take measures to protect all workers, including taking specific measures to specific risks faced by 'vulnerable' demographic groups of workers, including migrants, and design 'specific preventive and protective measures according to the requirements of those groups of workers.' The communication also emphasises that 'work-related risks to women's safety and health have been underestimated and gender-neutral approach has contributed to less attention and resources being directed towards prevention of work-related risks experienced by women.'⁸⁵

However, the European policy framework on occupational safety and health contains problematic gaps

in key areas, especially the absence of consideration for sex workers and domestic workers, both sectors which employ a high number of migrant workers, and in particular migrant women.

In the case of domestic workers, they are specifically excluded from the 1989 Occupational Safety and Health Framework directive. The EU Strategic Framework on Health and Safety at Work 2021-2027 states that 'actions will be encouraged to avoid gender bias when assessing and prioritising risks for action by ensuring ... the recognition of risks in occupations that have long been overlooked or considered as 'light work' (e.g. carers or cleaners)', but there remains a lack of legal recognition of domestic workers as workers at EU level. However, despite this exclusion from the Framework directive, domestic workers are not explicitly excluded from the 'daughter directives', which refer to all workers. As such, and also considering CJEU case law,⁸⁶ the implementation of these directives by EU member states should include domestic workers. Indeed the European Commission has stated that the Pregnant Workers Directive, one of the 'daughter directives', unequivocally applies to domestic workers.⁸⁷

The European Care Strategy,⁸⁸ presented by the European Commission in September 2022, is a potential avenue to strengthen the rights of domestic workers at EU level. Amongst its priorities, the

83 European Pillar of Social Rights, 2017

84 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health Legislation and Policy', 2017

85 Ibid

86 Pavlou, V, 'Domestic work in EU law: the relevance of EU employment law in challenging domestic workers' vulnerability'. *European Law Review*, 2016, 41(3), pp. 379-398

87 Ibid

88 European Commission (2022): *A European Care Strategy for caregivers and care receivers*

strategy includes recommendations for improving standards of occupational safety and health in the care sector, including ratifying and implementing the

ILO Domestic Workers Convention.⁸⁹ Nonetheless, the occupational protection of domestic workers is not yet explicitly enshrined in EU law.

International conventions

The 1989 Occupational Safety and Health framework directive follows the ILO Occupational Safety and Health Convention (155) of 1981, which addresses use and maintenance of the material elements of work (such as office space, machinery, other equipment), the relationships between these material elements of work and the persons who carry out or supervise the work, and protection against undue disciplinary measures against workers for conforming with national occupational safety and health laws.⁹⁰ This was followed in 2006 by the Promotional Framework for Occupational Safety and Health Convention (187), which aims to promote the continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths.⁹¹

More recently, the ILO adopted a new Global Strategy on Occupational Safety and Health,⁹² which will guide international occupational safety and health efforts from 2024 to 2030. A key focus is on fostering a preventative safety and health culture, ensuring that safety measures are embedded at both national and workplace levels. To achieve its objectives, the strategy is structured around three key pillars:

1. Improving national occupational safety and health frameworks by strengthening laws, regulations, compliance mechanisms, and data collection systems.
2. Strengthened coordination, partnerships, and investment, positioning workplace safety as a key component of national and international policy agendas. Sustainable financing and international cooperation play a crucial role in ensuring long-term impact.
3. Enhancing of workplace occupational safety and health management systems, particularly in high-risk industries such as construction, mining, and agriculture.

This strategy is underpinned by the ILO's recent move to make occupational safety and health the fifth of its 'fundamental principles and rights at work'. This means that all ILO member states (which includes all EU member states), even those that have not ratified the Conventions linked to the principle, are obliged by virtue of membership to 'respect, to promote, and to realise the principles concerning the fundamental rights'.⁹³ These fundamental rights apply to all workers, no matter their residence status.

89 In line with this, the EU-OSHA project: 'Health and social care sector and occupational safety and health (OSH), running from 2022 to 2026, is aiming 'to provide evidence-based knowledge on the diverse challenges faced by the sector when it comes to the safety and health of its workers in order to increase awareness and guide the policy-making process. See EU-OSHA, [Health and Social Care Sector](#), and Vroonhof et al., [OSH in figures in the health and social care sector](#)', EU-OSHA: 2024, Bilbao

90 [Conventions Nos 155 and 187: the core of the ILO normative framework on occupational safety and health](#)

91 [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\), 2006](#)

92 International Labour Organization (2023): [The ILO Global Strategy on Occupational Safety and Health and its Plan of Action \(2024-2030\)](#)

93 [Declaration on Fundamental Principles and Rights at Work and its Follow-up](#), International Labour Organization, 1998, amended 2022

The ILO has also produced an additional convention regarding safeguarding of domestic workers and carers. Convention 189, the Domestic Workers Convention, which entered into force in September 2013, was a legislative milestone for both the recognition and protection of domestic workers. The Convention mandates freedom of association and effective recognition of collective bargaining, a safe and healthy work environment, decent living conditions for workers who live at their place of work, social security coverage, fair remuneration, easy access to complaint mechanisms as well as protection against abuse, harassment and violence. Crucially, it also requires national governments to extend protection to migrant domestic workers and to tackle abusive practices by private employment agencies.⁹⁴

This convention is itself based on Article 7 of the UN International Covenant on Economic, Social, and Cultural Rights, which recognises 'the right of everyone to the enjoyment of just and favourable

conditions of work which ensure, in particular... safe and healthy working conditions'.⁹⁵ This was expanded on in a General Comment underlining the need for specific action in national occupational safety and health policies on the rights of migrant workers and domestic workers to favourable working conditions.⁹⁶

EU member states have been authorised to ratify the Convention since 2014, but so far only nine of the 27 member states have ratified ILO Convention 189,⁹⁷ and even amongst those that have there remains work to be done before the principles of the Convention are fully implemented. Former European Commissioner for Jobs and Social Rights Nicolas Schmit called in 2021 for 'renewed efforts to lift domestic work out of invisibility and unacceptable conditions into recognised, fair and decent work',⁹⁸ but there has been little further effort from EU member states in implementing ILO Convention 189.⁹⁹

94 [Domestic Workers Convention, 2011 \(No. 189\), 2011](#)

95 [United Nations General Assembly resolution 2200A \(XXI\)](#), International Covenant of Economic, Social, and Cultural Rights, Article 7, pp 3-4, 1966

96 General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), pp 6-7 and 12-14, 2016

97 The EU member states that have ratified the convention are Belgium, Finland, Germany, Ireland, Italy, Malta, Portugal, Spain, and Sweden, see [International Labour Organization: Ratifications of C189-Domestic Workers Convention, 2011 \(No.189\)](#)

98 European Federation of Food, Agriculture, and Tourism Trade Unions '[European alliance calls on EU governments to ratify convention on domestic workers](#)', 28 June 2021

99 Pavlou, V, '[Towards the inclusion of migrant domestic workers – renewing efforts towards ratification of ILO Convention189](#)', Friedrich Ebert Stiftung , October 2024

National-level prevention measures

The primary methods of controlling whether employers are meeting their obligations around prevention of occupational safety and health issues are labour and health and safety inspections. Whilst these take shape according to the differing systems of member states, their primary aim remains the same, namely, to enforce laws relating to working conditions and the protection of workers, to provide information and advice to employers and workers on how best to comply with these laws, and to identify shortcomings or abuses not specifically covered by available legal provisions.

Article 9 of the ILO Occupational Safety and Health Convention (155) states that:

1. 'The enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection.
2. The enforcement system shall provide for adequate penalties for violations of the laws and regulations.'¹⁰⁰

However, this does leave room for interpretation as to what is appropriate for a system of inspection, and the scope of the mandate of the inspectors. Generalist inspectors usually have a mandate that addresses working conditions, labour exploitation, and undeclared work (and also health, safety and welfare), whereas specialist inspectors concentrate solely on occupational health and safety at the worksite.¹⁰¹ This distinction is key, as migrant workers, particularly those with a precarious or

undocumented status, are less likely to disclose information to generalist inspectors for risk of reprisal related to this status. However, inspectorates that specialise in occupational safety and health cannot accept and process individual complaints, and as such, cannot provide access to a pathway to remedy in the same way. Moreover, health and safety inspectors may conduct inspections accompanied by police, for example in situations where they fear a risk to their safety.¹⁰²

Nonetheless, both general and specialised inspections are important preventative tools in avoiding occupational illness and injury. Proactive inspections can identify flaws in the occupational safety and health of workplaces, equipment, or work processes, and mandate changes be made before a problem occurs.¹⁰³ However, the differing requirements placed on labour inspectorates by national governments mean that for migrant workers in particular, these inspections have a potentially harmful effect on securing their right to favourable working conditions.

Inspectorates have the power to impose various measures in order to prevent occupational safety and health incidents. These can vary from ordering the removal/repair of defective material or carrying out safety training, to imposing sanctions on the employer including fines or the temporary closure of a worksite. However, for precarious or undocumented workers, some measures may actually worsen the situation – workers with residence permits tied to a particular employer may risk becoming undocumented if their worksite is forced to shut down, even

¹⁰⁰ [Occupational Safety and Health Convention \(No. 155\)](#), Article 9, 1981

¹⁰¹ Walters, D. ['Labour inspection and health and safety in the EU'](#), ETUI, The European Trade Union Institute, 05 November 2020

¹⁰² PICUM, [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), PICUM: 2020, Brussels

¹⁰³ [Occupational Safety and Health Convention \(No. 155\)](#), Article 9, 1981

temporarily, and undocumented workers risk losing employment if their employer feels they will respond to financial sanctions and fines by cutting staffing costs.

In many EU member states,¹⁰⁴ labour inspections are also tasked with checking the work permit (and immigration status) of employees, as part of general

EU-wide efforts to reduce undeclared work.¹⁰⁵ Labour inspectors often immediately report undocumented migrant workers to immigration authorities, and depending on the nature of the labour inspection, inspectors themselves are also frequently accompanied by police (for example in instances where there may be a risk to their safety).¹⁰⁶

Czechia's protection measures hamstrung by obligation to denounce undocumented migrants

Czech legislation has extensive legal provisions to regulate the occupational safety and health of employees, regardless of immigration status, in line with EU law.¹⁰⁷ The responsibility for monitoring and enforcing these provisions is shared between the Státní úřad inspekce práce, or State Office of Labour Inspection, and Ministry of Health. The State Office of Labour Inspection is led by the Ministry of Labour and Social Affairs and its main task is to check whether business entities comply with the obligations related to labour law regulations and regulations on health and safety at work. The State Office of Labour Inspection provides advice to employers and employees on employee remuneration, working hours and overtime, unequal treatment and discrimination, illegal employment, occupational safety, and compliance with employee posting conditions.

It has the power to:

- inspect whether employers observe all obligations arising out of the applicable legal regulations;
- mandate removal of any defects found during the inspection;
- impose sanctions.¹⁰⁸

However, any potential positive impact of these preventative measures is hamstrung by two main issues. The first issue is that the State Office of Labour Inspection response time for requests for investigation frequently exceeds five to six months. This clearly reduces the effectiveness of reporting violations of occupational safety and health, even if following an inspection the State Office of Labour Inspection does indeed order removal of defects. The second issue is that Czech law mandates

104 Including Austria, Belgium, Bulgaria, Cyprus, Czech Republic, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, and Spain – see PICUM, [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), PICUM: 2020, Brussels

105 Walters, D. ['Labour inspection and health and safety in the EU'](#), ETUI, The European Trade Union Institute, 05 November 2020

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

107 See, for example Act No. 262/2006 Coll., Labour Code, Act No. 309/2006 Coll., regulating further requirements for safety and health protection at work in employment relationships and on ensuring safety and health protection during activities or provision of services outside employment relationships, Government Regulation No. 591/2006 of 12 December 2006 on closer minimum requirements for safety and health protection when working on construction sites., Government Regulation No. 303/2022 Coll., amending Regulation No. 361/2007 Coll., laying down occupational health conditions

108 [State Labour Inspection Office](#)

the State Office of Labour Inspection to report all undocumented migrant workers to the immigration authorities who may be discovered during workplace inspections. Migrant workers in general, and undocumented workers in particular, are therefore unable to file reports of occupational safety and health violations, and employers are in a position to exploit this reticence.¹⁰⁹

The Czech Republic has not ratified ILO Convention 189 on domestic workers, and Czech national legislation 'prioritises the inviolability of a home over inspection of a workplace,'¹¹⁰ meaning that even these preventative measures to protect occupational safety and health are impossible to implement for domestic workers.

Prevention in Greece limited by the mandate of inspectors

In Greece there is a national legislative provision to protect the occupational safety and health of workers, regardless of migratory status.¹¹¹ Greece's labour market employs a large number of workers according to "seasonal work" as defined by EU law, as well as workers in the domestic work industry. Along with the existing legislation that protects their occupational safety and health, Greek law 4332/2015¹¹² mandates the provision of decent accommodation for seasonal workers from third countries, in line with European Union directive 2014/36.¹¹³ However, Greece has not ratified ILO Convention 189. Given that approximately half of female migrant workers in Greece are employed in the domestic work industry,¹¹⁴ this is a particular cause for concern when it comes to the safeguarding of the occupational health and safety (and other labour rights) of migrant workers.

Greece has a dedicated labour inspectorate within the *Υπουργείο Εργασίας και Κοινωνικών Υποθέσεων* (Ministry of Labour and Social Security). The responsibilities of the labour inspectorate include supervising the implementation of labour laws related to working conditions, working hours, compensation, and occupational safety and health. Additionally, the inspectorate investigates causes of workplace accidents and occupational diseases, proposes preventive measures, and examines complaints and requests from employees and employers.

However, the extent to which these preventative measures can be implemented is severely limited by the capacity and mandate of the inspectorate. The body has the power to impose fines, but not to actually carry out preventative measures such as employer safety training, raising awareness on workplace safety issues, introducing monitoring

¹⁰⁹ Information provided by Sdružení pro integraci a migraci o.p.s (SIMI)

¹¹⁰ [Why did Czech government refuse to ratify ILO Convention on Decent Work for Domestic Workers?](#), MigrationOnline, 2013

¹¹¹ See [law 3850/2010](#)

¹¹² See law [4332/2015](#)

¹¹³ See Directive [2014/36/EU](#) of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers

¹¹⁴ [ILO C189 Alliance, Joint letter to Greece, 2021](#)

systems, etc. This is especially stark in sectors that are prone to employing migrant workers in larger numbers (and rife with exploitation) such as construction, domestic work, and agriculture. Moreover, jobs in these sectors are more likely to have risks of occupational injury or illness¹¹⁵ and are far less likely to provide information and training that can reduce risk of injury in languages other than Greek.

Labour inspectorates in Greece have the possibility to report undocumented workers to the

police or immigration authorities, but they are not mandated to do so. However, police may also accompany inspectors in ad-hoc scenarios (such as if inspectors feel a risk to their safety) and may then report workers they suspect of being undocumented. Employers frequently weaponize the threat of reporting their workers' irregular status to the police to intimidate migrant workers (particularly those who have precarious or undocumented migrant status) into not making complaints about labour rights or occupational safety and health violations.¹¹⁶

State-level implementation of prevention measures in Germany complicates procedures for workers

The legal framework in Germany contains measures to protect undocumented workers including the Occupational Health and Safety Act (ArbSchG), Minimum Wage Act (MiLoG) and Working Hours Act (ArbZG), all of which are general worker-protecting laws that include undocumented workers under their umbrella. There are also sector-specific protections in agriculture, construction, and meat packing, as well as EU regulations regarding the transport industry – all sectors that rely extensively on migrant (including undocumented migrant) labour.

However, the implementation of these measures can vary considerably from state to state within Germany. Occupational safety and health in Germany is monitored by the authorities of the relevant federal states, as well as the German Social Accident Insurance (Deutsche Gesetzliche Unfallversicherung). These authorities have different

mandates and modes of operation, which creates an additional barrier for migrant workers (as well as for corresponding bodies in other countries) when finding out which is the correct authority for reference and complaints.

In practice, this means that the occupational safety and health authorities see employers as their main interlocutors. Inspections are based on interviews with employers and checks of documents provided by employers, with little to no separate communication organised between inspectors and workers.

Although the Occupational Health and Safety Act (1996) explicitly does not include domestic workers in private households,¹¹⁷ Germany ratified ILO Convention 189 in 2013. However, domestic workers still suffer from working hours exceeding contractually agreed or legal limits, and a lack of

115 Orrenius, P, and Zavodny M. "Do immigrants work in riskier jobs?" Demography vol. 46.3 (2009): 535-51; Eurostat, [Accidents at work statistics](#), 2025

116 Information from PICUM survey response from Generation 2.0, Solidarity Now, and Community Rights in Greece

117 Act on the Implementation of Measures of Occupational Safety and Health to Encourage Improvements in the Safety and Health Protection of Workers at Work, 1996

rest periods. Employees in this sector are also at particular risk of contracting infectious diseases from the people they care for, due to a lack of professional training and protective measures and equipment. For undocumented migrant workers in the sector, this risk is compounded by limited access to healthcare, the obligation of social welfare

professionals to report undocumented migrants to immigration authorities,¹¹⁸ and a difficulty in proving the employment relationship to access sick pay. In addition, psychosocial and mental health issues can occur due to isolation and a feeling of being at the service of the family.¹¹⁹

Prevention for contemporary challenges – the case of Spain

In recent years, Spain has made legislative advances to protect the occupational safety and health of domestic workers, as well as for workers who may be affected by extreme weather events, such as agricultural or construction workers. Change of legislation for domestic workers came in 2023, when Spain ratified ILO Convention 189, to accompany its existing regulation on occupational safety and health. In addition, Spain has faced not only extreme heat but also flooding. Two new royal decrees in 2024¹²⁰ established temporary protection and long-term provision for climate change risks, including paid 'climate leave'¹²¹ when workers cannot access the workplace due to extreme weather events, and mandating employers to inform workers about disaster alerts and extreme weather warnings. This is crucial for some migrant (particularly undocumented) workers who may lack access to government alerts.

¹¹⁸ While undocumented migrants are entitled to emergency healthcare in Germany, lack of clarity about these obligations creates confusion amongst healthcare professionals and fear amongst undocumented migrants. For more information see PICUM, [Reporting obligations and 'firewalls'](#), PICUM, 17 January 2025

¹¹⁹ Information from PICUM survey response from Servicestelle gegen Arbeitsausbeutung, Zwangarbeit und Menschenhandel (managed by Arbeit und Leben Berlin-Brandenburg gGmbH)

¹²⁰ Royal Decree-Law 6/2024, of November 5, adopting urgent measures to respond to the damage caused by the Isolated Depression at High Levels (DANA) in different municipalities between October 28 and November 4, 2024; Royal Decree-Law 7/2024, of November 11, adopting urgent measures to promote the [Immediate Response, Reconstruction and Relaunch Plan](#) in response to the damage caused by the Isolated Depression at High Levels (DANA) in different municipalities between October 28 and November 4, 2024.

¹²¹ Labbas-el-Guennouni & Arabadjieva, ['Climate change adaptation means rights for workers'](#), Social Europe, Social Europe: 2024, Brussels

Post-Incidence

International conventions

The international legal framework offers certain guidance and mandates certain requirements for remedy in the case of occupational safety and health incidents. The ILO Employment Injury Benefits Convention (121)¹²² requires the establishment of national-level legislation that ensures workers receive benefits in the case of workplace or occupational injury or illness. The Convention refers to 'employee[s]', meaning that the worker's right to compensation is linked to employment relationship rather than formal or informal status of work – so all workers, including undocumented migrants are covered under the convention. The Convention also makes explicit reference to guaranteeing equality between nationals and non-nationals. Despite the nature of Convention 121 being a mandate for national level legislation, achieving this equality for precarious and undocumented migrant workers is very difficult in practice.

Convention 121 supports the broader protection found in the Equality of Treatment (Accident Compensation) Convention 19 (1925).¹²³ This convention guarantees that foreign workers receive the same accident compensation benefits as nationals, without any conditions related to residence. This convention is especially significant due to its reference to 'workers' rather than 'employees', which allows

for a more inclusive interpretation that extends to a wider range of working situations.¹²⁴ Article 1 of the Convention makes reference to guaranteeing equal treatment to nationals of other ILO Member States which have also ratified the Convention.¹²⁵ With the convention ratified by 121 countries, including 26 EU member states,¹²⁶ it provides an extensive framework for protecting migrant workers across multiple jurisdictions.

The Migrant Workers (Supplementary Provisions) Convention No. 143 (1975)¹²⁷ sets important standards regarding the rights of migrant workers. Article 9 of the convention establishes that migrant workers in an irregular situation must enjoy equality of treatment concerning rights acquired through past employment, including social security and employment injury benefits. This principle has been reinforced by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), which has emphasised that undocumented migrant workers should not be excluded from accessing social security benefits arising from their employment.¹²⁸ Additionally, Migrant Workers Recommendation No. 151 (1975)¹²⁹ supplements these protections, stressing that all workers—regardless of their status—should be entitled to compensation for workplace injuries.

122 [Employment Injury Benefits Convention, 1964](#), International Labour Organization

123 [Equality of Treatment \(Accident Compensation\) Convention](#)

124 Even though 'employee' should refer to all workers with a dependent employment relationship, there is no international standard definition and countries use different definitions. 'Worker' allows for a wider interpretation that can include contract agents and platform workers with a dependent relationship. For more information see ILO, [Employment Relationship Recommendation, 2006](#) (No. 198)

125 *Ibid*

126 [Ratifications of C019 - Equality of Treatment \(Accident Compensation\) Convention, 1925 \(No. 19\)](#) (Of the EU member states, Romania has not ratified the Convention)

127 [Migrant Workers \(Supplementary Provisions\) Convention 1975 \(No.143\)](#) – of the EU member states, ratified by Cyprus, Italy, Portugal, and Sweden.

128 [Direct Request \(CEACR\) - adopted 2021, published 110th ILC session \(2022\)](#), on the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

129 [Migrant Workers Recommendation, 1975 \(No.151\)](#)

National-level legislation and practice

The EU legislative framework predominantly leaves remedy for work-related injury and illness to the jurisdiction of member states. Depending on the national legal and social insurance system, an affected worker may need to initiate a civil claim or meet specific

criteria to qualify for compensation. Member state legislation varies regarding the protection of migrant workers following occupational safety and health incidents.

Czechia

In Czechia, workplace incident insurance is paid for by the employer and covers both nationals and migrant workers, but undocumented workers do not have access to compensation through this Statutory Employer's Liability Insurance, nor do they

have access to income support if they are unable to work following a workplace incident. Consequently, this also means family members of undocumented workers are excluded from compensation in cases of workplace death.¹³⁰

Czechia – statutory insurance undermined by short-term contract

A documented worker with a short-term work visa had a very serious workplace accident on the last day of his employment contract and the last day of his short-term work visa. He ended up being hospitalised, and as the duration of the hospitalisation exceeded the work visa validity, he became undocumented. Czech legislation requires all employers to pay insurance, from which the employee's health damage and damage caused in connection with work-related accidents and occupational diseases will be reimbursed. In this particular case, the health insurance provided by the employer covered the employee, but only for the duration of the work contract (so only for the first day of hospitalisation), after which it no longer covered the medical expenses of the employee. The remaining medical expenses were not covered and the employee ended up with a significant debt towards the hospital.

This case illustrates the critical gaps in healthcare and insurance coverage faced by migrant workers whose residence status and entitlements are tied to precarious employment conditions.¹³¹

¹³⁰ Information provided by Sdružení pro integraci a migraci o.p.s (SIMI)

¹³¹ Ibid

Germany

In Germany, the situation is slightly different. Employer funded statutory accident insurance covers all employees from their first day of work, including migrant workers, and compensation for a workplace accident in Germany is provided through this statutory accident insurance. Employees are eligible for injury benefits (*Verletztengeld*) including medical treatment, rehabilitation, wage replacement (typically around 80% of net earnings) through the relevant accident insurance provider (*Berufsgenossenschaft*), and, in cases of permanent impairment, a disability pension.

In principle, these rights also apply to undocumented workers. However, if the work was undeclared, accessing statutory accident insurance benefits becomes much more difficult. Without proper documentation, it can be challenging to prove the employment relationship, and the employer may not have paid the required insurance contributions. As a result, the worker might face significant administrative and legal hurdles to claim compensation for a workplace accident. In practice, situations arise where the employer simply denies that an injured worker is/has been employed by them.¹³²

The accident insurance company can impose a fine on the defaulting employer. In the case of undeclared work (no matter the residence status of the worker), the accident insurance company can even take recourse against the employer: e.g. the accident insurance company makes payments to the accident victim but recovers these payments from the employer. However, undocumented workers are frequently unaware of these rights and may be subject to misinformation or pressure from the employer.¹³³

Undocumented workers in Germany face barriers to accessing income support and benefits following workplace accidents. The German Continued Remuneration Act (EFZG)¹³⁴ mandates the payment of the full salary for up to six weeks, and in the event of incapability to work due to an accident at work and during the period of medical rehabilitation, the employers' liability insurance associations pay injury benefit (Section 45 SGB VII) after the employer's continued remuneration has expired. A worker generally has a claim to continued remuneration and statutory accident insurance benefits if the accident is recognised as work-related. However, unregistered employment can hinder this claim. The amount is based on the wages earned - proof of wages must be provided via payslips. Income from undeclared work that cannot be documented is not taken into account, and for undocumented workers who are often employed off the books, accessing the remuneration to which they are entitled is nearly impossible in practice.

If a worker is killed on the job, the same barriers apply for the family to access compensation. In principle, relatives of an employee who has suffered a fatal accident are entitled to benefits from statutory accident insurance, such as a survivor's pension. However, it is often difficult to enforce these claims in the case of an undocumented worker, as accident insurance contributions are generally not paid and the employment status and duration of employment are often not sufficiently documented. Nevertheless, there is a claim if the accident at work is recognised as such and corresponding evidence can be provided – normally legal advice and support from specialist centres is needed.¹³⁵

¹³² Information from PICUM survey response from Servicestelle gegen Arbeitsausbeutung, Zwangsarbeit und Menschenhandel (managed by Arbeit und Leben Berlin-Brandenburg gGmbH)

¹³³ Ibid

¹³⁴ [Law on the Payment of Wages on Public Holidays and in Case of Illness \(Continued Payment of Wages Act\), \(1994\)](#)

¹³⁵ Information from PICUM survey response from Servicestelle gegen Arbeitsausbeutung, Zwangsarbeit und Menschenhandel (managed by Arbeit und Leben Berlin-Brandenburg gGmbH)

The death of Refat Süleyman and the complications preventing the family accessing compensation

The case of Refat Süleyman highlights the difficulty workers and family members face in accessing compensation post-incidence even when an EU citizen. Süleyman, a 26-year-old Bulgarian cleaning worker employed by the Oberhausener Personalservice agency, died in the Thyssenkrupp steel plant in Duisburg-Bruckhausen in 2022 in circumstances that remain unexplained. The company has refused to acknowledge that the death is an occupational safety incident, and the family have not been able to access compensation.¹³⁶ Advocates have commented that the use of sub-contracting reduces the avenues of protection workers have to protect their rights, and can 'circumvent occupational safety standards and effectively avoid liability for accidents and deaths'.¹³⁷

Greece

The Greek context is similar to Germany, with workplace accident insurance covered through mandatory employer contributions to the national social security system (e-EFKA), which theoretically insures all workers with a dependent employment relationship.¹³⁸ If the worker is not insured under e-EFKA, then the responsibility lies with the employer, although cases of this coverage being enacted in practice are rare. In principle, undocumented workers can seek compensation for

workplace accident through legal claims – either through reporting the incident to the labour inspectorate (Σώμα Επιθεώρησης Εργασίας or SEPE), taking legal action against the employer for failing to provide insurance, or claiming unpaid social security contributions in cases where the employer has not properly registered them. However, the fear and high risk of detention and deportation orders means in practice many undocumented workers are unable to file claims.¹³⁹

¹³⁶ ['Relatives of Refat Süleyman demand appropriate treatment of death and accidents and improvement of working conditions'](#), Association of Ethical Shareholders, 1 February 2024

¹³⁷ Stolipinovo in Europa, 2022, via ['In Germany, Declining Workers' Rights Are a Life-and-Death Issue'](#), Jacobin, 1 December 2022

¹³⁸ [Law 4670/2020](#) 'Insurance reform and digital transformation of the National Social Security Agency (e-EFKA) and other provisions' (Government Gazette, Series I, No 43, of 28.2.2020), see also [Law 4052/2012](#); Article 37, [Law 4387/2016](#); Article 76 and [Law 4670/2020](#); Article 41

¹³⁹ Information from response from PICUM survey from Generation 2.0 Red and Solidarity Now (2025)

The Netherlands

In the Netherlands, the employer is liable for personal injury in the event of a work accident, unless they can prove that they have done everything in their power to prevent the employee from suffering injury.¹⁴⁰ If the employer has taken all the necessary measures (such as safety equipment, training, etc) and monitored compliance, they are not liable for the accident and do not have to pay compensation.¹⁴¹ In practice, the worker typically needs legal support to press a claim. For migrant workers this means the barriers to compensation are especially high due to a potential lack of knowledge of their labour rights and the process for remedy, and difficulties in affording a good lawyer. Migrant workers are also frequently employed under freelance contracts (false self-employment). The employer can still be liable in civil court for injury to self-employed workers¹⁴² but again the barriers to access remedy through the courts are significant.

The Dutch Labour Authority (NLA) requires a report to be filed following an occupational incident, including a report of fatality, permanent injury (difficult to prove) or hospitalisation,¹⁴³ but the investigation may also bring an immigration check (either from police or from the inspectorate itself). For undocumented workers, employers can also deny the employment relationship outright. This is especially problematic as undocumented migrants do not have access to disability benefits or income support if they are unable to work following an occupational safety incident, so personal injury claims are the only recourse to remedy.¹⁴⁴

140 See the Dutch [Working Conditions Act \(Arbowet\)](#), 18 March 1999, revised 1 July 2017, and the Dutch [Working Conditions Decree](#), 15 January 1997

141 Ibid

142 Ibid, see also Ministry of Social Affairs and Employment, ['Arbowet, Liabilities'](#)

143 Ibid, see also Dutch Labour Authority, ['Investigating workplace accidents'](#)

144 Response from PICUM survey from FairWork, (2025)

Belgium

In Belgium, the legal framework refers to all workers bound by an employment relationship,¹⁴⁵ unless specifically excluded (such as civil servants or military staff), but including undocumented workers, and refers to all employers. It covers incidents during work, as well as incidents travelling to and from work. Employers are legally obliged to have insurance for the occupational safety and health incidents of their staff, and incidents must be declared in a timely frame, even if the worker is undeclared.¹⁴⁶ If not, they can face civil and criminal liability.

However, in cases where the employer has no insurance, or the insurance company defaults, the Belgian state can provide compensation to workers following occupational incidents. The (Federal Agency for Occupational Risks) FEDRIS can provide compensation such as medical costs (including prosthetic implants), transport to medical appointments, disability benefits and in case of fatal incidents, funeral costs and death grants, with the costs recovered from the employer or insurer.¹⁴⁷

These compensation rights also apply for undocumented workers, with the responsibility for payment lying with the state or the insurer – meaning workers are not reliant on their employer. Additionally, if a doctor certifies that the worker can no longer work

full-time following an accident, the insurance is obliged to compensate the remainder of the wage, whether the worker remains undocumented in Belgium, moves abroad, or returns home.

The system has drawbacks though: undocumented workers frequently do not possess written contracts and so must prove the employment relationship and the fact that the incident took place during or due to their work. The burden of proof is on the worker, thresholds can be high, and many migrant workers in Belgium are in situations of false self-employment. However, if the worker has enough evidence to prove the employment relationship without need for inspection, they can complain to the inspectorate without the risk of immigration enforcement as a result (however this policy does not apply if the worker is identified during an inspection). Financial difficulties can also become barriers to remedy, as no support is provided for the duration of the case, which can stretch for several years, and further worsen the impact on the physical and mental health of the worker. Workers are frequently deterred from following the procedure due to a combination of fear and mistrust of authorities, lack of knowledge of their rights to compensation even when undocumented, lack of evidence and language barriers.¹⁴⁸

145 [Act of 4 August 1996 on well-being of workers in the performance of their work](#) (Belgian Official Gazette 18 September 1996)

146 Ibid

147 [Compensation for permanent incapacity for work \(private sector\)](#), FEDRIS

148 Delie, R, 'Employer accountability for labour accidents and state compensation: the example of Belgium, presentation by FAIRWORK Belgium, 2021

Conclusion

Undocumented workers are an integral part of key sectors of the European labour market,¹⁴⁹ but face unsafe, unhealthy and exploitative working conditions across the European Union, with limited access to justice, healthcare, and compensation.

While there are some gaps for specific groups of workers and emerging occupational health and safety risks, there is an extensive legal framework around preventative measures and labour rights, which is inclusive of undocumented workers at international and EU level. Undocumented workers and their families are also entitled to equal treatment according to ILO conventions related to measures to provide income support and compensation when harm occurs (post-incidence responses), but there is no EU level legislation.

In both cases, however, there are significant practical barriers for migrant workers to access their labour rights.

Inspections may lead to a loss of income and job, and risks of detention and deportation – both for migrant workers with dependent permits and undocumented workers. Where a complaint is made via civil courts and administrative procedures, the evidential requirements are extremely difficult for undocumented workers to meet, and stack together with the length of procedures, costs, and difficulty to access legal representation, to prevent access to remedy for the majority of workers.

As a result, the people fulfilling some of the most important roles in European society – the people harvesting crops, building houses, cleaning schools, delivering meals, and caring for the elderly – are

working in conditions that are dangerous, undignified, and rife with exploitation. These conditions have not arisen in a vacuum – changes in the organisation of work, production methods, and consumption habits have seen an erosion of workers' rights over the past decades, with undocumented workers at the sharp end. These policies have resulted in a pool of labour that is vulnerable to employers weaponising precarity and informality to cut corners, reduce labour costs, and increase profits.

The denial of occupational safety and health rights to undocumented workers is not accidental. It is the result of intersecting policy failures: the criminalisation of migration, the informalisation of labour, and the prioritisation of border control over human dignity. These failures create the conditions for exploitation, injury, and, in some cases, death.

Beyond rights on paper, access to remedy, without fear or risk of criminalisation and punishment for immigration status, is crucial to protecting the occupational safety and health rights of undocumented migrant workers. The recommended policy measures below could enable the EU to protect some of its most vulnerable workers, ensuring that they are able to contribute to the economy without sacrificing their health, safety, or well-being.

As worsening conditions for undocumented workers today lay the ground for worsening conditions for all workers tomorrow, workers' rights are truly effective only if they are truly universal. A worker is a worker, and worker's rights are fundamental, universal, and non-negotiable - regardless of their status.¹⁵⁰

¹⁴⁹ Open Society Foundations, 'Is Italian agriculture a 'pull factor' for irregular migration – and if so, why?', Open Society Foundations: 2018

¹⁵⁰ PICUM, [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), PICUM: 2020, Brussels

Recommendations

The EU and its member states must uphold their obligations under the European Charter of Fundamental Rights and other relevant legal instruments by ensuring that all workers, regardless of their immigration status, can work in safe, dignified conditions. This includes strengthening the protection and enforcement of all labour rights, making systemic changes to immigration policies, increasing the capacity of labour inspectorates, and strengthening access to healthcare and legal protection.¹⁵¹

EU Level

1. Improve the EU legal framework.

- Address gaps in labour – including occupational safety and health – law coverage and make explicit the inclusion of all workers, regardless of their occupation and type of employment relationship.
- Examine possibilities to establish EU minimum standards on state provision or pre-payment of compensation in case of workplace accidents and illness, when employers have not insured workers or default on payment.
 - » Draw on the system in Belgium highlighted in this report, and the precedent of the Employers' Insolvency Directive,¹⁵² as examples.
- Address emerging occupational safety and health risks, including those related to climate change, such as flooding and extreme heat, to provide both temporary protection during and following extreme climate events and long-term provisions and protections.
 - » Draw on the measures taken by Spain and France highlighted in this report as examples.

2. Improve implementation of workers' rights in and through existing legislation:

- Ongoing monitoring and evaluation of the Employers' Sanctions Directive by the European Commission should support member states to implement undocumented workers' rights and effective complaints mechanisms which do not lead to immigration enforcement, as part of a comprehensive and coherent migration policy.

¹⁵¹ A wider list of recommendations for improving the working conditions of precarious and undocumented migrant workers can be found in PICUM, [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), PICUM: 2020, Brussels

¹⁵² [Directive 2008/94/EC of 22 October 2008 on the protection of employees in the event of the insolvency of their employer](#). This directive provides rights to employees in the case of employer insolvency, in particular that guarantee institutions take over outstanding claims resulting from contracts of employment or employment relationships, including some unpaid remuneration. The Directive defers to the definition of "employee" under national law, although certain groups – including undocumented workers – cannot be excluded (Tümer C-311/13, 2014 – for more information see PICUM, ['Guide to Undocumented Workers' Rights at Work under International and EU Law'](#), 2022).

- Support member states to implement the revised EU Single Permit Directive¹⁵³ and its provisions on change of employer in a way that protects migrant workers from losing their permit and becoming undocumented due to employer misconduct regarding occupational safety and health standards and/or work-related injury or illness.
- Encourage member states to use their national prerogative and various possibilities in EU law (e.g. from the Employers Sanctions Directive, the Directive on residence permits for victims of trafficking and smuggling, the Return Directive) to provide people in civil and criminal proceedings with residence permits both to participate in proceedings and access protection and justice in the longer term.
- Support member states to implement and enforce social conditionality on Common Agricultural Policy (CAP) payments, while ensuring migrant workers are protected from employer retaliation and negative repercussions (including regarding their residence status) as a result.
- Support member states in the ratification and implementation of relevant ILO instruments, in particular C189 on domestic workers and C190 on violence and harassment in the world of work.

3. Address the rights and situation of workers with precarious or irregular status facing occupational safety and health risks and violations through relevant EU policy instruments and entities.

- The following instruments and entities should be prioritised during the 2024-2029 EU legislature:
 - » Strategy on victims' rights
 - » European care strategy
 - » Quality Jobs Roadmap
 - » Quality Jobs Act
 - » Anti-Poverty Strategy
 - » Anti-Racism Strategy
 - » Gender equality strategy
 - » Efforts to promote mandatory due diligence in supply chains
 - » Efforts to address exploitation of posted migrant workers, including through the Fair Labour Mobility Package
 - » EU Platform on Undeclared Work
 - » European Labour Authority.

¹⁵³ Directive 2024/1233 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).

4. **Develop meaningful engagement and consultation with NGOs, including direct service providers and migrant worker organisations.**
 - Enable the participation of civil society in existing fora such as the Labour Migration Platform.
 - Within the European Labour Authority, include regular consultation of relevant NGOs.
5. **Channel EU funds in the current and next multi-annual financial framework to support effective occupational safety and health and labour complaints mechanisms for all workers, regardless of status.**
 - This can mean support for:
 - » Civil society and trade union organisations to provide independent information and advice, legal assistance, and support services to workers with precarious or irregular status, to facilitate effective access to complaints mechanisms and cooperation with occupational health and safety inspection and labour inspection, in line with Article 6.2 and 13.1 and 13.2 of the 'Employers' Sanctions Directive' (in particular in relation to complaints via third parties).
 - » Training for occupational safety and labour inspectors on the rights of undocumented workers, including under the Employers Sanctions Directive, and on the obligation to provide information.
 - » Mechanisms with clear lines of responsibility within migration and labour authorities to ensure that persons who are in immigration enforcement proceedings receive back wages and/or due compensation following occupational safety and health incidents whether they are in the country, or elsewhere, including through cooperation with NGOs.
 - » Establishment of special 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).
 - Ensure that EU funds allocated for complaints mechanisms for undocumented workers do not establish separate complaints 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.
6. **Use initiatives such as the Quality Jobs Roadmap to promote fair recruitment and decent work in sectors disproportionately staffed by undocumented migrant workers such as agriculture, construction, cleaning, and hospitality, which all have high rates of occupational safety and health risks.**

National and regional governments and labour authorities

1. Increase the impact and efficiency of occupational safety and labour inspections:

- Implement firewalls between occupational safety and labour inspections, and immigration enforcement. Ensure that if data on immigration status is collected during labour inspections (including by police who may participate for inspectors' safety) or as part of complaints procedures, it cannot be used for detention or deportation.
- Strengthen both general labour and specialist occupational safety and health inspectorates' transparency, mandate and resources to uphold labour rights and standards through inspections and complaints mechanisms.

2. Improve access to income support and compensation for occupational or workplace injury or illness:

- Ensure that all workers – including when undocumented - have equal access to income support and compensation if they suffer a workplace injury or illness, in line with ILO standards.
- Adapt the evidential requirements and burden of proof in legal and administrative procedures, considering the situation of undeclared workers, to:
 - » provide for the determination that an employment relationship existed without official written documents such as contracts and payslips, or an inspection;
 - » consider forms of evidence including photos, text messages and testimonies to both establish the existence of an employment relationship and the occupational nature of an injury or illness.

3. Make legal assistance more accessible to undocumented migrants:

- Ensure undocumented workers have full access to legal assistance - including by providing legal aid and financial resources - to make it easier for lawyers to prove employment relationships and support undocumented workers to claim compensation.

4. Provide residence permits in cases of occupational incidents, at least for the duration of incapacity, with pathways to transition to other permits.

- Workers who are able to work but have to change jobs due to employer misconduct regarding occupational health and safety standards should be provided a work permit or permit continuation of a minimum of six months to find alternative employment, building on minimum provisions in the EU Single Permit Directive.

5. Ensure that emergency healthcare and rehabilitation is accessible to undocumented migrants without fear of deportation or financial barriers

- Include follow-up care with the necessary medical documents so that undocumented workers can pursue personal injury claims if needed.

Annex 1: Full list of 'daughter directives' to the 1989 EU Framework Directive on Occupational Safety and Health

Administration and Organization of Work

- Council Directive 92/57/EEC – Minimum safety and health requirements at temporary or mobile construction sites.
- Council Directive 91/383/EEC – Safety and health at work for workers with fixed-duration or temporary employment.
- Council Directive 94/33/EEC – Protection of young people at work.
- Council Directive 92/85/EEC – Safety and health improvements for pregnant workers and workers who have recently given birth or are breastfeeding.
- Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time

Workplace Safety and Working Conditions

- Council Directive 89/654/EEC – Minimum safety and health requirements for the workplace.
- Council Directive 92/58/EEC – Minimum requirements for the provision of safety and/or health signs at work.
- Council Directive 92/29/EEC – Minimum safety and health requirements for improved medical treatment on board vessels.

Work Equipment and Personal Protective Equipment (PPE)

- Directive 2009/104/EC – Minimum safety and health requirements for the use of work equipment by workers.
- Council Directive 89/656/EEC – Minimum safety and health requirements for the use of personal protective equipment (PPE) at the workplace.

Specific Work Environments and Sectors

- Council Directive 92/91/EEC – Safety and health protection in mineral-extracting industries through drilling.
- Council Directive 92/104/EEC – Safety and health protection in surface and underground mineral-extracting industries.
- Council Directive 93/103/EC – Minimum safety and health requirements for work on board fishing vessels.

Exposure to Chemical, Biological, and Hazardous Substances

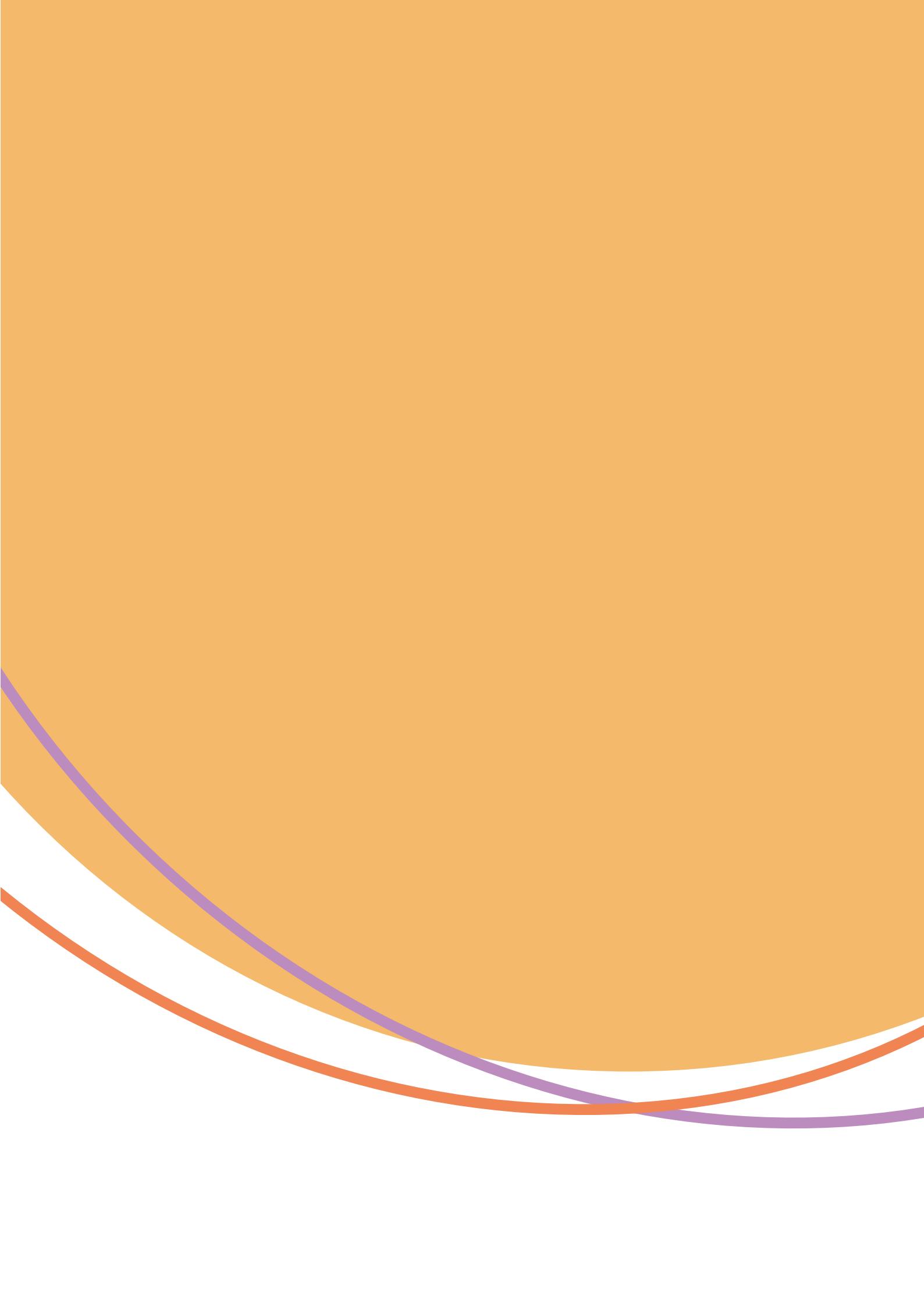
- Directive 2004/37/EC – Protection from exposure to carcinogens, mutagens, or reprotoxic substances at work.
- Directive 2000/54/EC – Protection from risks related to exposure to biological agents at work.
- Council Directive 98/24/EC – Protection from risks related to chemical agents at work.
- Directive 1999/92/EC – Protection of workers potentially at risk from explosive atmospheres.
- Directive 2009/148/EC – Protection from risks related to exposure to asbestos at work.

Physical and Ergonomic Risks

- Council Directive 90/269/EEC – Minimum requirements for the manual handling of loads, preventing back injuries.
- Council Directive 90/270/EEC – Minimum requirements for work with display screen equipment.

Exposure to Physical Agents (Environmental Hazards)

- Directive 2002/44/EC – Protection against risks arising from physical agents (vibration).
- Directive 2003/10/EC – Protection against risks arising from physical agents (noise).
- Directive 2013/35/EU – Protection against risks arising from physical agents (electromagnetic fields).
- Directive 2006/25/EC – Protection against risks arising from physical agents (artificial optical radiation).





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for social justice.

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