



PICUM Input to the Call for evidence for the Fair Labour Mobility Package

February 2026

PICUM's membership and expertise focuses on migrant workers in precarious and/ or irregular employment in Europe. PICUM's submission focuses on the following initiatives that the call for evidence indicates will be addressed in the Communication:

- a stronger mandate for the European Labour Authority
- the posting of third country nationals

The European Labour Authority

In order to promote fair labour mobility, it is essential that labour standards are enforced for all workers, regardless of their migration status. ELA should ensure that its activities respect and promote the independence and professional confidentiality central to the work of labour inspectorates, and avoid any further entrenchment of immigration control responsibilities or modes of cooperation that undermine their work and prevent

migrant workers from being able to safely engage, report and access remedy.

If ELA's mandate were expanded to also include other EU legislation with provisions on rights of migrant workers, it could also promote implementation of those rights through its activities and tasks.

Posting of third-country nationals

PICUM members are increasingly supporting posted migrant workers. They are generally working in sectors that already rely on migrant workers with precarious or irregular status, and where labour migration pathways are restrictive. Posting is being used as one of several strategies to lower labour costs through exploitation of migrant workers.

status, no permission to work and risks of being treated as undocumented in their country of employment. There are significant – in many cases insurmountable – difficulties to claim rights (owed salaries, in case of accidents, etc.) via labour inspectorates in the country of employment or the country from which they were officially posted.

Posted migrant workers usually do not know that they are officially or falsely posted – they receive misinformation about their status, employer, conditions, rights, etc. They have often paid high fees paid to agencies/ intermediaries, and experience low salaries, wage theft including deductions for social security that is then not paid in either country, and unsafe working environments.

Further EU action on posting of migrant workers should focus on strengthening enforcement of labour rights for posted migrant workers and equal treatment for all workers, based on their de facto employment relationship and regardless of their status. The EU should also begin a multi-stakeholder and evidence-based process to develop an EU directive regulating labour intermediaries, limiting subcontracting and ensuring joint and several liability throughout the chain.

Workers frequently find themselves in a situation of irregularity and debt, with unclear residence

Other planned initiatives

In addition, all EU initiatives that increase digitalisation and use digital tools to support the enforcement of workers' rights should include high data protection and privacy safeguards and be informed by fundamental rights impact assessments.

Any skills portability initiative should seek to improve the recognition of skills and qualifications gained both within the EU and in non-EU countries.

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PICUM

For undocumented migrants,
for social justice.

Rue du Congres 37,
1000 Brussels, Belgium
+32 2 883 68 12
info@picum.org
www.picum.org