



Posted migrant workers: Key issues and policy recommendations

Acknowledgements

This policy brief is based largely on inputs from the following PICUM members as well as contributions from external partners:

- Arbeit und Leben (Germany), in particular the [Berlin Advisory Centre for Migration and Decent Work](#) (BEMA)
- [FAIRWORK Belgium](#) (Belgium)
- [FairWork](#) (the Netherlands)
- [La Strada International](#), European NGO Platform against human trafficking (32 members in 24 European countries, based in the Netherlands)
- [Menedék](#) (Hungary)
- Association for Integration and Migration ([SIMI](#)) (Czech Republic).

PICUM would like to thank colleagues at ETUC, Joakim Smedman and Mercedes Miletti, as well as Silvia Borelli for their insights, in addition to all PICUM members that contributed.

© PICUM, 2026

Cover image: EqualStock

This publication was made possible with the kind support from:



Co-funded by the
European Union



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

Table of Contents

Summary	5
Introduction	6
PICUM's perspective	7
Main issues facing posted migrant workers	8
The role of intermediaries	8
Labour rights abuses	10
When posting irregularities are identified	11
Barriers to claiming rights in either country	12
Recommendations	14
EU level	14
National level	16

Some key definitions and concepts

A **'posted worker'** is an employee sent by their employer to carry out a service in another EU Member State on a temporary basis. Posting of workers is based on the principle of freedom of movement of services within the EU,¹ and regulated by a specific EU legal framework.²

Core components are that the worker is 'habitually employed' by a service provider and maintains their formal residence and social security coverage in the country where the service provider/ their contract is legally established (the 'sending' or 'posting' country), while working in another EU member state for up to 12 months (with possible extension, up to 18 months total).

Basic labour rights in the country where the work is being carried out - including equal pay – are applied from day one, and all terms and conditions of employment apply after 12 months, except rules on contract termination, supplementary pensions and social security.

A **'posted migrant worker'** - in this policy brief³ - **refers to non-EU or third-country national workers who are sent by an employer to work in another EU Member State.** The legal framework, including case law from the European Court of Justice,⁴ provides for migrant workers who are 'lawfully and habitually employed' in one EU member state to be posted by their employer to work temporarily in another EU member state without needing another work permit. However, they may be required to obtain a visa (often called a Vander Elst visa referring to an important European Court of Justice case on this matter) or residence permit.⁵

1 In most cases, posting is carried out within the European Union. However, it is possible for service providers established in a non-EU country when there is an international trade agreement that provides for it.

2 In particular: the **'Posting of Workers Directive': Directive (EU) 2018/957** amending **Directive 96/71/EC** concerning the posting of workers in the framework of the provision of services, the **'Posting of Workers Enforcement Directive': Directive 2014/67/EU** on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation'), the **'Posting of Drivers in Road Transport Directive': Directive (EU) 2020/1057** laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012. The **social security legislation** applicable to posted workers are Regulation (EC) No 883/2004 on the coordination of social security systems, its implementing Regulation (EC) No 987/2009, and Regulation (EU) No 1231/2010, which extends these two Regulations to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality. See also **Directive (EU) 2019/1152 on transparent and predictable working conditions**, as it establishes additional information rights for posted workers. For more information, see e.g. V. M. Martinez Garzon, "[Posting of workers](#)", Fact Sheets on the European Union, European Parliament, March 2026; European Labour Authority (2025), Posting of third-country nationals: contracting chains, recruitment patterns, and enforcement issues. Insights from case studies, ELA Strategic Analysis, Publications Office of the European Union, Luxembourg.

3 In some contexts, all posted workers can be considered 'migrant' workers because they are working in another country than their country of habitual residence and employment, but we focus on non-EU citizen migrant workers.

4 See in particular the [Vander Elst case](#) (C-43/93).

5 For more information see European Labour Authority (2025), Posting of third-country nationals: contracting chains, recruitment patterns, and enforcement issues. Insights from case studies, ELA Strategic Analysis, Publications Office of the European Union, Luxembourg.

Summary

Frontline organisations supporting migrant workers in several countries are seeing an increasing number of incidents of labour rights violations, labour accidents and abuse of posted migrant workers, who are often in non-genuine posting arrangements.

Labour inspectorates, organisations supporting migrant workers and migrant workers themselves face significant challenges in tracing recruitment pathways, gathering necessary evidence and holding companies accountable for labour and social security violations. There are significant barriers for posted migrant workers – especially those in non-genuine posting situations – to file complaints and take legal action and access remedies.

Cooperation between these actors is essential for effective investigations and enforcement of standards. Several PICUM members have experiences of cooperation with authorities that help address the numerous barriers and challenges facing posted migrant workers, working together to more effectively provide information and supports to affected migrant workers, facilitate formal complaints and hold abusive employers and agencies accountable.

Adequate protections and options for impacted workers are also necessary to accompany actions taken against employers (such as the prohibition of employing migrant workers, closure of sites or activities as well as fines), as such actions can also have unintended negative consequences for workers, especially if they have a precarious or undocumented status.

It is also important to underline that the increase in posting of migrant workers does not necessarily represent an increase in labour migration or labour exploitation, only an increase in the (mis)use of the posting framework and posting arrangements as a way to recruit, employ and often exploit migrant workers.

The sectors are those that already rely on migrant workers with precarious and irregular status, with structural labour force needs that are clearly not suited to posting (e.g. live-in care).⁶ Posting arrangements – and non-genuine posting in particular – are one of several strategies to lower labour costs through exploitation of migrant workers.

We usually see these arrangements in occupations for which labour migration pathways are very restricted, meaning it is difficult to access a work permit for non-EU nationals to carry out the work through direct employment in the country.

If employment of migrant workers is facilitated, there may be less misuse of the posting framework; for example, in Czech Republic, SIMI has seen less posted migrant workers since the significant increase in Ukrainian workers with access to the labour market in the country.

It is therefore crucial to both implement a range of measures to ensure effective enforcement of labour standards of posted migrant workers related to their de facto as well as contractual employment relationships, to uphold labour rights and tackle abuses of the posting framework, and to provide pathways to decent permits for migrant workers to be employed where they are working and there are labour force shortages.

⁶ The 'Postcare' project, looking at posting of migrant workers in the care sector in 8 countries (Germany, Greece, Italy, Netherlands, Poland, Serbia, Slovenia, Spain). While live-in care is extremely intensive, the quality of care for both those in need of care and workers is greatly improved through long-term relationships, and clearly not suited to temporary employment. Further, it is hard to conceive of a live-in care employment situation that would genuinely lend itself to posting. The posting framework is clearly being used to reduce salary and social security costs.

Introduction

Several PICUM members are increasingly seeing through their services and other activities, migrant workers in employment in the country, who have a residence and/or work permission in another EU member state and/ or who have been recruited in another EU member state.

Often workers have been provided false or incomplete information, so it is not clear to them:

- Whether their residence and/or work permission allows them to work in another EU member state and whether the corresponding rules and procedures have been followed;
- Who their employer is – whether the agency or individual that recruited them is their contractual employer and they have been 'posted' via the posting framework, or whether the intermediary recruited them, but they are directly employed with the business they are working for or another intermediary in a more complex subcontracting chain.

This makes it difficult for support organisations to fully trace the recruitment pathways and employment constructions, to collect data, and to support the workers to seek due remedies.

Nonetheless, in numerous cases, migrant workers have a work permit and employment contract with a business in the other EU member state and are working in the country via the 'posting' framework. This first-hand experience is reflected in the statistics, with migrant workers representing – for example - 1 in 5 posted workers in the Netherlands, and around 1 in 4 posted workers in Belgium, in 2023.⁷

Most importantly, non-governmental organisations and trade union-affiliated counselling centres are seeing an increase in the number of incidents of labour rights violations and labour accidents among migrant workers in non-genuine posting arrangements, who find themselves in highly precarious situations regarding their residence, employment, income and health, and low chances of receiving due compensation.

Institutional and government attention⁸ to these challenges has also been increasing, with the European Labour Authority playing a key role, including to address knowledge gaps with a detailed study of three specific recruitment pathways for the posting of migrant workers in 2025.⁹

In this context and view of the Fair Labour Mobility Package due in September 2026, this policy brief aims to contribute to the policy debate, by providing:

- An overview of the challenges facing posted migrant workers as experienced by frontline organisations specialised in supporting migrant workers, in key countries, and
- Our corresponding recommendations to respond to the challenges identified and improve the implementation of legal standards on labour rights and social protection. We include recommendations for both EU and national levels.

7 De Smedt, L., & De Wispelaere, F. (2024), [Posted workers from and to Belgium. Facts and figures](#). Infographic. HIVA-KU Leuven: Leuven; Bussink, H., Rutten, A. & Heyma, A. (2025). [Posted workers to and from the Netherlands. Facts and figures](#). Infographic. SEO Economisch Onderzoek: Amsterdam.

8 See for example, the [Position paper](#) from The Netherlands, Belgium, Denmark, Germany, Italy, Latvia and Luxembourg on EU policy priorities for the Commission period 2024-2029: Foster genuine and fair posting of third country nationals (TCNs).

9 European Labour Authority (2025), [Posting of third-country nationals: contracting chains, recruitment patterns, and enforcement issues. Insights from case studies](#), ELA Strategic Analysis, Publications Office of the European Union, Luxembourg.

PICUM's perspective

PICUM has more than 150 member organisations working across 34 countries for social justice and human rights for undocumented migrants, and other people with a precarious residence status. PICUM unites a broad and diverse network around shared goals and activities, including to improve access to labour rights and to decent residence and work permits for migrant workers.

Many members are NGOs and community groups that provide support to migrant workers regarding all issues related to their employment, residence status, living situation and other basic needs. Several members are trade unions or trade-union affiliated counselling centres, or specialist anti-trafficking organisations (including the network, La Strada International).

Employment-related supports and activities of members include:

- Information and awareness raising
- Outreach in communities or among workers in specific sectors, peer support, organising
- Training and skills development
- Advice and sign-posting (drop-in centres, helplines)
- Case work (including regarding permits)
- Negotiations and mediation with employers

- Taking formal complaints to labour court and/or the labour inspection (when and in ways that it is safe to do so), and/or filing compensation claims via criminal and/or civil procedures
- Resolving non-work-related issues/ holistic/ referrals
- Research, evidence-based advocacy and campaigning
- Targeted cooperation with authorities and other key stakeholders
- Connecting to organisations cross-sectors and transnationally.

This policy brief is based largely on inputs from the following PICUM members as well as contributions from external partners¹⁰:

- Arbeit und Leben (Germany), in particular the Berlin Advisory Centre for Migration and Decent Work (BEMA)
- FAIRWORK Belgium (Belgium)
- FairWork (the Netherlands)
- La Strada International, European NGO Platform against human trafficking (32 members in 24 European countries, based in the Netherlands)
- Menedék (Hungary)
- Association for Integration and Migration (SIMI) (Czech Republic).

¹⁰ PICUM would like to thank colleagues at ETUC, Joakim Smedman and Mercedes Miletta, as well as Silvia Borelli for their insights, in addition to all PICUM members that contributed. The contributions from PICUM members were collected through a survey and in various member meetings between 2023-2026.

Main issues facing posted migrant workers

Posted migrant workers are commonly working in sectors such as construction, cleaning, transport, logistics, agriculture, and care.

Posted migrant workers are often misled about their status in the country where they are working; they lack essential information about the regulatory basis on which they are employed and do not know whether they are officially or incorrectly posted. The workers

are dependent on their employers or intermediary agencies for visas, transport, accommodation, information about the nature of the work and applicable regulations. Often these workers do not know who their formal or contractual employer is, and mainly interact with intermediaries, whether informal brokers, temporary work/ placement agencies, recruitment agencies or other actors.

The role of intermediaries

A major challenge faced by PICUM members supporting posted migrant workers facing labour rights violations is the complexity and length of the recruitment and posting chains, which often involve several intermediaries.

Sometimes, people have paid high fees to agencies or other intermediaries, to arrange their employment and associated paperwork, and have no contact with the company that formally employs them. Due to the complexity of the chain and number of intermediaries involved, workers are not always sure to which entity they are paying the fee and what it should cover, but often people pay the first contact in the recruitment chain. In some cases, workers pay part of the fees upfront with the rest to be deducted from their future wages, placing them at risk of debt bondage.

Furthermore, PICUM members see an increasing number of cases of posted migrant workers in non-genuine posting arrangements: who have transited through the posting country, but it is not their place of habitual residence and employment as required by the posting legal framework. In some cases, they have never even been to the posting country

and have been recruited locally but are provided a contract with a business in the posting country. There are cases of temporary work agencies and letter box companies that operate almost exclusively to post workers to other EU member states.

In these situations, there are significant risks of misinformation and labour rights violations, including contract substitution, unauthorised recruitment fees (sometimes charged by multiple brokers), debt bondage, and retention of documents.¹¹ The employment structures are complex and pose challenges to hold anyone accountable for the abuses. Workers do not know where to turn for independent information about their rights and status, having high dependency on their de facto employers and intermediary agencies. Workers receive false information about their status, their employer, and conditions of work.

¹¹ See also: Fundamental Rights Agency (2019), [Protecting migrant workers from exploitation in the EU: workers' perspectives](#), Luxembourg: Publications Office of the European Union; Dovelyn Rannveig Mendoza (2020), [Shifting Labour Frontiers: The recruitment of South Asian migrant workers to the European Union](#), in collaboration with Izabela Florczak and Rameshwar Nepal, October 2020, FNV Mondiaal.

Complex sub-contracting chains and labour abuses in the Netherlands

Serious labour rights violations were uncovered in the Ibis Hotel in Arnhem in the Netherlands.¹² The case concerned two groups of workers, ostensibly posted by the German company AHR Clean or Austrian company Crovata Service to clean at the hotel in the Netherlands. Some were paid only partially, others not at all.

One group of workers were asylum seekers who were already residing in the Netherlands who had contracts with AHR Clean. They did not work for AHR Clean in Germany before moving to the Netherlands. Their contracts did not state that they would be posted to work in the Netherlands, and they did not have the valid permits required to work and be posted from Germany nor to work in the Netherlands.

The other group of workers were from Uzbekistan and Ukraine, and learned about the job through a recruiter in Ukraine on Facebook. They were recruited for different types of work but ultimately ended up working at the Ibis hotel in Arnhem. The recruiter charged a recruitment fee of €150. The workers were not provided with employment contracts, payslips, or contact details for different the companies involved. They did not have work permits for Germany, Austria or the Netherlands.

Ibis Styles Arnhem is a branch of Novum Hotels NL B.V. Novum is a large hotel group operating more than 130 hotels, primarily in Germany. In response to the investigations, Novum stated that it would investigate the matter and referred to the German cleaning company it had contracted, Ö&I Clean Group GmbH. That company also announced an investigation but subsequently referred responsibility to AHR Clean UG, the German cleaning company that it had subcontracted. Ö&I Clean Group GmbH also indicated that Crovata Service GmbH, an Austrian company, is the successor to AHR Clean UG in the subcontracting chain.

Following FairWork's intervention in support of three of the Ukrainian and Uzbeki workers, and cooperation with the Dutch Labour Inspectorate, two received payment from the company Crovata Service GmbH.

However, the majority of the workers have not received any compensation.

¹² FairWork was in direct contact with the Uzbeki and Ukrainian workers. Investigations were carried out by FairWork and the Dutch Labour Inspectorate. The case was also featured in a report by [Nieuwsuur](#). The Business & Human Rights Resource Centre [has also highlighted the case](#).

Labour rights abuses

Once working in such a posting arrangement, experiences of low wages, unpaid salaries, long working hours, lack of social protection, unsafe working environments and poor housing conditions are common. Live-in care workers are often required to be available 24 hours a day, 7 days a week, with 'on call' time not paid.

Workers also report wage deductions, including for social security, despite finding that they are not properly declared and their social security

contributions are not actually being paid in the posting country as required. When unwell, access to health care services is a major issue, with posted migrant workers facing significant barriers to navigating the administrative requirements and health system, especially if they are not in possession of a PD A1 form¹³ and European Health Insurance Card.¹⁴ In the case of labour accidents, workers are being left without any access to income support, compensation, and in some cases, very limited and costly health services.

Significant challenges to access support and compensation following serious labour accident in Belgium

A Ukrainian worker was posted by a Polish employer to work in construction in Belgium. He suffered a very serious accident at work - he fell from a roof - and was in a coma for several weeks.

The worker was supported by FAIRWORK Belgium, who identified several indicators that the posting was not genuine. The man had never actually met his contractual employer in person, having only been in contact by telephone. He received all his instructions from the Belgian company where he worked, though he was paid by the Polish employer. He did not live or work in Poland before moving to Belgium (he was working in the Netherlands) and did not have any valid residence and/or work permit in Poland.

At the time of publication of this policy brief (June 2026), the case is still under investigation by the Public Prosecutor's Office. A PD A1 form was submitted to the Belgian authorities after the accident, but it has not been verified if the social security contributions were paid in Poland.

Although the Polish employer's labour accident and insurance system should be responsible under the posting regulations, they have not intervened. As there are strong indications that the posting is not genuine and the worker is not properly insured by either their contractual employer in Poland, nor their de facto employer in Belgium, FAIRWORK Belgium is working to secure the intervention of the Belgian occupational accident insurance system, which steps in when workers are uninsured.¹⁵

13 A 'Portable Document A1 (PD A1) is a certificate issued by a social security institution proving that social security contributions are being paid in that country and that the person has no obligations to pay social security in another EU member state. Posted workers should have a PD A1 form from the social security institution in the country in which they are habitually employed, from which they are posted.

14 A European Health Insurance Card is issued by the national health insurance provider in the country where a person is habitually resident and allows them to access medically necessary state-provided health care while temporarily staying in any of the 27 EU member states, Iceland, Liechtenstein, Norway, Switzerland, or the United Kingdom, under the same conditions and at the same cost (which may be free in some countries) as for people insured in that country. This card is very important for posted workers to be able to access health care services in the country where they are working while posted

15 For more information about the Belgian occupational accident insurance system, see PICUM (2026) [Occupational Safety and Health of Undocumented Migrants Workers in Europe](#).

Dependency is further increased when workers live in employer-provided accommodation. Posted migrant workers are frequently subjected to substandard accommodation, abusive rent prices and wage deductions and evictions. In some cases, workers are required to simply sleep in their place of employment (e.g. truck, warehouse, private home but without a private room).

Workers are also exposed to physical, psychological

and sexual violence or harassment. Migrant women working in isolated workplaces such as fields and private homes are particularly at risk.

Workers are very hesitant to report any labour rights violations or experiences of violence and abuse to authorities, as they are uncertain of the implications and unwilling to take significant risks of losing their income, employment, residence status, and in some cases, housing.

When posting irregularities are identified

When labour authorities identify a posting as non-genuine, posted migrant workers find themselves in a difficult and ambiguous situation of irregularity and debt. If the posting is not genuine, their work for their de facto employer, under whose supervision they have been working, is considered irregular. They no longer have a right to work in the country where they are working, as this was linked directly to the posting, and it can be very difficult to get a work permit for the work they are/ were doing, or to change employer in the country. The loss of income and regular residence status, and difficulties to find alternative income, can lead to severe and sudden hardship and homelessness.

Even though posted migrant workers normally have a valid permit in the country from which they were ostensibly posted, this is not always the case. Furthermore, in such non-genuine posting arrangements, the person has no actual job to go back to, and often no home or network in that country. The irregular posting and lack of a secure job means their permit in the posting country is also very precarious. They are at high risk of losing their residence permission in the posting country, as well as access to any accrued rights in the country if they have been living there. For example, even if they have been contributing to social security, it is extremely difficult for migrant workers to access accrued benefits and allowances such as pensions.

In some cases, workers have binding contracts with temporary work agencies, in a language they do not understand. These contracts sometimes contain abusive periods of commitment and restrictions on changing employer, so people risk heavy financial penalties if they terminate their employment with the placement agency, even if they experience unlawful employment conditions or have been exploited. For example, FairWork in the Netherlands, has seen cases of student nurses and cases in the hospitality sector, where contracts bind the person to work for the specific agency for a certain period of time (e.g. 4 months) or pay a fine. In the Czech Republic, SIMI have seen contracts where the employee is required to pay for their travel if they end their contract prematurely. When workers are supported by SIMI, they challenge this illegal provision so the person does not pay it, but often people are not aware that it can be challenged, so they pay it or stay in exploitative employment.

In their de facto country of residence and work, workers risk being treated as undocumented and subject to detention, deportation (to the posting country, their country of origin or a third country), and entry bans, among others, including as a result of engaging with the labour inspectorate. This means that they are unable to file a complaint and engage with authorities around substandard working conditions and non-payment.

Barriers to claiming rights in either country

Posted migrant workers have extensive rights, including those enshrined in a range of EU law on fundamental rights, employment, migration and victims. The extent of some labour rights and social protection varies according to whether the worker is posted,¹⁶ working with a single residence and work permit,¹⁷ or considered undocumented.¹⁸ In all situations, migrant workers have – among others – the right to equal treatment with nationals at least as regards pay, health and safety, maximum work and minimum rest periods and annual leave.

However, there are often insurmountable barriers to claiming labour rights, such as owed salaries, via the labour inspection or labour tribunal in either the country where they are working or the country where they are contractually employed (and from which they were ostensibly posted).

The range of relevant legal provisions on workers' rights, related to their de facto as well as their contractual employment relationship, are not always applied when migrant workers are found to be in non-genuine posting situations and therefore irregular employment. For example, it is rare for provisions on undocumented workers' rights, such as the 3-month presumption of an employment relationship or liability of direct contractors provided for in the EU Employers' Sanctions Directive, to be applied.¹⁹

In addition to risks of immigration enforcement against workers, barriers in formal complaints procedures include:

- the complexity of the cases, subcontracting chains and limited liability;
- issues in securing evidence and proof of violations and tracing the actors involved;
- acceptance on face value of false documents provided by employers;
- lack of awareness among all stakeholders on the posting rules and the tactics being used;
- lack of information for workers on rights and possibilities to file complaints;
- language barriers;
- lack of trust between workers and authorities;
- difficulties in coordinating between and with authorities in different countries; and
- difficulties to maintain contacts and follow-up on the evolution of the case.

NGOs and trade unions that seek to support migrant workers to file complaints and access remedies face significant challenges in tracing employment and recruitment pathways, as they usually do not have access to administrative data and rely entirely on information provided by workers and their own research. As workers have been provided limited or false information, it is often unclear if workers have been recruited through another country, irregularly posted or just travelled through another country, and difficult to hold any actor accountable for labour rights violations.

16 See the '[Posting of Workers Directive](#)', Article 3 (Directive 96/71/EC concerning the posting of workers in the framework of the provision of services as amended by Directive (EU) 2018/957 of 28 June 2018).

17 See the '[Single Permit Directive](#)', Article 12 (Directive (EU) 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))

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

19 See in particular, Article 6 and Article 8 of [Directive 2009/52/EC](#).

Withheld wages repaid in short time due to strong liability provisions and mediation by support organisation in Germany

Two Belarusian construction workers were posted by a Polish company to work on a construction site in Germany. It later turned out that the company had only given them a printout of the PD A1 application, while in fact they were not covered by social security at all. They had never actually worked in Poland and had been recruited solely for work in Germany. Their wages were never paid.

Under German law, there is a strong system of contractor liability that applies regardless of fault. Advisors from the Arbeit und Leben Berlin Advisory Centre for Migration and Decent Work (BEMA) contacted the German main contractor and requested payment, and the outstanding wages were paid within a short time. At the workers' request, a report about the social security irregularities was also submitted to the Polish labour inspection authorities.

However, the workers did not have the necessary (Vander Elst) visas for Germany, did not meet the criteria for visa exemption and had very low chances of obtaining a work permit in Germany for their construction work without professional qualifications. They therefore decided to leave Germany.

Recommendations

EU level

1. Promote better implementation of the rights of migrant workers, regardless of status, as per existing EU legal frameworks and international labour standards, including equal treatment provisions. Key measures include:

- **Complaints mechanisms:** Enable safe reporting and effective complaints mechanisms where there is no risk of immigration enforcement as a result of engaging with labour inspectorates or law enforcement during inspections or to file a complaint. Practically, actions should include:
 - Funding for independent, confidential advice and case work to support migrant workers to access labour and social rights and permits, and to file complaints, as well as funding to connect such services across borders;
 - Mutual learning and exchange activities across relevant stakeholders to promote policies and practices that facilitate access to remedies (in particular, financial compensation and permits); and
 - Ensuring that the implementation of migration laws, including those in the Pact on Asylum and the Return Regulation, does not prevent access to available permits, effective complaints mechanisms and legal remedies.
- **Minimum worker protections:**
 - Clarify explicitly that provisions on workers' rights in the country where the work is being carried out apply in cases where the posting is considered non-genuine, and therefore – when a migrant worker – irregular employment, including the 3-month presumption of employment and liability of direct contractors provided for undocumented workers in the EU Employers' Sanctions Directive.²⁰
 - In the case of labour accidents, apply the most favourable system for the worker to access income support and compensation, including if their employer has not properly insured them.
- **Information:** Improve the visibility, sign-posting and accessibility of online information for posted workers on the relevant rules, rights, procedures and contact points in the country where the work will be carried out, including specialised organisations who provide individualised, independent advice and support. This information should also be accessible via a QR code on PD A1 certificates, and any other official documentation that should be provided to the worker.
- **Support for cooperation:** Continue to support through practical and financial support, including through the work of the European Labour Authority,²¹ improved cooperation between member state authorities for the cross-border enforcement of labour rights claims as well as procedures related to penalties and fines.

²⁰ See in particular, Article 6 and Article 8 of [Directive 2009/52/EC](#).

²¹ Please see also [PICUM Recommendations for the revision of the European Labour Authority Mandate](#), May 2026.

2. Embed data protection safeguards while improving data analysis and verification and developing the digital infrastructure for data exchange between labour enforcement bodies within and between member states, to enforce labour, tax and social security standards, including those in the posting rules. Key measures include:

- **Verification:**
 - Ensure prior declaration tools including the forthcoming [e-Declaration](#) collect data that is useful to verify postings and enforce rules on posting and posted workers' rights.
 - Carry out more rigorous data collection and analysis, for example to verify the habitual place of work when issuing PD A1 certificates, to identify potentially non-genuine posting arrangements earlier and more frequently.
 - The forthcoming [European Social Security Pass \(ESSPASS\)](#) should allow for reliable and real-time verification of employment and social insurance status, contributions and authenticity and validity of documents required under EU social security coordination rules.
 - Workers must be able to access and verify their data.
- **Data protection by design:** Embed data protection rules and safeguards operationally and technically by design into the systems and software for data exchange between labour enforcement and social security bodies. For more information, please see: [Data protection and the firewall: Digital technology use by labour authorities and migrant workers' rights](#).
- **Cooperation with support organisations:** In this process, develop a protocol for enabling designated third parties, with a legitimate interest based on their work supporting migrant workers to exercise their labour rights, access to relevant data held by national authorities and in the Internal Market Information system.

3. Develop the EU level framework and measures around subcontracting and labour market intermediaries, including in the Quality Jobs Act. Key measures include:

- **Labour intermediaries:** Launch an evidence-based and multi-stakeholder process to develop EU-wide measures to improve regulation and transparency, together with rights and remedies for migrant workers hired by or through labour market intermediaries (in particular, temporary work agencies and recruitment agencies), and to reduce reliance on private profit-driven actors.
- **Subcontracting:**
 - Limit and require transparency around subcontracting chains,
 - Exclude temporary work agencies from the employers eligible for posting (without revising the whole posting framework).
- **Strengthen several and joint liability** for labour and social rights violations along the whole supply chain, making main contractors, business clients, user undertakings and subcontractors jointly and severally liable regardless of the type of commercial or legal contract governing the relationship. Measures to strengthen liability should also seek to tackle re-establishment and relocation practices, for example, through personal liability provisions; assess the effectiveness of penalties; and expand the use of penalties such as exclusion from public procurement, while mitigating the negative impacts on current employees.

National level

1. Improve implementation of labour and social protection rules and access to remedies for migrant workers, and facilitate engagement with labour authorities in the country where the work is being carried out, as well as the country from which the worker is posted, including through:

- **For workers considered to be in non-genuine posting situations, apply all the relevant labour standards and protections for the de facto employment relationship in the country where the work is being carried out, as well as cooperating to enforce rules and secure remedies regarding the contractual employer.**

For posted migrant workers considered to be in a non-genuine posting, access to remedies should be a priority for enforcement authorities, and provisions for undeclared and/or undocumented workers' rights should be applied.²²

- **Ensure that migrant workers will not face immigration enforcement as a result of engaging with labour inspectorates, civil courts or labour tribunals, or law enforcement.**

Duties on labour authorities to report for immigration enforcement should be lifted. Cooperation agreements should be overhauled, and well-defined, such that personal data gathered during inspections and via complaints mechanisms are used to initiate relevant administrative and legal proceedings in relation to labour, social and financial laws, including sanctions on employers of undocumented workers, and not used for immigration enforcement purposes. Likewise, law enforcement should ensure that witness and potential victims are treated as such, and guarantee that they will not be subject to immigration enforcement as a result of reporting a crime and seeking remedies.

Inspections that are carried out by labour, social or financial authorities together with police should have clear objectives to uphold standards related to employment and protect workers. Activities of all enforcement actors present must serve these objectives.

- **Proactive provision of information and evidence collection.**

Labour inspectors and other actors should actively and systematically provide information to migrant workers about the country where the work is being carried out – in a language they can understand. This should include, in particular, information about:

- Labour and social rights in the country where the work is being carried out, including health care coverage and associated procedures;
- Contact information of specialised organisations who workers can contact for individualised, independent advice and support;
- Complaints mechanisms and potential remedies, as well as procedures to change employer and available permits; and
- Basic rules about work permit requirements and posting – what posting is, the applicable rules and when it could not be genuine.

During inspections, labour inspectors should gather evidence about the contractual and de facto employment relationships, employer(s), pay, conditions, labour accident, and insurance, that can be used in administrative or legal procedures to claim remedy, and share that information with the worker(s) and any organisation(s) acting in support or on behalf of the worker(s).

²² See in particular, Article 6 and Article 8 of [Directive 2009/52/EC](#).

- **Explore measures to more fairly distribute the burden of proof between employers and workers, including:**

- Consider the introduction of a rebuttable legal presumption of a direct employment relationship unless evidence clearly demonstrates otherwise; if the posting has been done correctly, it should be easy for the relevant evidence to be provided.
- Shift the burden of proof to the employer to prove correct payment of wages when there are reasonable suspicions of underpayment, as has been proposed by the Dutch Minister for Social Affairs and Employment in June 2026.²³
- Ensure training of all stakeholders on the tactics being employed by certain employers and agencies, to increase identification of false documents and evidence provided by employers during legal proceedings.

- **Develop practical cooperation with NGOs and trade unions.**

NGOs, including migrant-led community organisations and worker associations, are invaluable partners to provide information, support workers and gather evidence for investigations.

2. Provide transitional residence status for posted migrant workers found to be in irregular posting arrangements, in the country where the work is being carried out.

Grant a temporary permit which enables posted migrant workers who have been found to be irregularly posted as a result of deception and/or have experienced labour abuses, to resolve any outstanding labour claims or disputes, and find alternative employment on which basis the permit would be converted to a normal work permit.

3. Expand decent labour migration pathways.

Adapt general work permit schemes to ensure that people are able to access work permits for the occupations where posted migrant workers are commonly working, ensuring [quality procedures and permits that promote decent work and social inclusion](#).

4. Ensure minimum standards for decent accommodation apply to employer-provided accommodation.

Develop and ensure that rental standards for the private market apply to accommodation provided directly or indirectly to workers by their employers, including via agencies. As per the Posting of Workers Directive and Single Permit Directive, require these to be equally applicable to workers who are posted and/or have a single permit. These must be accompanied by mechanisms for monitoring, including inspections, and complaints, that enable workers to enforce their rights to decent accommodation, without any risks regarding their employment and residence status in the country. Develop cooperation protocols for non-governmental organizations supporting migrant workers to participate in the monitoring mechanisms.

²³ See letter from [Minister Vrijlbrief, Minister of Social Affairs and Employment in the Netherlands, to the House of Representatives of 2 June 2026](#), and [news item of 2 June 2026 on the government website](#).



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