Eliminating national borders as labour market barriers in the EU: a socio-legal analysis

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ABSTRACT

This paper addresses one important mechanism through which the EU tries to improve the operation of its labour markets: the opening up of national borders for free worker movement within the EU. Free worker movement is a fundamental EU right; but EU enlargement begged the question of how and when to allow complete free movement to workers from those new Member States. The EU agreed upon a transitional period of up to 7 years after accession of eight new Middle and Eastern European States (EU-8) on May 1st, 2004. During this transitional period Member States may apply certain restrictions on the free movement of workers from, to and between these new Member States. By 2012, all such restrictions will have been abolished. A similar procedure applies regarding the accession of two additional new Member States on January 1st, 2007.
Only three of the fifteen incumbent EU Member States at the time (EU-15) chose to immediately allow free movement from workers from the EU-8. The other twelve maintained their work permit systems, albeit with some modifications. Since, some (e.g. Germany) have already decided to keep such barriers in place until 2012.
The Netherlands has kept a work permit system in place up to May 1st, 2007. At that time it abolished that system and effectively extended free worker movement to include workers from the EU-8. This makes the Dutch case, at this point in time, an interesting case for which to analyse the process and effects of increased free labour movement into a national labour market.
This paper discusses the evolution of (temporary) work migration from EU-8 countries into the Netherlands. It first addresses the flexicurity nature of EU policies towards labour market integration and towards the inclusion of new EU countries in that process. It subsequently reviews the three socio-legal regimes that can currently apply to work performed for Dutch firms Netherlands by workers from the EU-8 (which, now, is that same as that applies for workers from the EU-15): wage employment; employment through temporary employment agencies; and self-employment. It then discusses the development of the volume of work performed by citizens from the EU-8 in the Netherlands, and socio-economic effects for both the migrant workers and Dutch society and economy. It concludes with a discussion of challenges (or the lack thereof) that this increased free movement of foreign labour caused and causes for Dutch institutions.

TOWARDS A EUROPEAN EMPLOYMENT MARKET

A flexicurity strategy towards a European employment market

Flexicurity is a policy strategy that attempt, synchronically and in a deliberate way, to enhance the flexibility of labour markets, employment structures and labour relations on the one hand, and, on the other hand, to enhance employment security and social security –

notably for weaker groups inside and outside the labour market (cf. Wilthagen *et al.* 2004). Flexicurity has become a key concept for new EU socio-economic policy (e.g. Council of the European Union 2007). Both the general EU policies regarding free worker movement across EU labour markets, and the transitional policies regarding its extension to include new EU Member States, are good examples of flexicurity policies.

Free worker movement To begin with the former: free worker movement is a fundamental right which permits nationals of one EU Member State to work in another EU Member State under the same conditions as that Member State's own citizens (cf. Commission of the European Union 2002). This fundamental freedom (laid down in Article 39 of the EC Treaty) gives EU citizens the right to:

- look for a job in another country;
- work there without needing a work permit;
- live there for that purpose;
- stay there even after their employment has finished;
- enjoy equal treatment with nationals in access to employment, working conditions and all other social and tax advantages that may help to integrate in the host country

The general EU policy that has emerged is thus to allow free worker movement, which enhances *flexibility* by eliminating national borders as labour market barriers[1]. But this increased flexibility arrived in a package deal with new and strict regulation to prevents social dumping and a 'race to the bottom' in terms of wages and other labour conditions within Europe. The underlying doctrine of that regulation is that migrant workers are entitled to the exact same core of labour and related rights as domestic workers. This regulation enhances the *security* of both foreign migrant workers (who get the same basic rights as domestic workers) and of domestic workers (whom it safeguards from wage and benefit competition below current national minimum thresholds).

Transitional policies The transitional policies regarding the full extension of free worker movement to include new EU Member States also fit the bill as flexicurity policies. When the EU granted access to ten new Member States (EU-10)[2] on May 1st, 2004, the question was how and when to allow unqualified free movement to workers from those new EU Member States in the exact same shape and form as for workers from the older EU Member States. As wage differentials between the old and new Member States (in particular, the eight among them that used to lie on the other side of an Iron Curtain were and are substantially larger than those among the old member states (cf. Pastore 2007: 42), the latter where fearful of the consequences of an immediate unqualified extension of the fundamental right to free worker movement to all new Member States.
Instead, the EU opted for transitional arrangements for the eight new Member States from Middle and Eastern Europe (EU-8)[3]. A similar procedure applies to two additional Member States (Bulgaria and Romania) that accessed the EU on January, 1st, 2007. The transitional arrangements in the Accession Treaties of 16 April 2003 regarding the accession of the EU-8 and of 25 April 2005 regarding the accession of Bulgaria and Romania provide that, for the first two years following accession, access to the labour markets of the EU Member States that formed part of the EU before the respective accessions[4] will depend on the national law

[1] "Free movement is a means of creating a European employment market and of establishing a more flexible and efficient labour market, to the benefit of workers, employers and Member States. It is common ground that labour mobility allows individuals to improve their job prospects and allows employers to recruit the people they need. It is an important element in achieving efficient labour markets and a high level of employment." (Commission of the European Union 2002: 3).

[2] In alphabetical order: Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. The entire group is referred to as the EU-10.

[3] The EU-8 is the EU-10 minus Malta and Cyprus. The Treaty of Accession of Cyprus contains no restrictions on free movement of workers. With regard to Malta, there is only the possibility of invoking a safeguard clause.

[4] For EU-8 countries: the EU-15; for Bulgaria and Romania: the EU-25.

and policy of those Member States[5]. In practical terms, this typically meant and means that a worker from one of the Member States that acceded is likely to need a work permit[6]. National measures may be extended for a further period of three years. After that, an EU-Member State that applied national measures can continue to apply such national measures for a further two years if it notifies to the Commission serious disturbances in its labour market. But transitional arrangements cannot extend beyond an absolute maximum of seven years (Cf. http://ec.europa.eu/social/main.jsp?catId=457&langId=en).
The underlying key doctrine of these transitional policies is quite *flexicurity* in nature. On the one hand, there is eventually no way to go but the unqualified extension of free labour movement (increased *flexibility* by at the very last, 2012) for the EU-8. On the other, the EU did not close its eyes for potential negative effects for national labour markets, and gave its Member States a decent *security* blanket to adequately implement and monitor this transition process from the perspective of its national labour markets, their need, and potential pitfalls of an unmitigated transition towards free movement within a vastly expanded and diversified EU labour market.

The transition phase from 2004-2009[7]

EU-8 Phase 1 During the first phase regarding the EU-8, three EU-15 Member States (Ireland, Sweden and the United Kingdom) immediately liberalised access to their labour markets under national law[8]. The remaining EU-15 Member States maintained their work permit systems, albeit with some modifications, sometimes combined with a quota system[9]. The Netherlands adopted a two-fold procedure. A traditional full work-permit system, including a labour market test, applied for most economic sectors; but a number of sectors and occupations were temporarily exempted from this labour market test. When the exemption applied, a work permit could be granted within two weeks without the need for a labour market test. The list of exemptions was reviewed by the government on a three-monthly basis.
As required by the Accession Treaty, the Commission drafted a report on the first phase of the transitional arrangements (Commission of the European Union 2006). Mobility flows between the EU-10 and EU-15 are very limited and are simply not large enough to affect the EU labour market in general (ibid: 14). There is no evidence of as direct link between the magnitude of the mobility flows and the transitional arrangement in place (ibid: 14). The report concludes that “countries that have opened up their labour markets fully are upbeat about the outcome of this decision, whilst some of those that have kept restrictions tend to emphasise their utility, citing particular national circumstances.” (ibid: 13). It does summon Member States to increase their efforts to ensure proper enforcement of existing legislation and labour standards, as lack thereof may have created an adverse and wrong image of enlargement.

EU-8 Phase 2 Subsequently, another 8 Member states opened their labour market completely during Phase 2: Spain, Finland, Greece and Portugal as of May 1st, 2006; Italy as of July 27th; the Netherlands as of May 1st, 2007; Luxembourg as of November 1st, 2007; and France as of July 1st, 2008.

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[5] New Member whose nationals face restrictions in one of the EU-Member States that formed part of the EU before their accession may impose equivalent restrictions on that Member State.

[6] Workers who are from the Member States that joined the EU on 1 May 2004 or 1 January 2007 and who are subject to transitional arrangements must be given priority over workers from third countries. Once the worker has obtained access to the labour market, he/she benefits from equal treatment.

[7] Empirical information on the status quo in various countries collected from: http://ec.europa.eu/social/main.jsp?catId=457&langId=en.

[8] The United Kingdom adopted a mandatory Worker's Registration Scheme. Under this scheme workers from the EU-8 Member States must register with the UK Home Office within 30 days of starting their employment in the UK.

[9] Three EU-8 Member States (Poland, Slovenia and Hungary) applied reciprocity to EU-15 Member States applying restrictions. None of the EU-8 Member States applied for permission to restrict access by workers from other EU-8 Member States.

EU-8 Phase 3 Currently, 13[10] of the EU-15 Member States have opened their labour markets completely, as Belgium and Denmark stopped applying national measures on labour market access at the start of Phase 3 on May 1st, 2009. Only Germany and Austria continue to apply national measures on labour market access. EU-8 workers still need to apply for a work permit prior to commencing employment – although the conditions for obtaining such a permit have been eased in some sectors or professions. These national measures will irrevocably end on April 30th, 2011 at the latest.

THREE LEGAL OPTIONS TO PROFIT FROM EU-8 LABOUR IN THE NETHERLANDS[11]

We will use the case of the Netherlands to explore the current process and effects of increased free labour movement into a national labour market in the remainder of this paper. Since May 1st, 2007, Dutch firms can legally use productive labour from workers from EU-8 countries in the following three ways: they can offer them an employment contract; they can hire them through a temporary employment agency; or they can outsource work to a EU-8 firm or self-employed person.

Wage employment

A Dutch firm can hire an EU-8 citizen on an employment contract. Mandatory rules from Dutch labour law, extended collective bargaining agreements and collective bargaining agreements negotiated by an employer's association that the firm is a member of, will apply.

Employment through a (Dutch) temporary employment agencies

A Dutch firm can hire an EU citizen through a (Dutch) temporary employment agency. According to Dutch law, the contract between a temp worker and the agency is a labour contract. The client firm that hires the temp is nevertheless considered the relevant employer for issues regarding occupational safety and health, working time, liability and the Act Employment Foreigners ('Wet Arbeid Vreemdelingen' or WAV)
Mandatory rules from Dutch labour law will apply, including stipulations regarding dismissal protection, wages, holidays, working time and occupational safety and health. In addition, stipulations regarding labour conditions and occupational safety and health from extended collective bargaining agreements and collective bargaining agreements negotiated by an employer's association that the firm is a member of, will apply.
There are currently two collective bargaining agreements for temporary employment agencies in the Netherlands. One is concluded by the association for smaller and medium-sized temporary employment agencies, NBBU. The other is concluded by the ABU, the general association for temporary employment agencies. The latter is extended by the Dutch state to cover all temporary employment agencies (except NBBU members, and three individual temp agencies who asked for and received dispensation) from June 25 2009 until March 27 2011. Both collective bargaining agreements contain some special stipulations that exclusively apply to temp workers who (normally) live abroad (i.e., certain labour conditions are paid out, while others such as housing and transportation may be paid in kind above minimum wage level; and a particular article governs workers that have been recruited as a group and/or are housed as a group).

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[10] The EU itself lists the number at 12, as the United Kingdom still applies its mandatory Worker's Registration Scheme, and therefore the EU is technically correct to not yet include it in the number of countries where workers from EU-8 Member States enjoy *full* y the right to free movement. Given the historical and empirical fact that the UK was one of the first countries to effectively receive a large number of EU-8 workers, I prefer to include it.

[11] This section summarizes more extensive information found on the Dutch website www.arbeidsmigratie.eu. This website was specifically developed to inform Dutch (small and medium-sized) enterprises on this topic. It was developed by a consortium led by the Hanze University of Applied Sciences' Centre for Applied Labour Market Research and Innovation ('Kenniscentrum Arbeid' or KCA). Its development was made possible through a RAAK-MKB grant from SIA-RAAK and additional funds from KCA and the Association of International Employment Officers ('Vereniging van Internationale Arbeidsbemiddelaars' or VIA).

Sub-contracting work to firms/temporary employment agencies/self-employed from a EU-8 Member State

Firms Here, the employment relation in principle is governed by labour law from the EU 8 country, as the worker is a regular worker of the EU-8 firm. The European Posting of Workers Directive (Directive 96/71/EC), however, stipulates that a core of mandatory rules from labour law and extended collective bargaining agreements from the country where the worker is posted (in this case, the Netherlands) will apply[12]. This core consists of:

- maximum work periods and minimum rest periods;
- minimum paid annual holidays;
- the minimum rates of pay, including rates; this point does not apply to supplementary occupational retirement pension schemes;
- the conditions of hiring-out of workers, in particular the supply of workers by temporary employment undertakings;
- health, safety and hygiene at work;
- protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people;
- equality of treatment between men and women and other provisions on non-discrimination.

The Dutch WAGA act implements the European Posting of Workers Directive for the Netherlands and specifies which articles from which Dutch acts apply.

Self-employed Self-employed are free to work in another EU Member State provided they meet the criteria that labour law, social security and taxation in that Member State imply for legitimate self-employment. This can be complicated, as criteria differ somewhat between these fields, in the Netherlands as well as in other countries. The Dutch Labour Inspection, for instance, checks whether the person works for his own risk, at a price paid to him directly and in full, with full discretion on the acceptance of work, labour conditions and price. A lot of developing jurisprudence deals with this issue. Obviously, neither labour law nor collective bargaining agreements apply to the self-employment. So this is the legal category where the fiercest price competition for domestic workers can arise.

Foreign temporary employment agencies Temporary employment as an economic sector has been excluded from the freedom to provide services. This means that the freedom of worker movement applies. This means that the European Posting of Workers Directive, as implemented by the Dutch WAGA Act, applies. It also means, that temporary employment agencies from Bulgaria and Romania still require a work permit to post their workers in the Netherlands until Jamuary 1st, 2012, while other firms and self-employed from these countries are already free to legally subcontract in the Netherlands.

PRELIMINARY EFFECTS

Monitoring the effects of free EU-8 worker movement in the Netherlands

Van den Berg *et al.* (2007; 2008) have evaluated the first effects of free EU-8 worker movement in the Netherlands on behalf of the Dutch government. They focussed on three policy elements through which the Dutch government has tried to ease this transition: good labour conditions, adequate housing and control on compliance.
Labour migration from the EU-8 has augmented the supply of labour in the Netherlands. Employers are generally happy with this migration. A third of interviewed employers in seven

[12] *Unless* the regulation of the EU-8 country is more generous for the worker: than that regulation will apply. The directive thus protects the worker and ensures that the most generous minimum provision will apply.

sectors even considers it necessary for the future of the sector and its firms, as Dutch workers are not very inclined to opt for such low-skilled, low-paid work. Because of this, there does not appear to be a large crowding out of Dutch workers. There is a small negative effect on wages.
The Dutch Labour Inspection and some sectors have opened up desks to report rule violations. In addition, the Labour Inspection has organised targeted controls on (temporary) migrant controls. There obviously are rule violations, but the number found in controls so far is limited. However: various parties are concerned that many violations are not reported, so there is a viable concern over an 'underground' of semi-legal to illegal firms.
The reports are most critical on the subject of housing: previous agreements have proven insufficient to prevent housing problems, and almost all municipalities concerned report a housing shortage and resulting problems of disturbances and unsafe situations. While government policy focussed on housing quality, it is the quantity that caused and causes problems.

The social position of (temporary) migrant workers from the EU-8

In 2007, about 20,000 immigrants from the ten[13] East-European current EU Member States came to the Netherlands (de Boom *et al.* 2008: x), up from 2,200 in 1995. With an emigration of 6,000 from the same group in 2007, the resulting net immigration is roughly 14,000. Most of these immigrants in recent years come to work, rather than for family reasons such as marriage. Over half of the registered immigrants comes from Poland (de Boom et al 2008: xii).
A much larger group, however, does not officially migrate to the Netherlands, but comes to work for one (or more) relatively short period(s) of time. Because these are not required to register, their exact number is unknown. An estimate can be based upon the number of temporary work permits that were issued to temporary migrant workers from these ten countries in the transition period until May 1st, 2007. Extrapolating those numbers for 2007, de Boom *et al.* (2008: xi) estimate that 100,000 work permits would have been issued for 2007 if the Dutch labour market had not been opened up for these workers on May 1st. This number does obviously not include illegal migrant workers, nor the self-employed from these countries who already have enjoyed free access since 2004, nor those East-European citizens that also have a passport from a EU-15 Member State[14]. Corpelijn (2006) estimated the number of temporary work migrants and self-employed at 72,000 for 2004 – almost three times as high as the number of temporary work permits issued that year. Combing these facts, de Boom et al. (2008: xii) estimate the number of temporary migrant workers and self-employed from East-European current EU Member States at 120,000 in 2006. 54% of all temporary work permits in 2006 were issued for the agriculture sector (de Boom *et al.* 2008: xvi-xvii). The second largest sector was business services – primarily temporary employment agencies whose temp workers are also often employed by agricultural firms. Employment in other sectors also often concerns relatively low-skilled workers – although the foreign workers themselves are not necessarily low-skilled, with some, for instance, working in the Netherlands to pay for their college education in Poland.
Employers generally are satisfied with the workers, in particular their work ethic (Ecorys, 2006; de Boom *et al.* 2008). Because the workers often come for a limited period, they do not invest much in learning Dutch and integrating in Dutch society. Because many speak some German and/or English, they can still communicate with their employers.
One could argue that not the labour market but the housing market is the most important areas of concern. The uneven distribution of temporary EU-8 migrants, sometimes crowding small rural areas to help harvest the crop, sometimes concentrating in some already

[13] EU-8 plus Bulgaria and Romania.
[14] In particular, roughly 300.000 Polish citizens also have a German passport; and a significant number of them is thought to work in the Netherlands. This group was specifically in previous years, when other EU-8 citizens still required a work permit.

problematic metropolitan areas in, and sometimes being stashed in inadequate environments by mala fide employers or brokers, has led to some local problems and debates.

Economic effects

Heyma *et al.* (2008) researched the economic impact of labour migration into the Netherlands from the EU-8, Bulgaria and Romania. "Despite the substantial growth since 2000 in the number of Polish labour migrants in particular, displacement of Dutch workers hardly takes place on average[15], a lowering effect on wages is barely noticeable[16] and the average level of welfare is maintained. For the public sector the net contribution of this generation of labour migrants is even slightly positive[17] because, relatively speaking, this groups pays more taxes and premiums than it makes use of public services." (Heyma et al. 2008: vii).
Heyma *et al.* (2008) estimate the number of employees from the EU-8, Bulgaria and Romania working in the Netherlands at 158.000 for 2008. The number of temporary labour migrants has particularly risen in the last decade, from 9,000 in 1999 to an estimated 107,000 in 2008 (Heyma *et al.* 2008: vii). The vast majority of them comes from Poland, while Polish citizen 'only' make up half the group of the long-term immigrants (which grew from 14,000 in 1999 to 51,000 in 2008). The dominant group of long-term immigrants is aged 25-35, while the dominant group of short-term immigrants is aged 19-25 (Heyma *et al.* 2008: viii).
Temporary labour migrants primarily find temp work (48%), direct employment in agriculture (23%) or business services (18%; mostly outsourcing). Employment of long-term labour migrants is much more similar to that of Dutch workers. Temporary labour migrants have very short-lasting jobs, with an average length of slightly more than 3 months. Their average wage is in the most cases close to the minimum wage or slightly above. The share of self-employed under these labour migrants that are registered with a Dutch Chamber of Commerce is limited to 1 in 25. But it is unknown how many self-employed are active in the Netherlands that are registered in their country of origin.

DISCUSSION

It has been a *long* time coming, but the free worker movement is finally becoming a reality in the EU these days. Only Australia and Germany still have a significant barrier for a couple of years for workers from the EU-8; Romania and Bulgaria still face barriers in more countries (including the Netherlands0; but these remaining barriers will sunset in the next couple of years.
The EU has chosen to free labour movement (and thus enhance flexibility) but not at the expense of a race to the bottom: core national labour standards apply even to posted workers from foreign firms. In principle, this framework appears an adequate and realistic choice for Europe. The exact legal ramifications of the delicate interplay between the freedom to provide services and the freedom of labour movement are still being established in developing European jurisprudence (cf. van Peijpe 2008; Baltussen 2008), with cases such as *Viking, Laval* and *Rüffert* as prominent examples. Van Peijpe (2008: 184) concludes in his discussion of these cases that the emancipation of labour law in European law is not yet completed, and that effects of free movement on labour law sometimes are arbitrary and ill conceived. All Member States struggle with question of the demarcation between employees and self-employed, and their answers differ (ibid.). *Viking* and *Laval* do show that

[15] When the share of temporary labour migrants is doubled, displacement concerns about 1 in 1200 jobs for Dutch employees (Heyma *et al.* 2008: viii).
[16] When the share of long-term labour migrants is doubled, the average salary in the lowest wage group decreases by 0.3 percent (Heyma *et al.* 2008: ix).
[17] This is not only true for temporary labour migrants, but even holds for long-term (though not necessarily permanent) labour migrants. Heyma *et al.* (2008: x) estimate a combined net present value of 1.2 billion Euros in contributions to the public sector during their stay.

the right to collective action has been incorporated as a fundamental right in EU law, which can limit the fundamental freedoms from the EU Treaty if employed correctly to protect workers.

At the national level, empirical evidence from recent research has not given the Dutch state any substantial grounds to regret the opening up of its labour market for EU-8 workers. They contribute positively to the Dutch economy and to Dutch public financial balance. There are, however, also indications of an underclass of semi- to illegal firms coming from the sectors concerned; and municipalities struggle with effects on their housing market. So this transition is not without its problems. This helps to explain why the Dutch Secretary of Social Affairs and Employment was unable to convince Dutch Parliament to open up the Dutch labour market for workers from Bulgaria and Romania from January 1st 2009; workers from these countries will now still require a temporary work permit for the next three years (2009-2011).

A closer look at the problems with semi- to illegal labour and housing indicate that their underlying causes are not so much the European rules, but underlying problems with Dutch regulation. The Netherlands, for instance, abolished the permit requirement for temporary employment agencies in 1998, making it very easy to found a temporary employment agency: their number rose from 750 in 1998 to 17,700 in 2005[18]. Employers associations in the sector have asked for a new permit system, but Dutch government has so far refused to oblige them. In the meantime, employers associations and other parties from this and other sectors concerned have developed a certification system (NEN 4400-1) which intends to help clients distinguish legitimate from semi- to illegal firms, and was implemented from January 1st 2009. It remains to be seen whether this 'naming & praising' system will effectively help alleviate the problems Schram & Sol (2007: 149) doubt it will help end illegal activity, but think it might help 'grey' firms that occasionally fail to comply with rules cross over to the sunny side of the street.

Similar observations can be made about the difficulties concerning the demarcation of the self-employed and problems in the housing market: the underlying problems are not exclusive for foreign migrant workers. The demarcation between employee and self-employed remains difficult with grey areas instead of sharp boundaries for Dutch workers, and attract opportunists that try to exploit this situation. The fact that foreign workers will generally be even easier to exploit due to a relative unawareness of rules and language problems will make them especially vulnerable for such attempts. And, besides the general tightness of the Dutch labour market, the arrival of significant groups of temporary labour migrants has shown that housing legislation is still firmly based in the nineteen fifties: it is not yet equipped to deal with locally (temporarily) substantial labour migration, forcing municipalities to choose between a rock (obeying the rules, leaving no legal housing options for migrant workers) and a hard place (e.g. disobeying own rules by allowing housing of workers on campgrounds and bungalow parks). The fact that the labour migrants often come in groups and stand out because of their language has made visible a problem that should apply simultaneously (but less observable) for Dutch workers who try to move for (temporary) work.

Perhaps the most intriguing recent development in this field in the Netherlands was a vicious swift industrial relations battle that emerged in the recent round of Dutch collective bargaining in the temporary employment industry in January-February 2009. After new ABU and NBBU agreements had been agreed to principle by these respective employers' associations and the unions, a prospective third collective bargaining agreement appeared on the horizon. This one was negotiated by the third association of Dutch temporary employment agencies, VIA (that exclusively organizes temporary employment agencies specializing in temp workers from other EU countries, different from ABU and NBBU) and one relatively young and small union, the Internet Union, appeared on the horizon. This third collective bargaining proposal was met with heavy criticism by the other unions and employers' associations, who claimed its conditions were significantly worse for the foreign temp workers. VIA vehemently claimed

[18] It should be noted that 7,800 of these are pre-exiting firms supplying agricultural temp workers that previously did not register as temporary employment agencies to avoid the registration procedure (Schram & Sol 2007:144).

its agreement would work out much *better* for their foreign temp workers. This point soon became moot, however, as the Internet Union swiftly backed out of such an agreement. VIA subsequently sued the Internet Union, claiming that 7.832 temp workers from its members had signed up for the Internet Union, while the union now apparently only had 3 foreign labour migrants as a registered member. This industrial relations battle in itself deserves a more thorough analysis at a later point in time. At this point, it is worth mentioning as an example of how, even with a significant yet relatively small number of EU labour migrants and a basic legal regime in place, the topic can still become highly politicized (and publicized) at times, and host sometimes surprising positions and coalitions in Dutch industrial relations.

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