

# LABOUR MOBILITY IN THE EU

edited by

Kristina Toplak  
& Mojca Vah Jevšnik



From the labour market perspective, free mobility within the EU may significantly contribute to balancing the supply and demand of workers across sectors and have beneficial effects on skill-enhancement and the exchange of knowledge, but it may also reinforce disparities between member states. In other words, some member states can benefit from free mobility more than others. This raises ethical issues that are too far-reaching and persistent to be swept under a rug. Contradictory effects of free mobility can also be pinpointed when it comes to policy development. In some cases, free mobility may provide stimulus to address pressing public policy issues, but over-reliance on foreign labour may also result in a delay of the necessary labour market and public sector reforms. In some sectors, this triggers a powerful knock-on and spiralling effect which may further exacerbate inequalities between member states and have detrimental consequences for their residents.

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## INTRODUCTION

*Workers on the move (photo: Igor Lapajne, 2017).*

## THE COMPLEX INTERPLAY OF MULTIPLE AND MULTI-LEVEL EFFECTS OF LABOUR MOBILITY IN THE EU

*Mojca Vah Jevšnik, Kristina Toplak*

From the labour market perspective, free mobility within the EU may significantly contribute to balancing the supply and demand of workers across sectors and have beneficial effects on skill-enhancement and the exchange of knowledge, but it may also reinforce disparities between member states. In other words, some member states can benefit from free mobility more than others. This raises ethical issues that are too far-reaching and persistent to be swept under a rug. Contradictory effects of free mobility can also be pinpointed when it comes to policy development. In some cases, free mobility may provide stimulus to address pressing public policy issues, but over-reliance on foreign labour may also result in a delay of the necessary labour market and public sector reforms. In some sectors, this triggers a powerful knock-on and spiralling effect which may further exacerbate inequalities between member states and have detrimental consequences for their residents.

The book *Labour Mobility in the EU* explores a variety of existing and emerging challenges concerning labour mobility in the EU through the prism of different professions and mobile professionals. A multidisciplinary approach and the utilization of different methodologies pave the path for analytical discussions about the positive and negative effects of intra-EU mobility, efficiency and equity of free mobility within the EU and multiple implications for individuals, states and national policies. The complex interplay of multiple and multi-level effects of labour mobility is illuminated through five case studies that outline the dilemmas, paradoxes, impacts and consequences of intra-EU mobility on the case of mobility of healthcare workers, artists and creative workers, posted workers providing services in a variety of sectors, care workers and highly educated professionals.

Since any comprehensive discussion on mobility requires a sound conceptual framework and theoretical foundation, the book opens with a theoretical chapter by Cirila Toplak, which provides an exhaustive insight into the mobility as a theoretical concept, policy agenda and fundamental European value. Drawing

on authors such as Sheller and Urry (2006) and Söderström and Crot (2010), Toplak critically reviews the principal developments in mobility studies and the methodological novum of the new mobilities paradigm, i.e., the mobile method (Buescher, Urry and Witchger 2011). Her discussion on the freedom of movement in the context of EU integration processes further illuminates and contextualizes the phenomenon investigated in this book, namely, labour mobility as an umbrella term to denote geographical movements of people across national borders with the intention to work.

The first case study throws light on major labour-related challenges faced by most healthcare sectors in the EU, particularly the lack of qualified healthcare workers due to an ageing workforce, a significant turnover due to demanding working conditions, burnout and a relatively low pay, new disease patterns and increasing emigration of doctors and nurses to popular destinations such as the United States, Australia and Canada. Mojca Vah Jevšnik explores in particular the difficult moral and ethical dilemma concerning the recruitment and mobility of healthcare workers from abroad to meet the healthcare needs within one country at the expense of another. In her analysis, she juxtaposes the universal right to free movement of healthcare workers and the universal right to healthcare, both of which are recognised and highly valued rights in the EU. However, when it comes to the recruitment of healthcare workers in practice, she argues, the right to free movement in the EU takes precedence over the ethics of such recruitment. Drawing on an extensive literature review and her Delphi study findings, Vah Jevšnik predicts that intra-EU mobility will inevitably remain one of the strategies to fill the growing number of vacancies and contain costs in high-income member states. And while she firmly stands by the right to free mobility for healthcare workers, she simultaneously calls for commitment to developing sustainable ethical solutions, the employment of a shared responsibility approach to avoid an exacerbation of health inequalities within the EU, and for the development of systemic solutions to tackle high attrition rates of “domestic” healthcare staff.

The mobility of a different group of professionals – i.e., artists and culture professionals – reveals a different set of challenges and steers the debate away from the governments’ cost-containment agendas and ethical issues they often raise. Nevertheless, the romanticized perception of art aside, the mobility of artists is still to be perceived as the mobility of workers. As such, it is firmly rooted in the domain of the EU economy and the promoted agenda of enhancing productivity and creating new jobs, and is also subject to various policies related to mobility. Kristina Toplak discusses these issues at length in the second case study. She argues that the existing discrepancy between the political promotion

of and financial support for mobility on the one hand and how mobility is enabled and performed in reality on the other is closely related to diverse and often ambiguous, even paradoxical political as well as scholarly considerations of (artists') mobility; the paradox being an effect of a set of different factors, from neoliberal social transformation, the status of artists as non- or underpaid workers, the nature of modern work practices, administrative obstacles posed by the EU and national legislation, as well as diverse practices and needs of artists influencing their decision of whether or not to move. She also makes it her aim to discuss the tremendous benefits of mobility for artists and cultural professionals themselves. She writes that mobility not only expands their professional and social networks, increases their international reputation and enables them to present their work to a wider audience, but also boosts their creativity and inspiration. She uses excerpts from narratives of the artists she interviewed to illustrate the raised theoretical and policy-related points, especially their perceptions of mobility and institutional support provided by the EU.

The posting of workers in the EU, a heated policy issue and an emerging field of research, is addressed next. The posting of workers for the provision of services across member states is regulated by Directive 96/71/EC and the Enforcement Directive 2014/67/EU and is most commonly, but not exclusively, observed in the construction sector. While posting in principle contributes to balancing the demand and supply of services in the EU and provides valuable economic opportunities for companies and workers, it also exposes the deeply rooted tensions between promoting the free movement of goods, capital, services and labour on the one hand and maintaining the European social model and established industrial relations, including industrial action to protect collective interests, on the other. In this sense, it has become a sensitive issue, especially in member states where labour is expensive and the welfare state is generous. However, social dumping is not the only anomaly arising from posting. The emergence of letterbox companies, tax avoidance, social security frauds as well as failure to provide decent working and living conditions have all been observed, prompting social actors involved to step up the game and increase the attention to the posting phenomenon (c.f. Vah Jevšnik and Cukut Krilić 2016). Nataša Rogelja and Jernej Mlekuž explore some of these particularities on the case of Slovenia, where the number of postings has been steadily and persistently increasing in the past few years.

Departing slightly from the area of politics and policy discussed in the previous chapter, Duga Mavrinac brings forth the gender aspect of mobility and discusses Croatian domestic care workers providing care to the elderly in Italy. Indeed, Italy is a fascinating case when it comes to exploring the retrenchment of

the welfare state, the emergence of care markets and the employment of migrant care labour. Giuseppe Sciortino (2013), for instance, has long been pointing out that easing the demand for care workers in Italy by encouraging users to hire migrant care workers in the market has delayed the necessary labour-market and welfare reforms. The continuous availability of migrant care workers and their over-representativeness in care jobs that most Italians continue to reject, have resulted in the structural embeddedness of the demand for care labour and propelled Italians to “regard the availability of foreign care labour as a de facto welfare right” (Sciortino in Vah Jevšnik, this book). Mavrinac, however, not only discusses these far-reaching policy implications of care migration, but mostly focuses on illustrating the case in question with the narratives of women care workers themselves as agents embedded in the marketization of care work. Building on her own ethnographic research, she writes about the structure and scope of Croatian female paid domestic and care workers’ migration to Italy since 1991 as well as about care workers’ practices and experiences of working abroad, which has for some become, she argues, a permanent-temporary solution.

In the final case study, Damir Josipovič draws on the available statistical data to discuss the scope of emigration of highly educated persons from Slovenia and calls for a closer scrutiny of the regional aspects of emigration and brain circulation. Regional disparities in migration patterns are, indeed, often overlooked and neglected, although the dynamics between centre and periphery regions within countries often resemble the dichotomies observed on the international level. Economically disadvantaged and resource-strained peripheral regions, for instance, have less competitive advantage when it comes to retaining skilled workforce than central regions (see also Vah Jevšnik in this book) and are also rarely benefiting from circular migration. Josipovič illustrates his point on the case of Prekmurje, a peripheral region in the eastern part of Slovenia, and argues that emigration from the said region does not eventually result in return migration, but rather propels ever new waves of emigration, especially of highly skilled and highly educated persons. This, of course, reinforces the existing disparities between the regions, leading to unfavourable consequences for populations residing in the periphery.

The book therefore addresses many issues that arise from the free labour market and mobility within the EU, ranging from politics to policy, ethical and gender dimensions, and regional aspects of mobility. Each chapter presents an analysis of the mobility of selected professions and provides in-depth, problem-based discussions as opposed to general, broad-spectrum *pro et con* discussions of labour mobility on the EU level. The authors used a variety of quantitative and qualitative methodological approaches to collect relevant

data and methodically grasp the observed phenomena, with the intention to produce sound new knowledge and contribute to the growing body of literature on intra-EU mobility of different professions. Their case studies are a result of longstanding scholarly research and active participation in a variety of projects relating to mobility.

The book comes somewhat short in illuminating the micro level of professional mobility, such as the rationales behind individuals' choices to find employment abroad, their mobility patterns and personal experiences with bureaucracy, working in transnational workspaces as well as balancing work and personal life, to name a few. This specific focus undoubtedly remains a research niche and calls for a sequel of its own. Exploring the micro level of mobility is therefore our suggested direction for future research.

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MOBILITY

*Worker on the move (photo: Igor Lapajne, 2017).*

# MOBILITY IN EUROPE: THEORETICAL INSIGHTS

*Cirila Toplak*

## FROM MOVEMENT TO MOBILITY

The right to move freely within the territory of the European Union and the possibility to find a job on the common market are part of the four fundamental freedoms of movement – of goods, services, capital and people (see Barry 1993; Jensen and Richardson 2007; Favell 2008; Recchi and Favell 2009). Judging from public opinion polls, mobility is to EU citizens more important than peace or democracy, the key motives for the creation of the European Communities. EU politicians view mobility as the greatest achievement of integration and one of the key opportunities for future cohesion and enhanced cooperation. According to the former President of the European Commission Manuel Barroso, “mobility is key to our future in Europe. It is at heart of the strategy Horizon 2020 for smart, sustainable and inclusive growth” (Our Future Mobility Now 2012).

Although “mobility has become the key signifier of the twenty-first century and a dominant discourse that creates and establishes its own effects and contexts”, (Hannam et al. 2006: 1) and a symbol of Europe (Carlier 2000: 8), a number of authors (Sheller and Urry 2006; Urry 2007; Söderström and Crot 2010) have until recently considered mobility to be under-theorized by social sciences. The increased identification of united Europe with mobility, the recognition of mobility’s political and economic importance as well as its permanent presence in public discourse and contemporary socio-political processes, including the European Union, have helped mobility to gradually become recognized as an important scientific topic.

This text aims at explaining the evolution of the mobility phenomenon in the context of the EU integration processes as well as presenting and critically discussing the principal paradigmatic developments in mobility studies.

Methodologically, this text is a theoretical contribution in the form of a thorough, if not inclusive review of the most relevant primary sources and secondary literature. Moreover, the critical method has been applied to compare

and assess the observations and theses proposed by the most prominent specialists in mobility studies to date.<sup>1</sup>

## MOBILITY IN EUROPEAN INTEGRATION PROCESSES

From the teleological perspective, historical evolution of mobility in Europe is mostly seen as evolution, a gradual, but linear and constant development and extension of related rights (see, for example, Recchi and Favell 2009). The processes of mobility are interpreted as “a (r)evolution – probably the greatest, the bravest and the most popular achievement of the European integration process to date” (Recchi and Favell 2009: VII). Obviously, the historical evolution of mobility has been used to justify the contemporary effects of mobility. Mobility is currently recognized as the most fundamental dimension of Europeanness since “the free flow of people is at the core of the European Union” (ibidem: 1). However, mobility has not yet reached its final objective, representing no less than the key aspect of EU future: “Mobility could – and probably should – be the most important part of their future lives” (Favell 2008: X).

Similarly to the dominant narrative on the origins of the European Union, most frequently told in terms of contracts, directives and legal decisions, the history of mobility in the European Union is anchored in the 1957 Treaty of Rome, which established the European Economic Communities or even the 1951 Treaty of Paris establishing the European Coal and Steel Community (Maas, 2005). From then on, mobility has been one of those exemplary integration dimensions where the spill-over was vertical with mobility spreading to other sectors as well as horizontal with ever more EU member states included in EU mobility regulations and programs. Mobility has come to define and support the European common market as the principal objective of European economic and political elites.

An analysis of this historical evolution typically includes two different focuses: one perceives mobility as a sequence of definitions recorded in political documents and their implementation by concrete policies. Mobility therefore appears as a temporarily arrested objective truth, a series of photographic shots that teach us what exactly mobility meant at a certain important moment in the history of the EU which mobility also helped to make important (retrospectively). On the

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other hand, mobility is also a positive category naturally evolving and spreading, amply justified by the objective of an ever-closer union. Only with the recent economic and financial crisis and the EU refugee crisis as a consequence of the war in Syria has the image of mobility become tainted – i.e., less positivistic and more complex and relative – in the minds of Europeans. The said modification has been accelerated by the media coverage of mobility issues, in particular with regard to (non-existent) common asylum and refugee policies in the European Union and the rise of immigrant terrorism in Europe. It has also been affected by the implementation of concrete (national) political decisions directly related to mobility, be it the German welcome of refugees or the erection of barbed wire fences and the reestablishment of border checkpoints in the EU member states along these refugee migration routes.

Even if looking at mobility from an exclusively legalistic angle is obviously reductionist, mobility has been evolving in the course of the European integration processes via legal regulations that should be considered an important complex of conceptions and enactments of mobility. Treaties, directives, decisions by the European Court of Justice, etc. all represent a framework that enables researchers to reflect on how mobility has been imagined and enacted and also what political rationality directed these conceptions and enactments. The legal foundations and definitions represent “a very important framework in which mobilities are “produced”, i.e., “how certain ways of mobility are enabled, permitted and promoted, while others may be prohibited, limited or prevented” (Cresswell 2006b: 735). The legal framework not only allows for the conceptualizing process, but also establishes concrete (and regulated) mobility practices as well as identifies mobile subjects and their mobility activities delineating them from those who do not qualify as mobile subjects and are therefore not allowed to engage in mobility practices. The legal framework did not invent mobility and mobility may not at some point be ruled out the way it was ruled in since “we cannot imagine societies without mobility, while it is also obvious that all specific conceptions of mobility are generated by society” (Cresswell 2006b: 737). The obviousness of mobility makes it possible, however, that “particular mobilities are represented as more than particular – as fundamental and natural” (Cresswell 2006a: 22).

In accordance with the Foucauldian conception of power and the law, treaties, directives and decisions made by the European Court of Justice in the course of the integration processes may be interpreted as “a method to reach authorities’ objectives” (Brännström 2014: 10) or as a power technique (Rose and Valverde 1998). When we look into how legal provisions establish, define and conceptualize mobility, mobility’s function and what sort of power rationale may be detected in the definitions of mobility, mobility becomes denaturalized

and we may critically react to the notions of mobility as inherently positive, but also clarify how these notions affect the functioning of power and how mobility is instrumentalized by politics.

Initially, mobility only applied to (some) workers in the coal and steel industry and did not play an important part in the foundation of the European Coal and Steel Community. Maas (2005, 1012) argues that “mobility played a minor role in negotiations between potential member states in spring and fall of 1950” since these negotiations were almost exclusively focused on economic cooperation. The inclusion of mobility in the Treaty on ECSC was a “political compromise” that allowed for “a lot of room for restrictive interpretations” of the manner in which the free flow of workers was to be implemented (Maas 2005, 1014). Jean Monnet too was rather sceptical about mobility in his speech of 1954: “We are aware that among the six Member States there will be no great free flow of workers: there are too many customs, too many personal attachments that counter the free flow” (Monnet 1954: 6). Mobility was thus at first strictly limited to workers and only those employed in the coal and steel industry. It would not have even appeared in the Treaty had it not been for the efforts of Italian negotiators for whom workers’ mobility was indeed a national issue. The first definition of mobility within the European integration processes was therefore very particular and restrictive, while the first European mobile subject was a specifically skilled worker. Also, mobility was subject to negotiations and its implementation only became possible upon agreement reached by all member states and the ratification of the Treaty by national parliaments (Maas 2005: 1015). The High Authority of the ECSC appointed an expert committee to identify measures necessary for the implementation of mobility. In those days it was experts, not politicians or citizens, who decided on what mobility meant and for whom it was intended under certain conditions. Experts are a common and popular lever in the constitution of power in the EU owing to their supposedly objective and neutral position. Yet, the minutes of the Social Affairs Committee in charge of the implementation of Article 69 of the Treaty on ECSC concerning mobility reveal that “technical experts defended national interests more than politicians, despite the fact that their role should have been focused on the definition of technical details” (Piodi 2008: 51).

Paving the way to the Treaty of Rome, the 1956 Spaak Report had already called for an extension of the freedom of movement, formerly restricted to the coal and steel industry, to all categories of workers. In 1957 the European Economic Communities were formally founded, above all on the principle of the common market that was intended to ensure monetary stability, economic growth, social protection, prosperity, economic and social ties and solidarity among the member

states. These objectives were to be reached by “unhindered competitiveness an integral part of which is the freedom of movement for workers” (Maas 2002: 12). Mobility was clearly considered a tool or mechanism to ensure competitiveness in order to establish the common market. Furthermore, the common market was identified as a substitute for society or political community and established as the fundamental principle of the unifying Europe, also affecting the conception of meanings of mobility. Mobility was not considered a universal or an inherent right; rather, it was related to specific activities and purposes. Although the Treaty of Rome extended the category of mobile workers, it was still only the active population (workers, young workers and the self-employed) who were given the formal freedom of movement within the EEC, as a function of and an incentive for the common market. Mobile subjects were therefore still particular subjects whose right to free movement was dependent on their activation in economic processes. The Treaty of Rome must be understood, then, as the mechanism of a particular production of mobility by which the mobile individual becomes a market citizen or *homo economicus*, a consumer competing with other subjects and above all a free and autonomous partner in power relations (Rose 1999). The Treaty of Rome conveys via legal definitions of mobility a constitution of liberal political rationality or the logic of the functioning of power that also demonstrates a dynamic – Foucauldian – position of the law, i.e., asserts that “law is related to enactment of political sovereignty which allows for co-constitution, implementation and functioning of power” (Brännström 2014: 4).

One of the most important milestones in the gradual evolution of mobility within the European integration processes is the adoption of regulations and directives in 1968 that end the transitory period defined by the Treaty of Rome and identify in detail the conditions of mobility to be harmonized in national legislations. Some authors (see Baldoni 2003: 7 or Quintin 2000: 10) identify the adoption of these legal provisions as a turning point or even the beginning of European mobility. In 1968 mobility was considered to really move forward in the economic reality of the EEC: the rights to mobility were extended, the initial administrative barriers were removed and a greater number of mobile subjects were granted the freedom of movement. These provisions facilitated workers’ access to employment abroad and put special emphasis on the prevention of discrimination of workers, requiring that member states should not privilege workers who are their citizens. At the same time, a directive was adopted on the freedom of movement and residence within the EEC for workers and their families. Workers were to cross borders with a personal identification only and they were granted residence permit that could not easily be recalled.

In the period following the adoption of the above-mentioned legislation, i.e., from 1970 on, the European Court of Justice has also come to play a part in the gradual evolution of European mobility (Baldoni 2003: 8), by passing decisions that were interpreted as an extension of the provisions of the Treaty of Rome and an enactment of the subsequent Regulation 1612/68 (EEC) and Directive 68/360/EEC pertaining to mobility. These decisions provided not only for workers' inclusion in the labour market of the host country but also their integration into the society of the host country, including the social, cultural and educational aspects of integration of workers themselves and their families (Jacobs 2000: 33–39). The decisions of the European Court of Justice regarding the freedom of movement and mobility can also be understood as a discursive evolution of mobility. The Court identified mobility as a “fundamental objective of the Communities” (Jacobs 2000: 37). Compared to the first formal definitions of mobility in the ECSC, this was a significant progress. It did not, however, mark a change in the direction of the general development of the Communities but rather asserted its primary orientation towards the common market and economic cooperation. Mobility turned into a fundamental freedom and one of EEC's foundations, with its importance for the functioning of the common market being reinforced by the actual early processes of labour mobility in Europe following the implementation of the Treaty of Rome. Labour mobility was not imagined as crucial to the progress of the integration project to begin with; it only came to be recognized as such once it proved its impact on the ground.

The first significant amendment to the Treaty of Rome, the 1986 Single European Act, identified mobility as the “free flow of goods, persons, services and capital”. This became the prevalent definition of mobility in the EU *acquis*. By establishing the free flow of persons, the Single European Act, along with the pertinent 1990 directives, “explicitly expanded the freedom of movement and residence to non-economic active categories [of population]: students, retirees and unemployed” (Recchi and Favell 2009: 7). According to Article 1 of Directive 90/364:

“Member States will grant the right of residence to nationals of Member States who do not enjoy this right under other provisions of Community law provided that they themselves and the members of their family (spouse, dependent descendants and dependent relatives in the ascending line of the person concerned or his or her spouse) are covered by sickness insurance in respect of all risks in the host Member State and have sufficient resources to avoid becoming a burden on the social security system of the host Member State during their period of residence.”



The adoption of EU citizenship by signing the Maastricht Treaty has been deemed “the most spectacular step” in the gradual evolution of mobility in Europe (Recchi and Favell 2009: 7). The Maastricht Treaty represented “the definite deviation from the restrictive view of mobile individuals as exclusively economic actors” (Baldoni 2003: 10) by which “a broader conception of the individual as the citizen of Europe was to be enforced” (Baldoni 2003: 10). Article 8a of the Treaty provides that EU citizens (who automatically acquire this status by being the citizens of EU Member States) shall have “the right to move and reside freely within the territory of the Member States” (Article 20). Article 45 of the Consolidated Treaty on the European Union (2012) again places exclusive emphasis on workers within the area of free movement. Although the same Treaty also establishes a set of political rights for EU citizens, including the right to vote and be elected at local elections and the European Parliament elections in any of the member states and to enjoy consular protection in third countries at any consulate or embassy of a member state, the right to mobility is still very much focused on the active population and the labour market.

The connection between the concept of mobility and EU citizenship established by the Maastricht Treaty represents the peak of the evolution of the concept of mobility in EU legal and political discourse; mobility has now become limitless, i.e., is to be enacted within the entire territory of an ever-expanding European Union and available to all EU citizens. Through the prism of the conception of mobility, the European Union is to be seen as an area of freedoms and unlimited opportunities. From the 1992 Maastricht Treaty on, the legal definition of mobility has not been modified and it has remained closely connected with the EU citizenship. Further developments have been achieved mainly with regard to the implementation of this conception. An important step in the implementation of mobility in Europe was Directive 2004/39 regulating the right to permanent residence and providing for the extension of social rights to EU citizens who live in a host member state for more than five years. Finally, the Schengen area, founded in 1987 and included in the 1997 Amsterdam Treaty, has fully implemented the freedom of movement by abolishing the internal borders among the increasing number of member states. Although the Schengen area was dealt an unprecedented blow in 2015 by certain EU member states’ decision to reinstate border controls following the refugee crisis and the absence of relevant common policies, these decisions were declared temporary and were still in accordance with the Schengen regulations.

## FROM PRACTICE TO THEORY

One of the first scientific works to acknowledge the conceptual importance of mobility was “Sociology Beyond Societies: Mobilities for the Twenty-First Century” (Urry 2000), called by some the manifest of mobility (Favell 2001). In this book, Urry argues for a “sociology of mobility” since movement is no less than “a constitutive form of social life” (Urry 2000: 49). Before that, theorizations of mobility were for the most part narrowly associated with migrations and the free flow of people. As the free flow of everything, real and virtual, became increasingly complex, the need emerged for a more inclusive and complex conception of mobility. This need was materialized as the “new mobilities paradigm” (Sheller and Urry 2006) or the “mobility turn” (Cresswell and Merriman 2011). Mobility has come to be understood as the central feature of economic, social and political relations that were historically perceived as static and spatially fixed, while these very relations identify and inform the concept of mobility. Mobility therefore leads to significant social and economic interactions and creates socio-spatial relations (Pušnik 2014: 8). “Mobility is not only socially created, it creates social life” (Söderström and Crot 2010: 15) and inevitably represents “one of the central arenas of struggle for control and domination” (Swyngedouw 1993: 324). Mobility should, then, be conceptualized not only as flow and freedom, but also as a mechanism of power and authority (Baerenholdt 2013: 20). It is therefore pertinent to look into the logic, i.e., the political rationale of mobility, its political design, who are the subjects of mobility perceived within the European integration processes and how the mobile individuals conceive of their mobility.

However, mobility as an all-inclusive concept also quickly becomes elusive – “if mobility is everything, it stands for nothing” (Adey 2006: 75). Moreover, in some academic debates (Sheller and Urry 2006; Urry 2007; Cresswell 2011; Büscher and Adey 2013), the defence of the centeredness of the object and the concept of mobility ventures to a certain extent into mythologization in order to emphasize, recognize and reinforce the meaning of mobility. Following “the mobility turn”, we therefore may find out that “a new mobile century is about to start with researchers studying motivations, experience, dangers, implications and limitations of mobile life and opportunities and challenges in policy making in the broadest sense, from city urbanism to new media and new technologies” (Bücher and Adey 2013). At present, mobility has come to the fore of several policies and academic disciplines. Thrift goes as far as suggesting that the “social feeling of mobility is in the air” (in Urry 2007: 6), while Cresswell (2010: 18)

upholds that various forms of movement are “at the heart of social sciences” or that “the entire world is in motion” (Cresswell 2011).

The assumption that the entire world is in motion is a fundamental and common argument to place mobility at the centre of academic attention. Numerous segments of population have been identified as mobile subjects, such as migrants, tourists, sportsmen, businessmen, drivers, runners, but also slaves, terrorists and refugees and, of course, students and academics. Impressive numbers are being presented in terms of mobile subjects involved in various mobility practices in the world per day or year. Assessments have been made as to the increase of mobility at present compared to mobility in the past and prognostics offered as to a further increase in mobility in the future. Adey (2010: 2) argues that we hardly need these statistics and observations at a macro level to be convinced of the importance of mobility since “a consideration on omnipresence of mobility in our everyday lives” quite suffices; in other words, “being physically mobile has become a “way of life” for the rich and the poor worldwide” (Urry 2007: 4).

The recognition of mobility in all aspects of social life, the emphasis on the important role of mobility studies in the future, the establishment of mobility as the central concept that defines and modifies social life is the most common and fundamental argumentation for making mobility a key topic of academic research. It goes hand in hand with the justification of the same approach to another key concept of contemporary life, namely, that of globalization. In Ong’s words, “mobility has become a new keyword to grasp globality” (Ong 2006: 121), i.e., to interpret various mobile social and political processes. What is mobility, then, if it encompasses and describes all aspects of society? Has mobility indeed been perverted into an empty and impotent signifier meaning at once everything and nothing?

Multiple subjects and practices of mobility that range from moving one’s finger to whole systems of practices such as travel, migrations, flow of information and ideas, make mobility a very vague concept of study. The very omnipresence of mobility in everyday discourse and life as well as in academic studies, however, requires that we look at the manners in which the meanings of mobility are being created via social and political processes, in what conditions the reflections on mobility take place and what definitions of mobility are identified. We need to observe and know how the perception of mobility is being created and by whom as well as how, subsequently, mobility transforms our societies. Often we tend to overlook the political aspect of mobility, i.e., how mobility influences our political life and how politics employs mobility for political purposes and harnesses this social phenomenon for political purposes. At best, research recognizes the political aspect of mobility only with certain segments of mobile

population and only in particular circumstances.<sup>2</sup> Mobility is therefore always to be studied as a two-fold concept: on the one hand, as a social signifier and political tool embedded in historical processes and, on the other hand, as a set of mobility practices that define and change the social tissue with their meanings and implementations. Considering the multiplicity of definitions of mobility today it is thus increasingly important not to add another definition and further hollow out this signifier, but to look at the ways and conditions in which these definitions are perceived and conceived in academic discourse.

Considering numerous mobility practices that make part of mobility studies, an assumption may be made that mobility is currently omnipresent not only in everyday life but in the academic sphere as well. Mobility has been proposed as no less than the key formula to interpret contemporary society (Urry 2007; Cresswell 2010, Hannam et al. 2006), with social life no longer identified as something static and limited by societal and geographical boundaries (of regions, nation-states or continents) or by social categories (of class, gender or ethnicity). Mobility as a practice is no longer understood only in terms of social stratification, as a vertical societal movement on this or that class/prosperity “ladder”, but is perceived horizontally as a complex of various forms and practices of mobility (Urry 2000: 2–3). Mobility is replete with numerous and various meanings that, value-wise, are mostly oriented towards progress, freedom, opportunities but also towards deviation from social norms and rebellion. What mobility means and encompasses still remains rather ungraspable; it is a vague alternative to a well (if arbitrarily) defined space of rootedness, immobility and stability (Cresswell 2006a: 1–2).

Studies of mobility as a constituent of social life inform interpretations and analyses of mobility practices that fill in the empty space, i.e., they point to the problem of conceiving of mobility as of a natural and self-evident phenomenon (again, an obvious parallel with conceptions of globalization may be drawn here). Interpreting mobility as a signifier within the dominant discourse on knowledge therefore demystifies the assumption that mobility is inherent to man or that it is part of human nature. Mobility may well be all-inclusive and omnipresent and various mobility practices may indeed be detected in all social and political spheres to the point of concluding that the “perception of the

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2 An example of this approach could be the concept of “autonomous migrations”, theorized by Papadopoulos and Tsianos (2008). Based on Deleuze’s and Guattari’s philosophy of nomadism, they recognize in migrants a new political subject, likening them to wildlife ignoring state borders, and predict a sort of First Transnational. They admit, however, that this new political subject is voiceless and helpless, that it lacks political self-reflection as well as fails to identify their political subjectivization preceding migration.

world is happening by moving through the world” (Cresswell 2006a: 22). Yet, precisely the ontological position on how we perceive the world also infers that “mobility is ontologically absolute” (Adey 2006: 76). This position refers to all relations and subjects as mobile; it suggests that mobile relations constitute the social and the political and it assumes that cultural patterns, identities as well as seemingly completely static objects such as buildings are a mere consequence of mobility practices. Simultaneously, political and social processes are also understood as the constitutive force that creates, develops and defines mobility, i.e., mobility practices (Jensen and Lassen 2011: 10). As proposed earlier, mobility can therefore be but twofold: it constitutes the political and the social and is in turn constituted by social and political relations.

The omnipresence and universality of mobility has resulted in the banalization and trivialization of mobility, while mobility practices are actually inherently political in their ability to establish and define political relations. It is therefore of primary importance to analyse how the meanings of mobility have been created in historical political processes, what has been the rationality of mobility and who have been identified as its subjects. Mobility is, without a doubt, socially constructed; subsequently, the all-inclusive aspect of mobility may obscure specific mobility practices and render them all too self-evident and natural, the position of naturalness being the most prone to uncritical acceptance, approval and absence of questioning.

Cresswell (2006a: 3) rightly distinguishes between movement, i.e., an abstract conception of a transfer between two locations without any context or power relation, and mobility which includes context, methods, strategies and social consequences of movement that is given meaning and is transformed through power relations. Mobility as a social and political construct does not exist in abstract space and time; it is seized by social space and time as its inherent context and at the same time also co-defines this space and time.

Apart from mobility acquiring so many meanings that it no longer means anything specific, another academic trap for its conception has been the necessity to identify it as something too specific so that these particular segments or dimensions of mobility are no more satisfactory to a valid definition of mobility than the vague and generalizing ones may be. Mobility is certainly much more than the movement of people and objects in real and virtual spaces (Kaufmann 2002) or the intertwining of physical movement, movement of objects and imaginary and virtual movement of ideas and information (Urry 2007). Urry (2007: 10–11) thus attempts to squeeze the concept of mobility into “twelve principal forms of mobility in contemporary world”, including migrations, asylum seekers and refugees, business trips, student trips, transfers due to illness,

military movements, retirees' movements, family trips, diaspora migrations, services, tourism, family visits and work commutes.

To resume, simplifying assessments of mobility in time and space, mythologization of mobility as an academic concept, recognition of all-inclusiveness of the concept of mobility on the one hand and failed attempts to identify all possible mobility practices or various reductionist definitions on the other all confirm the ungraspable dimension of this concept. Definitions of mobility, as typical political constructs, often persist in scientists' analytical blind spot and remain too particular or too definite. Mobility is clearly ontologically absolute and interpreted as such also within the field of conceptualization of mobility. Yet, the temporality of the construction of the meanings of mobility must also be considered in order for us to be able to see how, quite unlike Durkheimian static and unchangeable concepts existing outside time, mobility turns into a cognizant object whose meanings are created by individual and societal activities as much as mobility practices create and modify meanings and conditions of action for individuals and societies as a whole. Cresswell (2006a) argues rather convincingly that the contexts of conception and the functioning of mobility need to be addressed in specific social space and time, and that contextual analysis always includes power relations.

## THE NEW MOBILITIES PARADIGM

As mentioned earlier, the intensifying theorization of mobility, the merging of various conceptions and applications of mobility practices and above all, the acknowledgement of the importance of mobility by science has been called "the mobility turn" (Hannam et al. 2006) or "the new mobilities paradigm" (Sheller and Urry 2006). The mobility turn, which Cresswell identifies as mobility becoming an "interdisciplinary research field", occurred in 1996. The new mobilities paradigm surfaced a decade later, in 2006, with the publication of the book *The New Mobilities Paradigm* (Sheller and Urry 2006). The title of the book does not suggest "an insistence" on another "great narrative" of mobility, fluidity and flow. The new mobilities paradigm rather exposes "a set of issues, theories and methodologies, instead of all-inclusive or simplifying descriptions of contemporary world" (ibidem: 210). Besides recognizing the importance of mobility and mobility practices, the key aspect of the new mobilities paradigm is the need to develop the field of study, for an interdisciplinary approach and the variability of theorizations, as well as for the recognition and integration of new or emerging mobility practices.

The new mobilities paradigm is supposed to represent an opposition and a criticism of the sedentary view of mobility, which perceives our activities and space through the lens of belonging, rootedness and boundaries and conceives of space and existence as static. Yet, the new mobilities paradigm is to avoid deterritorialization as the new great narrative of post-modernity, as it is not synonymous with globalization also conveyed by a discourse on fluidity, flowing and mobility. Cresswell (2006a) saw this tension as the metaphysics of fixity opposed to the metaphysics of flow. Castells (2006) had paved the way to this realization with his concept of a “network society” and the argument that the “space of places” was substituted with a “space of flows”.

The new mobilities paradigm does not pretend to redefine the world of today with its social relations and phenomena. Rather, it poses necessary pertinent questions, interconnects theories and new methodologies. It addresses contexts, discourses and practices encompassed in the metaphysics of fixity and the metaphysics of fluidity. The new mobilities paradigm does not privilege flow and fluidity; rather, it focuses on disclosure of “discursive power, practices and infrastructures of mobility in creating effects of movement and fixity alike” (Sheller 2011: 2). Above all, the new mobilities paradigm stands for the interdisciplinarity of study and the removal of artificial barriers in studying varied mobility practices. It promotes new methods and new methodologies in the study of mobility such as “analysis of the patterning, timing and causation of face-to-face co-presence; mobile ethnography – participation in patterns of movement while conducting ethnographic research; time-space diaries – subjects record what they are doing, at what times and in what places; cyber-research – exploration of virtual mobilities through various forms of electronic connectivity; study of experiences and feelings; study of memory and private worlds via photographs, letters, images and souvenirs; study of in-between places and transfer points like lounges, waiting rooms, cafes, amusement arcades, parks, hotels, airports, stations, motels, harbors” (Sheller and Urry 2006: 217–219). Interdisciplinary study of mobility includes a consideration of the interaction of various forms of movement and immobile infrastructures and differs in that from previous approaches to studies of movement and migrations “formerly divided by boundaries of disciplines or subfields that prevented a holistic approach to mobility. Moreover, these approaches rarely addressed mobility, but rather considered human movement as a given – an empty space” (Cresswell 2010: 18).

The methodological novum of the new mobilities paradigm is embodied in particular in an alternative methodological approach called the mobile method (Buescher, Urry and Witchger 2011). The mobile method is a form of mobile ethnography that enables the study of mobility by participation in the

movement. The emphasis on research by ethnographic, participative methods within the new mobilities paradigm tends to be exaggerated, especially when such an approach is considered as the only right one bringing a superior insight, truly grasping the reality and bringing the researcher closer to the events and processes by “establishing some sort of divine position from which researchers can acquire a more detailed and authentic insight” (Merriman 2013: 17) and therefore produce a theory that interprets practice more closely. Mobile methods tend to focus on mobile subjects and neglect the temporal aspect and various contexts that would help place these subjects in broader social processes.

The new mobilities paradigm may also be criticized for the meaning of the very name of this trend. “Paradigm” standing for transformation of science by an immediate revolution (Kuhn in Urry 2007: 18), one might understand the use of this word as a substitution for previous, “static” concepts for something else. Boundaries, borders, spaces, places, infrastructures, policies, discourse, etc., subsequently appear no longer as objects of study in mobility studies. Yet, quite contrarily, the new mobilities paradigm should reinforce the position that the previously privileged “fixity” is also fluid and mobile and prone to change, being affected by social processes and power relations. The seemingly static structures should remain an important dimension of research within the new mobilities paradigm as well, for they are at the core of emergence of new mobility practices and their implementation (Hannam et al. 2006: 3).

One may justifiably end up concluding that the new mobilities paradigm is nothing really new, but yet another academic fad that falls in line with the general neoliberal trend of considering the process of knowledge acquisition as an experience. When the emphasis with a concept is on “new”, it implies that the “old” also existed in opposition to the “new”, meaning in this case that the old mobility paradigm was immobile and static and uni-disciplinary and passive. None of this is true since a variety of approaches and methods were actively combined prior to the new mobilities paradigm, and many disciplines were engaged with mobility (migrations, transport, tourism, geography, anthropology, sociology, medicine, etc.), a number of different subjects of mobility were studied and the temporality of mobility was addressed (Cresswell 2006a). The worth of the new mobilities paradigm is therefore in upgrading and improving contemporary mobility studies when combined with the “old mobility paradigm”.

A truly new mobilities paradigm should not privilege mobile subjectivity but also include research on discursive power and mobility practices since mobility constitutes social relations and political power as much as political power and social relations constitute mobility. Foucault conceives of power not in the sense of government but in the sense of “everything that establishes permanence



and untouchability, everything that is offered to us as real, true and good” (in Bess 1988: 11). If power relations enable us to understand mobility, mobility is primarily a political concept. Political science has therefore plenty to say about mobility since every movement has a political rationale or an interpretative framework no matter how unique or private it may be.

## CONCLUSION

At present, mobility has become synonymous with the European Union. It stands for a fundamental European value and the cornerstone of European identity as the most important outcome of the lengthy and difficult integration process. Mobility has been acknowledged as the foundation of the past as well as the future integration project: “Whatever age we are, and whatever activities we undertake, transport and mobility play a fundamental role in today’s world. The Commission’s aim is to promote mobility that is efficient, safe, secure and environmentally friendly, serving the needs of citizens and business. This will help boost jobs and growth and allow European industry to remain cost-efficient and compete on the global stage” (European Commission 2016: 3). The emphasis, however, as it transpires from this mission statement from the current European Commission’s strategic plan, has been on mobility within economy, mobility as an engine fuelling the common market, and not so much on mobility as a fundamental freedom. The free flow of people cannot and does not have priority over the free flow of goods and services and, above all, capital in a primarily economy-driven project such as the European integration process. Moreover, a much less desirable aspect of mobility in the form of more or less permanent migrations has been made obvious to EU politicians and citizens over the recent years. The said aspect is not only a reference to international migrations and refugees that have demonstrated the European Union’s incapacity of coordinated action and the fragility of the supposedly consensual European value system, but also to internal economic migrations that have been met with disapproval or discomfort in host EU member states when they were faced with important one-way mobility from the so-called new EU member states. The lesson to be learned here beyond the usual political phrases is that the most desirable mobility for the European Union is indeed economy-driven, but also individual, temporary and internal.

Another conclusion that offers itself based on the analysis of the historical evolution of mobility in Europe is that mobility – i.e., the free movement of people – was not possible in the gradually integrating Europe at first, but has

become a European reality thanks to the political recognition of mobility as a cornerstone of the common market and the subsequent legal reification of the concept as a fundamental freedom. This, however, seems to be a reductionist view, not only because it conceives of mobility as necessary and a natural given, but also because it does not include an explanation of the political purpose of mobility and how mobility contributes to the conception of the united Europe as a whole. “Mobility in the European Union has been presented [to us] as a reality and the most positive feature and freedom of its citizens, which should press us even more to reflect on not only how mobility has evolved in the course of the European integration processes and what meanings has it acquired from the legal definitions but above all to acknowledge how power has been established and reinforced through mobility as freedom” (Pušnik 2014: 92).

The statistical reality indeed does not confirm non-critical “evolutionist” views on mobility. Already in 1959 there were some 1.2 million migrant workers in the EEC, meaning that the 1968 legislation could not really represent the starting point of the previously non-existent mobility in Europe. Cresswell rightly assesses that mobility “could not be invented” as “one cannot imagine societies without mobility, while it is obvious that all specific conceptualizations of mobility are socially constructed” (Cresswell 2006b: 737).

In 1974 the EEC of nine Member States had 6.4 million migrant workers, only 1.7 million of which were member states’ citizens. Between 1987 and 2004 there was a 48.7% increase (from 14.4 million to 21.4 million) of foreign residents according to Eurostat, while the percentage of mobile EU citizens increased by 17% only, from 5.3 to 6 million (in Recchi 2008: 202). These numbers demonstrate that despite the gradual extension of mobility onto all EU citizens, the number of mobile subjects from third countries has remained three times higher than that of EU citizens opting to exercise the right of freedom of movement. In 2006 the mobility in the EU was no more than 1.5% or “approximately the same percentage than thirty years ago” (European Commission 2006b: 65). We can see, then, that in reality, mobility has become the greatest success and the everyday practice in the European Union but for a very small number of EU citizens.

Moreover, this number has hardly increased, despite the intensified political insistence on mobility as the most important achievement of the integration process. Perhaps even more interesting is that, despite the fact that more than 98% of EU citizens remain immobile, “the freedom of travel and work in the EU” remains the most common answer to the question as to what the EU means to its citizens. On the importance of mobility, the European public opinion is well aligned with the discourse of European political class (see EURES 2008; Loveland 2008).

The normative expectancy of answers in Eurostat questionnaires set aside, the freedom of movement appears therefore as the greatest opportunity offered by the EU that EU citizens recognize as such but tend not to exercise. Mobility is, then, not a self-evident freedom, but rather an appreciated possibility of freedom to EU citizens. Most of us are delighted that the doors of the cage are wide open, but prefer to stay in the safety of its imperfect walls. Another possible interpretation of the discrepancy between the political discourse on mobility and reality is that EU citizens perceive mobility differently from legal/elitist interpretations. Oswin & Yeoh (2010) argue that mobility is characteristic of late-modernity and the end of the nation-state. Vannini (2012) recognizes in mobility “a projection of existent cultural values, expectancies and structures that denotes styles of life”. While for the European political class, mobility’s broadest context may be global competition with comparably much more mobile USA, which continues to exert strong politico-cultural influence on unifying Europe, the popular perception of mobility in the EU may be more connected with its everyday effects which mainly include crossing neighbouring borders freely and without changing currency or making low cost pleasure trips across borders, but within the EU. In both cases the EU authorities and power structures seem to be substantially alienated from the perceptions and everyday realities of those governed.

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**MOBILITY AND  
HEALTHCARE WORKERS**

*Healthcare worker on the move (photo: Igor Lapajne, 2017).*



# THE ETHICAL DIMENSION OF HEALTHCARE WORKER MOBILITY

*Mojca Vah Jevšnik*

## INTRODUCTION

Healthcare is one of the largest economic sectors in the EU, accounting for around 17 million jobs. This means that 8 per cent of all jobs within the EU are related to the provision of healthcare (Health Workforce). According to the Action Plan for the EU health workforce adopted in 2012, the healthcare sector is facing major challenges, including an ageing workforce and too few new recruits to replace retirees, a significant turnover due to demanding working conditions, burnout and relatively low pay, the need for new skills to be able to deal with new disease patterns, and the rise in chronic conditions such as diabetes and heart disease among the elderly. About seven million additional job openings are estimated for the period between 2010 and 2020, with most jobs, more than five million, requiring highly qualified healthcare personnel (Action Plan 2012).

High demand for healthcare workers in most EU member states coincides with the ageing European population. It is projected that the number of elderly persons aged 65 or over will almost double over the next fifty years, from 87 million in 2010 to over 152 million in 2060 (Action Plan 2012). This means that more people will be in need of healthcare, while according to demographic projections, the percentage of active labour force will decrease (*ibid.*). The retirement bulge will also have a significant impact on the EU health workforce, as by 2020 more than 60,000 doctors or 3.2 per cent of all European doctors are expected to retire every year. Most European countries are not attracting enough students and graduates to join healthcare workforce and replacement rates are too low.<sup>1</sup> The problem is exacerbated further by the high emigration rate of

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1 In Italy 13,400 nurses were due to retire in 2010, but only 8500 graduated in 2008–2009. Germany is facing serious difficulties in training a sufficient number of graduates, Slovakia has insufficient nurses, midwives, physiotherapists, radiological assistants and paramedics, and Hungary is facing serious bottlenecks in supply caused by reductions in nurse training (Action Plan 2012).

healthcare professionals from Europe to historically popular destinations such as the USA, Canada, Australia and New Zealand. According to the European Commission's study on forecasting health workforce needs, workforce planning and health workforce trends, estimated shortages in the healthcare sector by 2020 are 230,000 physicians (13.5 per cent) and 590,000 nurses (14.0 per cent) (Matrix Insight 2012).

These, however, are rough estimates of average shortages in the EU as a whole. A breakdown of numbers shows that the dynamics in the supply and demand of physicians and nurses significantly differs across as well as within member states. While difficulties in recruiting and retaining healthcare workers in certain professions, specialties or fields of practice, and imbalances in the geographical distribution of healthcare workers are reported in all countries (Barriball et al. 2015: 10), high-income countries tend to fare better than resource-strained countries when it comes to securing a sufficient number of healthcare staff. The latter have less means to invest in workforce and less competitive advantage when it comes to retaining prospective and experienced healthcare workers than the former. With economic disparities in the EU on the rise and the Treaty-based individual right to move freely within the EU in full motion, increasing numbers of healthcare workers from Eastern and Central member states are deciding to take up jobs offered in the Western EU, where employment conditions are better and salaries higher. This may result in further exacerbating asymmetries between member states relating to healthcare provision and can have a long-term negative impact on health systems performance (Maier et al. 2011: 47). Territorial maldistribution within individual countries raises further policy concerns and calls for effective, targeted and evidence-based response embedded in a wider and comprehensive healthcare workforce planning and forecasting schemes.

The purpose of this chapter is to provide some insights into the perplexing interplay of the principle of the right of free movement and pursuance of personal and career goals, and ethical concerns relating to recruitment and emigration of healthcare workers from countries that are experiencing shortages themselves. It aims to discuss the complex ambiguity stemming from two seemingly opposing principles: the right of a health professional to move and the right of people to healthcare. While the ethical principles applicable to the international recruitment of healthcare workers have been established by the *WHO Global code of practice on the international recruitment of health personnel* (2010), the Code does not apply to countries within the EU, where intra-EU mobility is guaranteed by the treaties. Yet with disparities in the EU on the rise, the neoliberal logic of cost-containment and retrenchment gaining in strength as well as the demand for healthcare workers steeply rising, the recruitment from low-income to

high-income countries is expected to continue. This raises calls for developing policies relating to planning, training and retaining health workforce in source and destination countries that would mitigate the negative effects of mobility and limit the rise in health inequalities across the EU. The discussion draws on a systematic literature review of scholarly and policy literature and the findings of a Delphi study on governmental strategies relating to the recruitment of healthcare workers, conducted in the UK and Norway.<sup>2</sup>

## THE CHALLENGES OF TERRITORIAL MALDISTRIBUTION AND MOBILITY OF HEALTHCARE WORKFORCE

Access to good quality healthcare services is crucial for the improvement of health outcomes (Dussault, Franceschini 2006).<sup>3</sup> Globally, the differences in healthcare provision between world regions are astounding. Sub-Saharan Africa carries 24 per cent of the global burden of disease, but has just 3 per cent of the world's health workforce (Dhillon et al. 2010: 9). Below the basic threshold of 23 skilled healthcare workers per 10,000 persons are 83 countries (WHO 2013), primarily from the African and Asian continents. The problem is also in the existing imbalances between the supply and demand in urban and remote, rural regions. Doctors and nurses in Indonesia, Dussault and Franceschini (2006: 5) write, are reluctant to relocate to remote islands and forest locations that offer poor communications with other parts of the country and few amenities for healthcare workers and their families. In Bangladesh, the metropolitan area contains around 15 per cent of the population, but accommodates 35 per cent of doctors and 30 per cent of nurses. In Nicaragua, around 50 per cent of healthcare

- 2 Experts on the international recruitment of healthcare workers in the UK and Norway (EEA Member State) were invited to participate in the Delphi study with the aim of collecting their reflections on the interrelated themes of labour shortages in healthcare, immigration of healthcare workers, public policy and future strategic planning of recruitment from abroad. Sixteen experts in the UK and seventeen experts in Norway were identified with the purposive sampling technique, taking into consideration the relevance of their expertise for the study in question. The respondents included scholars/academic researchers who have published in the field of migration and human resources for healthcare and identified themselves as experts in the field, public healthcare sector managers who have experience in the recruitment of healthcare workers from abroad as well as government officials and investigative reporters.
- 3 Accessibility is a multidimensional concept that refers not only to the geographic dimension of access to services and qualified healthcare staff but also to economic (affordability), organizational and cultural (acceptability) factors (Dussault, Franceschini 2006). This chapter will focus primarily on the geographical dimension of accessibility and imbalances in the distribution of healthcare workforce between and within countries.

workforce is concentrated only in the capital Managua. And in Mexico, rural posts persistently remain unfilled, contributing to great disparities in health outcomes between the rural and urban populations (*ibid.*).

The imbalances also persist in more affluent countries. Some regions in Norway, for example, are not considered an attractive and stimulating environment by young graduates who prefer to find employment in urban healthcare centres. Northern Norway, in particular, is facing the continuous problem of recruiting and retaining healthcare staff. Two of the most important factors that trigger the reluctance to take on jobs in these areas are workload from emergencies and professional isolation (*cf. Brenne 2006: 74*). The latter is strongly correlated, research shows, with social and geographic isolation (*Abelsen 2013: 8*). The remote areas of northern and eastern Finland are also facing a severe lack of general practitioners and important specialties that are particularly in demand in the least privileged regions. In France, shortages of healthcare staff in general might not be significant, but maldistribution across regions nevertheless poses a problem. In Germany too shortages persist mainly in the eastern part of the state, while certain urban areas are oversupplied. In short, the territorial maldistribution of health workforce is found to be endemic in all EU countries (*Maier et al. 2011: 53*).

Several factors impact healthcare workers' decision on the location of their employment. According to the OECD Health Working Paper on geographical imbalances in doctor supply and policy responses, these include: i) the general attractiveness of the locational environment, including educational opportunities for children, career opportunities for spouses, housing, etc.; ii) the mode of employment; iii) the income potential, i.e., payment schemes; iv) working conditions, including working hours, access to appropriate medical equipment and support services, challenging patient populations and professional development opportunities; v) issues of prestige and recognition, which refers to the lower value of general medicine and in particular rural medicine compared to other fields of medicine; vi) the expectations students have towards work and life in remote regions and their capacity to adjust to the environment (*Ono et. al 2014: 15*). Mobile healthcare workers are, of course, not a monolithic, indistinct mass, and many different incentives motivate "a junior doctor going abroad to specialize, an experienced nurse emigrating to find better working positions or a dentist travelling overseas on weekends to increase earnings" (*Glinos, Buchan 2014: 131*). Yet based on extensive research, *Papademetriou (2013: 45-47)* identifies some variables influencing high skilled migrants' choices of destination. First, the presence of other talented professionals, strong capital infrastructure and opportunities for personal advancement are considered

important factors. Attracting highly skilled persons requires investments into knowledge infrastructure such as universities, research labs, state-of-the-art technology, and the creation of a dynamic and transformative work environment. Second, a fair and generous social model, attractive lifestyle options, environment as well as tolerant and safe society all significantly contribute to migrants' choice of destination. Chaloff and Lemaitre (in Cerna 2010: 30) further argue that factors such as wage levels, advancement opportunities and language issues (in cases of cross-border mobility) are to be considered as decisive as well. Understanding the rationale behind individuals' choices is an important precondition for the development of efficient strategic responses in both countries of origin and countries of destination. Countries of origin in particular should accumulate knowledge on the reasons for emigration that go beyond blaming recruitment agencies for luring healthcare staff. Indeed, as Bradby (2014) notes, historical patterns of underinvestment in health systems and structures, and conflicting stakeholder interests, should be brought into the discussion on the international healthcare worker migration.

Mitigating recruitment and retaining problems in remote rural regions is a challenge and by far not an inexpensive endeavour, but it is an investment that pays dividends in terms of reduced costs of turnover as well as improved continuity and availability of services (Barriball et al. 2015: 7). This in turn means better health outcomes and savings on inappropriate service utilization (ibid.). Incentives need to be varied and should focus not only on the economics but also on normative factors (Dussault, Franceschini 2006: 5). A good example of a comprehensive package developed to recruit and retain healthcare workers in remote areas was developed in the successful research project "Recruit and Retain",<sup>4</sup> which addressed the shortages in Northern hemisphere countries; i.e., parts of Norway, the UK (Northern Ireland and Scotland), Iceland, Greenland, Sweden and Canada. The project set out to develop a variety of incentives to attract healthcare workers such as: advertise and promote the opportunities for healthcare providers in remote rural areas and emphasize the positive aspects of working in a challenging environment; develop ways to reduce professional isolation by traditional (sabbatical) and innovative (broadband, mobile phone, video conferencing ) methods; include a holistic perspective which incorporates "buddying" for new recruits and long-term professional mentoring for established employees; generate urban-rural partnerships, which include links with universities, professional training bodies and service providers to underpin remote rural public services; find ways to support spouses, social

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4 Northern Hemisphere Programme 2007–2013.

networks, housing, childcare and schooling; encourage the development of systems which enable local remote rural populations and local authorities to support their sustainable and committed public service (Recruit and Retain). The project produced a set of concrete initiatives for the recruitment and retention of healthcare staff, spanning advertising and marketing, administration and organization, professional support including service delivery, infrastructure, education and training, career development and support; domestic and social support; and the web tools.<sup>5</sup>

As long as such measures strive towards achieving higher levels of sustainability of “domestic” healthcare workforce and towards easing geographical imbalances, they may be perceived as an example of good (and ethical) practice. If, on the other hand, such incentives are used to target foreign healthcare workers from countries that are facing shortages themselves, the ethics of such recruitment should become subject to debates. Given the unfavourable demographic situation and continuous cost-containment measures adopted in converging European welfare state regimes, shortages in most member states are estimated to persist despite measures introduced to achieve sustainability of healthcare workforce. The Delphi research conducted in the UK and Norway, for instance, shows that it will not be possible to ensure a steady supply of healthcare workers across all fields and specialties and in all geographic areas in the coming years. Hence, the trend of international recruitment is likely to continue at a similar pace.<sup>6</sup>

In Norway, it is predicted that 43,000 nurses will leave their jobs by 2022 and that simultaneously the demand for nursing and care giving will increase by more than 50% from 2010 to 2030 (Nordic Council of Ministers 2014: 125). Erik Solheim, Norwegian Minister of Development, stated in 2007 that Norway “will need at least 100,000 more employees in the health sector over the coming

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5 For Norway, specifically, a planning tool has been designed called *the yearly wheel*. It refers to yearly defined activities that include promotion of employment in rural and remote areas in schools and to nursing and medical students at the University of Tromsø, participation at recruitment fairs and establishment of recruitment groups aimed at promoting career possibilities at the Health Trust to Upper Secondary school pupils. The components of the yearly wheel, i.e., yearly recruitment strategies are to be discussed with clinical managers and human resources department. The initiative was adopted by the Finnmark Hospital Health Trust, which has allocated a separate budget for the yearly wheel in an effort to develop a targeted and proactive recruitment strategy. Another solution that was tested at the Medical unit at Hammerfest hospital is introduction of a *sign-on fee*. The said service is designed to encourage employees to actively recruit new colleagues to their own unit in the organization for a financial bonus. The recruiter and the new employee are both entitled to a bonus, while the latter is also offered an additional retention bonus after clinical placement of eighteen months.

6 OECD estimates that over the past ten years, the number of doctors and nurses who have moved to one of the thirty-eight OECD countries has risen by 60% (Lindahl 2015).

decades. I don't see how we can fill that number with people who are already in the country" (in Lindahl 2007). Across the National Health Services (NHS), the UK's public healthcare system, nurses and doctors are in high demand as well. Standards of care that need to be met by the NHS hospitals and are subject to inspection by the Care Quality Commission include ensuring safe staffing levels as trusts are committed to providing their patients with the best possible care. However, recruiting and retaining nurses is a demanding undertaking. First, because hiring more nurses means spending more money that trusts do not have, and second, because the supply is limited. The government has cut nurse training places over the past few years and restricted immigration of healthcare workers from third countries, while due to better working conditions and pay, British-trained nurses have begun emigrating to Australia, the United States and Canada in large numbers. The UK has now moved from being a net importer to an exporter of nurses (Buchan, Seccombe 2012). With increasing numbers of nurses retiring every year, the problem is exacerbated further. Doctors in some branches of medicine, especially emergency medicine (E&A) and general practice (GP) are in particularly high demand. In 2013, GP specialty training had "the third lowest competition ratio of all specialties, and even after a second round of recruitment, vacancies remained unfilled. Over the last 20 years, only 20–30% of UK graduates have indicated General Practice as their unreserved first career choice" (NHS 2014). Moreover, it seems that reports on exhaustion, understaffing, relatively low pay and no work-life balance have a direct impact on new intakes of students and retention of the existing medical staff. The Watford general hospital, for instance, is an illustrative example of the looming healthcare workforce crisis in times of flat funding. The said hospital, like the majority of other trusts, is struggling with debt, 8 per cent more patients admitted through the accident and emergency department last year and pressures to provide quality care. Due to the unfavourable summary of the latest inspection by the Care Quality Commission, which included a negative assessment of its staffing levels, the hospital manager set out to recruit 160 more nurses. She sent recruiters abroad to Portugal, Italy and Spain and paid the agents £3,000 per nurse (Toynbee 2014). However, even for recruitment agencies, finding nurses is not easy. Agencies report of stiff competition among them because they are all recruiting from the same pool. Ireland, for example, has been "drained of nurses, as squads of trusts compete to entice them" (ibid.). Hospitals are also finding short-term solutions in temporary nursing agencies, which employ nurses and hire them to hospitals for a significant amount of money. Many nurses are attracted by the agency work, primarily because of flexible hours which enable

them to maintain work-life balance and a good salary. However, the cost for the NHS is significant and far from sustainable.

Yet compared to poorer, resource-strained countries, wealthier countries have more policy capacity to act and more means to invest, and are as such more successful in attracting healthcare workers. Glinos et al. (2014: 26) argue that:

as the gap between wealthier and poorer EU Member States is widening, a new map of Europe and of its mobility flows may be emerging based on the relative strength of countries' economies and their ability to train, attract and retain health professionals. For the EU as a political entity, built to foster prosperity and reduce asymmetries between its members, a changing map raises new ethical and policy questions in terms of the relationship between Member States and whether there is, or should be, any scope for intra-EU solidarity.

The question of ethics intersects here with the principle of free mobility within the EU and the pressing need for achieving maximum efficiency of national healthcare systems (Buchan et al. 2014: 7).

## **MEDICAL EXCEPTIONALISM VERSUS LIBERALIZATION OF MOBILITY**

The mobility of healthcare workers raises a number of ethical issues. Health and access to healthcare are recognized as human rights by the Charter of Fundamental Rights of the European Union (Article 36) and by the Universal Declaration of Human Rights (Art. 25(1)) (Glinos, Buchan 2014: 132). Since there is no health without a qualified workforce (WHO 2013), healthcare workers are indispensable for the functioning of healthcare systems.

Alkire and Chen (2006) are among the most prominent scholars to acknowledge this overlap and contradiction of the two sets of rights. They acknowledge that healthcare workers are themselves the locus of human rights that are to be protected, such as the freedom of movement, the right of development, to safe working conditions or to a living wage, but they argue that healthcare workers are also a crucial instrument of the very healthcare to which others in a population have a right. They write that "it is possible but not unlikely to be constructive to frame this as a trade-off that gives the right of a Botswana doctor to migrate greater (or less) weight than the right of hundreds of people of Botswana to have access to a physician" (ibid.: 116). Having in mind the context of South-to-North migration of healthcare workers and drawing in



particular from the cases of continuous emigration of healthcare workers from Sub-Saharan Africa,<sup>7</sup> they developed the concept of medical exceptionalism, which calls for a different treatment of doctors and nurses “for ethical reasons that go far beyond their own well-being” (ibid.). In other words, the consequences of health worker emigration are different from those of the migration of other groups of workers because healthcare workers provide a critical service.

The authors further argue that at one end of the spectrum there are those who defend the right to move irrespective of occupation and who defend global labour markets that are to bring economic and efficiency gain, diaspora remittances and ensure “brain circulation”. The latter is said to result in the return of new ideas, entrepreneurship and contacts (Alkire, Chen 2006: 100). The emergence and development of global care markets in the context of globalizing care economies (Yeates 2009) has of course been well recorded. Governments of low-income countries, embedded in the global neoliberal agenda, tend to either actively or latently support emigration in order to benefit from knowledge transfer and remittances, which can be one of the few sources of foreign currency in many countries (Yeates 2009: 22). Nevertheless, many claim that social implications of care drain in the sending countries are significant and cannot be counteracted by the inflow of remittances. Corinne Packer et al. (2010) established that remittances cannot compensate for the loss of a country’s investment in educating its health professionals and that they do not have a positive impact on their health systems. Whereas purported benefits of care labour emigration do exist, they are unlikely to be sufficient to compensate for the costs. Nevertheless, the proponents of global market strategies argue that restrictions on labour movements accentuate global economic inequities and call for more and freer movement (Alkire, Chen 2006: 101).

At the other end of the spectrum are those who consider recruiting countries in the North as exploiters that contribute to exacerbating global health inequities (Alkire, Chen 2006: 101) and call for a cap on international recruitment and further impoverishment of healthcare systems in low-income countries. These proponents are going against the principle of global healthcare labour markets

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7 Alkire and Chen (2006: 100) bring attention to the illustrative cases of emigration of healthcare workers from South Africa and Malawi. In Malawi, at the epicentre of the HIV/AIDS epidemic, its largest 1000-bed hospital has only thirty nurses remaining, twenty-six of whom have expressed the intention to migrate. Nurses and doctors have been continuously emigrating from South Africa in large numbers too, primarily to work for the British NHS, which has prompted frustrating responses by the South Medical Association: “The most depressing thing is that, without exception, all the good people you train leave. All the friends from the old days are in private practice or abroad” (Kapp in Alkire, Chen 2006: 100).

and liberalization of migration with the purpose of profit maximization. And the benefits of recruitment for some welfare state systems are indeed considerable. It costs the NHS approximately £269,527 to train a junior doctor and £70,000 to train a nurse. With every ten junior doctors and ten nurses immigrating from abroad the savings amount to roughly £3.4 million (Sharples 2015).

A fair and development-sensitive healthcare worker migration that is mutually beneficial for both sending and receiving countries has been called for by the World Health Organisation (WHO) and as a result the Global Code of Practice was developed in 2010. However, according to Angenendt et al. (2014), the Code contains several contradictions and inconsistencies which render its implementation difficult. Primarily, it recommends not recruiting healthcare workers from certain countries, but on the other hand, it guarantees them the freedom of mobility. Article 4.3 of the WHO Code states that “nothing in this Code should be interpreted as limiting the freedom of health personnel, in accordance with applicable laws, to migrate to the countries that wish to admit and employ them”, while Article 5.1 states that “Member States should discourage active recruitment of health personnel from developing countries facing critical shortage of health workers (WHO 2010, see also WHO 2011). There is an apparent trade-off between respecting the principle of free mobility and restricting recruitment from poor countries. The advocates of the Code argue that it is the extent to which the governments of destination countries are involved in active recruitment practices that is essential, and the critics argue that it is difficult to assess the extent of active recruitment in practice, which “paves the way for arbitrary interpretation” (Angenendt et al. 2014: 4). It should also be pointed out that, from the perspective of an individual, the absence of recruitment agencies in their country does not mean that they are restricted from migrating *de facto*, but rather that the lack of resources and support from the agencies (whose services are financed by the recruiting states and not the healthcare worker) renders the process very difficult. Moreover, in theory, individuals can find an agency to assist them in finding an employer, a visa and travel procedures and recognition of qualifications, but if that agency is not approved by the competent national authority, i.e., it is recruiting from countries that are on the WHO list of countries with healthcare worker shortages, employers will be reluctant to employ their clients. This means that the principle of free movement might nevertheless be restricted in practice. Whether or not this is considered a good policy depends on the position of the group of proponents.

Even though Alkire and Chen (2006) reject coercive means of healthcare worker retention, they strongly advocate the creation of economic and social incentives to attract and retain them in their countries of origin. They argue that

“policies to improve working conditions, increase remuneration, and provide opportunities for career advancement – are ethically imperative as well as functionally necessary” (ibid.: 116). Albeit smaller in scope and urgency, intra-EU mobility too is challenged by tensions caused by the encouraged liberalization of healthcare workforce mobility<sup>8</sup> in the light of healthcare worker shortages in most member states and therefore calls for an in-depth discussion on the ethics of recruitment. Since the WHO Code does not apply to the internal EU labour market, it is of importance to foster continuous policy dialogues and the enhancement of intra-EU cooperation to ensure an ethical approach to recruitment and capacity building in the healthcare sector.

## **TYPES OF INTRA-EU MOBILITY OF HEALTHCARE WORKERS AND POSSIBLE POLICY RESPONSES**

How to achieve a fair and development-sensitive healthcare worker migration that is mutually beneficial for both sending and receiving countries is subject to debates. Angenendt et al. (2014) propose two policy options: temporary and circular migration and transnational training partnerships. Temporary migration, which has been more extensively discussed than transnational training partnerships, meets some goals of both countries – i.e., filling labour shortages in rich countries and receiving remittances in low-income countries, while assuming the return of healthcare workers with possibly improved capacities and knowledge – and might also be convenient for healthcare workers who do not wish to settle abroad. Transnational training partnerships have been less explored, but could grow into a successful bilateral cooperation. Direct financial support for the training of future migrant healthcare workers in the countries of origin would eliminate the fiscal drain from migration of publicly-subsidized

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8 Of significant importance here are also the directives on the mutual recognition of professional recognitions that can significantly encourage mobility (Glinos, Buchan 2014). The recently revised EU *Directive on the Recognition of Professional Qualifications* (Directive 2013/55/EU), which covers, among others, the mobility of healthcare workers, has put in place some restrictions such as allowing regulatory bodies to check language competence, introducing a proactive warning system across EU/EEA member states in case a health worker has restrictions imposed on their practice, and awarding professional registration only if minimum training requirements for a specific profession are met. Additionally, the requirement for doctors' training will be five years minimum (NHS Confederation). The revised Directive, however, continues to reinforce flexibility of the EU labour market, liberalization of the provision of services, encourages automatic recognition of qualifications and simplifies administrative procedures, as set out in its initial version adopted in 2005 (Directive 2005/36/EC).

trainees and build up renowned training institutions in the countries of origin. For the countries of destination, benefits are tangible as well. Involvement in the training process means that they could tailor the training that prospective migrants receive in accordance with their professional standards and guidelines. The cost of training would most likely be less expensive in the countries of origin than in high-income countries, which would mean cost-containment and a positive effect on the public revenue. Migrants could benefit too, because they would receive subsidized training and proper preparation for jobs in the countries of destination (Angenendt 2014: 8).

Any policy responses within the EU need to be thoroughly informed on workforce trends and projections of demand and supply, as well as new migration patterns. Without evidence on the extent, frequency, direction or rationale behind mobility, policy makers cannot know how their country is affected, which significantly hinders the effectiveness of policy making. Yet statistics on the mobility of healthcare workers is sketchy, fragmented and unreliable, and research is yet to catch up with the changing patterns of mobility. Mobility, the concept suggesting more frequency, ease and reversibility compared with the more heavily charged migration (Glinos, Buchan 2014: 147), comes in many types. There is particular evidence, Maier et al. (2011) write, of short-term mobility within the EU, such as weekend work and short-term contracting of a few weeks or months, and of cross-border commuting. Many employment agencies also adopt the strategy of posting of workers.<sup>9</sup> This means that they hire healthcare staff, primarily nurses, in their native countries and rent them out to healthcare institutions. They are paid by the receiving country tariffs, but are not union members as they are technically employed in their countries of origin. Many Latvian nurses, for example, work in Norway for four weeks and spend two weeks at home. This means that they are not entitled to unemployment and a variety of other benefits in Norway, including permanent residency. Nevertheless, posting might be a significant opportunity for healthcare workers to gain more skills and, primarily, increase their earnings. Indeed, when asked by a journalist of the local Latvian paper *Neatkarīga* why they were willing to work in Norway, the main

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9 A posted worker is defined by the EC as follows: “we say a worker is ‘a posted worker’ when he is employed in one EU Member State but sent by his employer on a temporary basis to carry out his work in another Member State. For example, a service provider may win a contract in another country and send his employees there to carry out the contract. This trans-national provision of services, where employees are sent to work in a Member State other than the one they usually work in, gives rise to a distinctive category, namely that of ‘posted workers’. This category does not include migrant workers who go to another member state to seek work and are employed there.” (Posted Workers). For an in-depth overview of posting of workers in the EU see the chapter in this book by Nataša Rogelja and Jernej Mlekuž.

reason stated was high salary (Kolyako 2012). However, this is not an entirely win-win situation (Isaksen 2010: 137). Many Latvian nurses are approaching retirement age and the proportion of young nurses who take up jobs in hospitals is low. According to the data provided by the Latvian Healthcare and Social Care Workers' Union, the percentage of nursing graduates who take up work in Latvian hospitals decreased from 71% in 2008 to 16% in 2012 (Kolyako 2012). The driving forces behind nurses' arrival should be understood, Isaksen (2010: 137) writes, as a combination of emigration strategies in Latvian households and a global solution sought for the Norwegian care deficit.

It is most reasonable to assume that the negative effects associated with mobility within the EU will be exacerbated if not mitigated with bilateral or multilateral agreements. Bilateral labour agreements are "all forms of arrangement between countries, regions and public institutions that provide for the recruitment and employment of foreign workers" (Bobeva, Garson 2004: 11). Bilateral agreements have been repeatedly and urgently called for in the context of global healthcare labour shortages (Dhillon et al. 2010), but they are losing their value in the recruitment business to private agencies that have occupied the niche (Plotnikova 2014: 339). Currently, migration mostly takes place outside the channel of bilateral agreements and through recruitment agencies, family links and social networks, with only a few notable exceptions.

The primary concept underpinning the development of bilateral agreements is one of shared responsibility, which reflects needs, admission policies and responsibilities of destination countries, and various concerns of source countries and migrant workers themselves (Panizzon 2009). In this respect, it is a mechanism that ensures regulated, transparent and fair exchanges, reduces the need to utilize commercial recruitment agencies as well as directly addresses and responds (possibly also in economic terms) to the negative effects of recruitment for the source country. The attempts to label bilateral agreements as unnecessary are in line with the neoliberal ideology of intervention-free global labour markets. From the neoliberal perspective, bilateral labour agreements are considered to be bureaucratic, inefficient and time-consuming mechanisms. They are sometimes openly criticized for promoting exclusive labour market access to service providers based on nationality and profession, which is inconsistent with the non-discriminatory principle of the "most favoured nations" (Nielson in Plotnikova 2014: 333). However, the underlying rationale behind the critique might be that the absence of bilateral agreements enables cost-containment and bolsters productivity. When high-income countries dismiss the fact that inequitable distribution of healthcare workers leads to rising health inequalities, such as in Sub-Saharan Africa, which carries 24 per cent of the global burden

of disease but has just 3 per cent of the world's health workforce (Dhillon 2010: 9), they act in line with the capitalistic logic of blame avoidance.<sup>10</sup>

## CONCLUDING REMARKS: COST-CONTAINMENT VERSUS ETHICS IN THE ERA OF NEOLIBERALISM

The argument that reliance on workers from abroad erodes incentives to invest in domestic workforce training and retention is of course not new and it holds water. This reliance may lead to the structural embeddedness of the demand for migrant workers, the concept explained by Cornelius (1998) on the example of Mexican migrant workers in the United States. Cornelius' concept brings forth the notion of path dependencies in the employment of migrants in the sense that "once their workforce includes a substantial share of migrants, it may be difficult and costly for employers to switch to alternative responses" (Ruhs, Anderson 2013: 76). Moreover, jobs performed by immigrants are usually low social status jobs or they acquire such status when performed by immigrants for a prolonged period of time, and consequentially it becomes difficult to attract the native population even if pay and conditions improve (Gordon, Lenhardt 2008).

Sciortino (2013) has long been pointing out that easing the demand for care workers in Italy by encouraging the users to hire migrant care workers in the market has delayed the necessary labour-market and welfare reforms. The continuous availability of migrant care workers and their over-representativeness in care jobs that most Italians continue to reject has resulted in the structural embeddedness of the demand for care labour and propelled Italians to "regard the availability of foreign care labour as a *de facto* welfare right" (ibid.: 89).<sup>11</sup> In

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10 More research on the role and impact of bilateral agreements is required to improve their efficiency and respond to critiques. One persistent critique has been, for example, that bilateral agreements may build up a dependency in destination countries on foreign labour and lead to an inability to train and retain a sufficient number of native workers (Bach 2004). On the same note, another critique pointed out that bilateral agreements may become part of the national strategy such as in the Philippines, where continuous emigration has reduced incentives to create jobs and improve local working conditions (cf. Plotnikova 2014: 332).

11 Ever since 2007, the yearly decrees have been targeted at sustaining the Italian welfare regime through the regularization of domestic and care workers, which is a politically uncontroversial and a structurally necessary measure. In 2006, 12 per cent of the contingent has been allocated to domestic and care workers. In 2008, the entire contingent was allocated to domestic workers (apart from the country-based quotas). In 2009, when demand was still high and rising, but the state wanted to send out a message that further immigration will not be promoted and hence did not issue a yearly decree, amnesty was introduced (only) for irregular immigrants

the UK, jobs in the care sector have continuously been filled by migrants as well. Some public services in the UK, including social care, are currently based on a model of low-cost employment, which creates a persistent demand for migrant workers. Raising wages to attract domestic workers is not considered an option because that would mean an inevitable increase of public expenditure attributed to the sector and create knock-on effects in other sectors and professions. Therefore, there is a clear trade-off between providing care at low cost and the share of resident workers employed in the sector (Anderson, Ruhs 2012: 44; Moriarty 2012). From this perspective, the “desirability” to reduce dependence on migrant workers who are significantly contributing to sustaining welfare state provision is questionable. In the case of healthcare staff, a similar logic seems to apply. Nurses and some medical practitioners, such as general practitioners and emergency & accident doctors, are becoming increasingly dissatisfied with the employment conditions and NHS managers must resort to recruitment from abroad, which further increases dependence on migrant healthcare workers. Here too, the mutually conditioning relation between labour supply and demand is evident. In other words, employers’ inability to fill vacancies does not necessarily mean that there is a shortage of domestically-trained workers, but that employers have difficulties with “finding the ‘right’ workers to fill vacancies at *current* wages and employment conditions” (Ruhs, Anderson 2012: 4).

Several reasons exist why employers, be it individual households, private sector businesses or public sector institutions, develop a preference for migrant workers. Ruhs and Anderson (2013) delineate four factors. First, immigrants tend to have lower expectations of wages and employment conditions. Research shows that employers are well aware of the economic and other trade-offs that immigrants are willing to make, including tolerating bad working conditions and working long hours. Second, some employers may prefer immigrants because of restrictions and characteristics attached to their specific immigration status relating to the issued type of permit. For example, immigration requirements can make it difficult for many migrants to change jobs, which can make retention in jobs easier from employers’ perspective. Such restrictions are “beneficial” for employers who offer low wages and poor employment conditions. Third, new immigrants may be willing to accept jobs, the skill requirements of which are below their actual skill-level. For an employer, this means high-quality workers for low-waged jobs. And fourth, employers might use migrant networks to recruit and regulate labour and thus achieve a self-sustaining labour supply. In

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employed as housekeepers or care workers. In 2010, the entire contingent (apart from the country-based quotas) was again reserved for care workers (Sciortino 2013: 89–90).

the United Kingdom, for instance, recruitment through migrant networks is a common practice among employers with a migrant workforce. It is also important to note, Ruhs and Anderson (*ibid.*) suggest, that employers do not make their choices in a vacuum but within an institutional and regulatory framework which is shaped by public policies. In some cases, the lack of comprehensive (vocational) education and training causes severe labour shortages, putting pressure on employers to recruit workers from abroad. States can turn the table, they argue, by investing more into education and training, increase wages and improve working conditions, provide boosts to job status and enhance career prospects. However, these changes are unlikely to occur during the times of economic downturn and budget cuts, especially when the cheaper alternative of recruiting from abroad is readily available. Ruhs (2012) further argues that trade-offs should be considered in the context of two underlying and interconnected ethical issues. First, to what extent, if at all, should the outcomes for collectives such as economic growth or distribution, and the economic welfare of individuals be given priority over individuals' rights? And second, to what extent should the interests of citizens of receiving countries be given priority over those of non-citizens? Different answers to these two ethical questions have different implications for immigration policy, he writes. For example, within the framework that emphasizes consequences for collectives rather than the rights of individuals and that strongly prioritizes the interests of citizens, a country's labour immigration policy is determined based on an assessment of consequences for economic growth, distribution, national identity and cohesion as well as security in receiving countries – with little or no importance given to the rights of migrants and people in their countries of origin.

It goes without saying that maximizing the efficiency and cost-containment is a policy challenge that no health system or state can risk ignoring (Buchan et al. 2014: 7). Nonetheless, cost-containment and ethical approach to healthcare workforce planning should not be regarded as mutually exclusive policy challenges. The notion of shared responsibility can and should be the guiding principle when drafting bilateral or multilateral agreements on healthcare workforce recruitment. These should be developed with the intention of mitigating the negative effects associated with emigration, especially the exacerbation of health inequalities within and between countries, while acknowledging the interests and rights of individual healthcare workers who are themselves often torn between the desire to move and the duty to remain.

Unfortunately, however, as Shah (2010) points out, opinions diverge considerably about what an ethical response to the international migration of healthcare workers should in fact look like. There is ambiguity about the



moral obligations of governments, individuals and health systems and the roles that global institutions should play. There are apparent conflicts between the human rights of different parties and proposed responses can themselves appear discriminatory in the light of conflicting stakeholder interests. EU member states will continue to face the challenges of ensuring a steady supply of healthcare workers and intra-EU recruitment will inevitably remain one of the strategies to fill the vacancies. Sustainable ethical solutions relating to this complex moral and policy conundrum will therefore need to become embedded into policy responses in order to circumvent the inexcusable exacerbation of (health) inequalities.

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MOBILITY AND ARTISTS

*Artist on the move (photo: Igor Lapajne, 2017).*



# THE MOBILITY OF ARTISTS AND CULTURE PROFESSIONALS IN THE EUROPEAN UNION

*Kristina Toplak*

*“People still have a kind of romantic idea about artists, although we are just workers. The only difference is in the mode of work that would most easily be described as flexible.” (Simon Hudolin – Salči)<sup>1</sup>*

## INTRODUCTION

Since the beginning of the European integration process, the free movement – or mobility – of persons has been promoted and highly praised as an economical and political cornerstone of the European Economic Community (EEC), later the European Union (EU). Today, the legally set right to free movement in the EU is already sixty years old and the European Community has in during this time witnessed many changes in political, economic and social arenas. Assessing the development of legislation on free movement, Brad Blitz argues that the right to free movement has from the end of the 1950s to the present been transformed from “a negative freedom linked to the labour market to a positive goal associated with the substantive citizenship rights of members of the European Union” (2014: 38).<sup>2</sup>

The right to free movement inside the EU nowadays appeals to many individuals by expanding (better) employment opportunities, ensuring the possibility for constructing an international network or by merely offering new knowledge and experiences with only a few administrative dealings. According to

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1 The artist's statement after receiving the OHO Group Award, the main award in the field of painting, video, new media and performance in Slovenia, for artists of up to 35 years of age (Rak 2017).

2 It should be noted that the EEC legislation, aimed to promote the free movement of persons, was prepared in the frame of economic interests, as free movement was to be restricted to workers (and their family members) who had sufficient resources to sustain themselves and not to be a burden on the host state (Blitz 2014: 39).

several expert reports on the mobility of artists inside the EU and those coming from non-EU member states, mobility also represents a very gainful process for individual artists and art institutions (Poláček 2007; Kobolt 2008; IGBK 2010; Di Federico and Le Sourd 2012). Recognized as crucial for widening social and professional networks, mobility also enables artists<sup>3</sup> to reach out to a wider audience and hence a bigger market. On the EU's decision and policy-making level, the mobility of artists and culture professionals recognized as important activity that sustains the cultural and creative industries and is financially and politically supported as well as further promoted through a wide and diverse set of EU and national support programmes (European Commission 2016).

Artists and culture professionals are thus considered as one of many “small boosters” of the EU economy since by working in the cultural and creative industries, they not only improve their career opportunities and earn their living, but – as is generally emphasized by the European Commission (EC), the EU's executive body, – they also contribute to the creation of new jobs and even to EU GDP.<sup>4</sup> Consequently, we could argue that the focus from artists' mobility as the engine of creative process has shifted to mobility as a booster of the EU economy: artists' mobility is primarily needed for economic success as well as to further contribute to the EU GDP and create new jobs.

Mobility is crucial for artists and culture professionals,<sup>5</sup> not merely in terms of economic gain but for other reasons as well. Namely, mobility is directly linked to artistic practices and it has a major impact on an individuals' creative process (Kobolt 2008; Kiwan and Meinhof 2011; Mendolicchio 2013; Duester 2013; Kim 2014). Mobility positively affects artists' creative development by inciting their creativity; it enables them to gain international recognition, exhibit in international art capitals and find inspiration, discover new ways of expression, etc. (Poláček 2007; Kobolt 2008; IGBK 2010).

Mobility has also entered many art and culture institutions as well as political and public discourses. Nowadays, mobility – and with it, international experiences – is most often promoted, recommended, desired and demanded

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3 According to UNESCO, an artist is “any person who creates or gives creative expression to, or re-creates work of art, who considers his artistic creation to be an essential part of his life, who contributes in this way to the development of art and culture and who is or asks to be recognized as an artist, whether or not he is bound to any relations of employment or association” (UNESCO 1980).

4 See: [https://ec.europa.eu/culture/policy/cultural-creative-industries\\_en](https://ec.europa.eu/culture/policy/cultural-creative-industries_en)

5 When referring to the EU and EC documents, I use their wording, artists and culture professionals, which subsequently became a broader concept to include artists and individuals working in arts, culture, heritage and creative industries.

by artists' employers, art institutions and wider society (see also Poláček 2007; Kobolt 2008; ERICarts 2006 and 2008; Vujadinovic 2008; IGBK 2010; Recommendations ... 2010; Di Federico and Le Sourd 2012).

However, the right to move has its limitations. Critically observed, mobility is precisely regulated and controlled; however, as Tomaž Pušnik argues, it is also a tool for governing (Pušnik 2014). Even though people have the right to move, it may be argued that mobility is imposed on them, either forcing or allowing them to move (De Genova and Peutz 2010 in Salazar 2017). Despite all the (neoliberal) praise of mobility, people on the move are often faced with many impediments to mobility, and artists active in transnational art worlds,<sup>6</sup> as we will see, are very vulnerable in this respect. And here lies the paradox. Most of the many obstacles that hinder mobility are directly induced by political and economic decisions of the same European (and national) politics and society that promote it (ERICarts 2006 and 2008; IGBK 2010; Recommendations ... 2010).

In this chapter, I am going to discuss the contemporary international mobility of a wide spectre of artists in the EU. As already indicated in the above-cited statement of visual artist Simon Hudolin, I am (also) considering artists as part of mobile labour force. The main idea of the chapter is to outline the key features of artists' mobility in the EU to emphasize the diverse and often ambiguous, even paradoxical political and scholarly considerations of (artists') mobility. By paradoxical I am referring to the discrepancy between promotion, support and a non-critical stance towards mobility and how mobility is enabled and performed in reality. This paradox is an effect of a set of different factors, from neoliberal social transformation, the status of artists as non- or underpaid workers (Abbing 2002; Praznik 2016), the nature of modern work practices or the so-called "contingent work" (Polivka and Nardone 1989, following Audrey Freedman) to administrative obstacles posed by the EU and national legislation, as well as artists' diverse practices and needs that influence their decision of whether or not to move.

By focusing on the mobility of artists, I am able to emphasize the flexible, multidirectional features of artists' movements. Namely, the personal lives of people (artists) who are frequently on the move are tangled in "a complex web of social, cultural and economic networks that can span the globe (Elliot and Urry 2010: 4). Moreover, when reviewing the literature on the migration of

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6 Art world is perceived as a socially constructed concept, generally based on relations between artists, artworks, distributors and consumers (Becker 1982), whereby art is perceived as a collective action. What lacks in the Becker's conceptualization is to position the art world within broader social structures of power. Therefore, the concept of art world needs to be assessed in relation to Bourdieu's analysis of the field of cultural production (1993).

artists, I could detect an inability of authors to put artists' movements inside the migration framework. Migration is seen as permanent, occupying the space between one's home and host countries, while mobility includes many short- or long-term locations, along with being multidirectional and creative (Duester 2013: 110). Mobility also better encapsulates all other parts of the global/transnational art world, namely, the mobility of artworks, financial resources (salaries, grants, awards, bursaries) and the mobility within communications and collaborations (ibid.).

Outlines and discussions in this chapter are based on the analysis and critical assessment of different secondary bibliographical sources. These include documents covering the EU regulatory framework on labour and artists' mobility as well as the socio-political discourse attached to it (the main legal documents covering labour mobility and different governmental reports, official statements, websites, etc.). The discussions on artists as workers and mobile professionals are based on the content analysis of academic literature, several research studies, reports and policy recommendations prepared by individual experts or groups of experts, interest groups, NGOs or information networks active in the area of mobility and arts. To complement the analysed materials and back-up the discussion, semistructured interviews were conducted with five artists and culture professionals between June and August 2017.<sup>7</sup> In the said interviews, I wanted to record the artists' mobility and employment experiences, along with their views of mobility practices and institutional support to the mobility of artists in the EU.

## **THE MOBILITY OF ARTISTS AND CULTURE PROFESSIONALS**

### **Historical perspective**

Artists are among the many identified "movers" (Urry 2007; Salazar 2017) who have many needs, drives and objectives in forming and performing mobility. How is their mobility different from the mobility of other groups of mobile people, i.e., students or refugees? Why should we discuss artists' mobility as a specific type or mode inside the mobile world? How can artists be defined as workers? After analysing diverse bibliographical sources on artists' mobility, I can identify five distinct features that define artists' mobility as a specific type of mobility. First, specific motives for practising mobility (why artists are

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7 Three are Slovenian citizens, one is from Romania and one from Iran. The interviews (either on tape or via e-mail correspondence) were conducted in Slovenia and are in my personal archive. The artists are identified by their first names.

mobile), including non-economic reasons, i.e., to find inspiration, stimulate creativity, etc.; second, specific characteristics of artists' mobility in terms of time and place, i.e., intense, often short-term, highly flexible, continual, repetitive, multi-locational; third, the status of artists as poorly or non-paid workers affects their decision to become mobile and shapes their mobility practices; fourth, an increased scholarly and institutional interest in mobility in connection to arts and the call for the formation of a transdisciplinary field of study of cultural and artistic mobility testify to the distinct character of artists' mobility compared to other forms of mobility (Mendolicchio 2013); and last, the positioning of the mobility of artists as a vital part of the cultural and creative industries in the EU policy-making framework.<sup>8</sup>

Many studies on artists' mobility have been available since the end of the 1990s and their number continues to increase (for reviews see: Amilhat Szary et al. 2010; Bernava and Bertacchini 2016). As in the case of transnationalism, it is important to emphasize that we are not dealing with a new social phenomenon; it is only that the field of academic interest and inquiry has been recently established and has been growing not only due to "mobility frenzy" in academia and policy making (Urry 2000, 2007; Vandenbrande et al. 2006; Cresswell 2006; Sheller 2013; Kalčić et al. 2013; EUROFOUND 2014; Salazar 2017), but also due to the increased number of moving artists and ever new types of mobility (ERICarts 2008; IGBK 2017). To understand the specifics of artists' mobility and define its connection to labour mobility, we need to make a brief excursus into the history of mobility and the history of arts to be able to tackle the autonomous position of arts and the artists' status of non-paid or underpaid workers as well as connect it to mobility practices.

Artists such as musicians, painters, writers, architects and many others have been on the move throughout history. In academic literature, they are usually depicted as travellers, even as vagabonds, but mainly as people who, for different reasons, moved around and often crossed the borders of European empires, kingdoms or modern states to find work and new patronage, or inspiration and new experiences, to research and study or to teach others (Klemenčič 2010; Avcioglu and Flood 2010; Kim 2014; Čoralić et al. 2016). Although art historians were until recently reluctant to point it out, art styles, new art forms and influences did not travel on their own, as artists (and other travellers) transferred them

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8 The European Commission has recognized artists' mobility as a specific form of mobility supporting projects and studies that tackle different issues connected to the mobility of artists and artworks. Moreover, the Directorate General for Education and Culture has defined mobility of artists as a special sub-field inside cultural and creative industries. See: [https://ec.europa.eu/culture/policy/cultural-creative-industries/mobility\\_en](https://ec.europa.eu/culture/policy/cultural-creative-industries/mobility_en).

(Kim 2014), as a rule, from art centres to the periphery, e.g., from French art centres in the Middle Ages (that were also religious centres, like Amiens, Noyon, Saint Denis) to Anglo-Saxon territories or from Renaissance Italy to the then Western and Eastern Europe. Pupils, students and apprentices, on the other hand, travelled in the opposite direction, from the periphery to the centres.

Despite many documented categories of these early travellers,<sup>9</sup> until the early modern period, when we can speak about the “modern sense of mobility”, only a small number of people wandered about and existed on the margins due to the feudalist sense of territoriality (Cresswell 2006: 11). Tim Cresswell, when discussing the so-called senses of mobility in the European historical perspective, claims that medieval sedentary societies did not favour moving individuals (Cresswell 2006). In the early modern period, on the eve of the disintegration of the feudal system, the changed economic (mercantile capitalism) and socio-demographic circumstances (the development of cities, the growing number of people) marked the early transformation of the “sense of mobility” (Cresswell 2006: 10) from the feudal to the modern sense of mobility, the latter bearing a few distinctive features:

By the sixteenth century, Europe was experiencing hitherto unheard of levels of mobility by the newly landless and all those associated with trade. The city was the one place where an increased level of mobility was acceptable. [...] For the first time there were associations made between freedom, mobility and city life. (ibid.)

In art history, by referring to International Gothic or the drawings of itinerant Villard de Honnecourt or by pointing to the northern origin of many old masters such as Albrecht Dürer, Frans Floris and Maerten van Heemskerck, David Young Kim (2014) also stresses that the mobility of artists was not exclusive to the early modern times, given that many medieval artists travelled from North to South or from West to East. However, in arts, the early modern sense of mobility coincides with the Renaissance, the early modern culture and art movement of the fifteenth and sixteenth centuries, when favorable circumstances also developed in economic terms, with the growing number of art enthusiasts and, consequently, the rise of the open art market. In other words, with the prevalence of the capitalist mode of production, which established new additional dimensions of trade and commodification, artists were no longer confined to work for a few rich ecclesiastical and noble patrons, but rather gained a mass audience composed

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9 Other travellers were wandering minstrels, troubadours, crusaders, pilgrims, monks, etc. (Cresswell 2006: 11).

of members of the emerging bourgeoisie who became promising art clients (Berger 2008; Praznik 2016: 44). Additionally, the development of new and less demanding techniques and processes, such as oil painting, enabled artists to work on their own and to move from one client to another, without the support of a group of helpers or a workshop (Berger 2008). Further economic and technical development alongside “the historically specific institutionalization of the eighteenth-century aesthetic practices form an art in which an artwork plays the central role and the social modality of which is autonomy” (Praznik 2016: 42). As an autonomous area separated from everyday-life practices, art becomes a specialized area in which creativity is separated from work, and vice versa. This autonomous art is not subjected to capitalist principles because it is exempt from the socio-economic context, which is why artists do not receive compensation for the labour that is needed to create an artwork (for more on the autonomy of art, see Praznik 2016).

### **The features of modern (Western) mobility**

For the last two hundred years, mobility “seems self-evidently central to Western modernity” (Cresswell 2006: 15). The word modern implies changes in the technological development, especially the modern means of transport (the train, the car, the plane) enabling people to move faster and more comfortably. Electronic media too affected the ways of communication and influenced new modes of mobility, and political, economic and cultural influences were likewise significant. New modes of mobility were associated with specific human figures of the modern era, e.g., migrants, exiled and migrant artists and writers such as Picasso, Chagall, Kandinsky or Joyce, with tourists, vagrants and pilgrims, all signifying modern conditions (Cresswell 2006: 19).

Since the early modern period, mobility has been related to liberty, specifically as an individual form of freedom. However, the newly emerging types of mobility called for new forms of social surveillance and control (Cresswell 2006: 13). Today, “mobility is central to what it is to be modern. A modern citizen is, among other things, a mobile citizen” (Cresswell 2006: 20). However, Cresswell also argues that mobility has been the object of fear and suspicion, a practice that is juxtaposed to “modern rationality and ordering” (2006: 20). A fair example are all modern means of transport, symbolizing freedom, progress, energy, economic and social development, but at the same time also fear of accidents, pollution, disaster, danger, even “the vulgarization of culture” (ibid.). The paradox continues well into the twenty-first century as people are more mobile than ever before, developing new forms of mobility, but

at the same time, as scholars observe, they are also faced with diverse obstacles to mobility, deriving from social, political, economic or cultural constraints (Cresswell 2006; Blitz 2014; Salazar 2017).

### The features of artists' mobility

1. Similarly to other mobile persons, contemporary artists have diverse *motives* for being mobile. They are mobile to find work, conduct research or pursue their studies, to construct transnational networks and change their everyday environment, but not only that. They are mobile because they want to gain international recognition, exhibit, find inspiration, incite their creativity, discover new ways of expression as well as learn new techniques and foreign languages; mobility is an opportunity for personal development and growth (Poláček 2007; Kobolt 2008; IGBK 2010, 2017; Landabidea et al. 2013). Moreover, many researchers argue that mobility is directly linked to artistic practices and that it has a major impact on individuals' creative process (Kobolt 2008; Kiwan and Meinhof 2011; Mendolicchio 2013; Duester 2013; Kim 2014). Kim has introduced the concept of mobility in art theory, convinced that mobility "was an especially powerful feature of the medieval visual culture" (2014: 1). In his book *The Travelling Artist in the Italian Renaissance: Geography, Mobility and Style* (2014), Kim puts mobility in juxtaposition to influence (finally suggesting to replace it with mobility) and argues how focusing on mobility as a key concept allows art theorists and historians to interpret artworks more completely, emphasizing that mobility "posits difference as style's ontological foundation, unstable as quicksand as that foundation may be" (2014: 36).

The growing global mobility is also connected to enlarged transnational networks of individual artists and increased transnational connections, which further improves the process of creativity of an individual artist. Kobolt argues that artists need to travel "in order to make 'an international' career" (2008: 1). "The need to travel" can be translated into "the need to join and participate in the global/transnational art worlds" (Becker 1982), whereby the art world has throughout history been depicted as a constantly moving and collaborative community (Duester 2013).

Mobile artists participate in work relations as employees or self-employed, as posted or self-posted workers; they study at higher education institutions abroad; they receive scholarships or grants to take part in international mobility; they participate in residency programmes<sup>10</sup> or other forms of short-term mobility

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10 The notion of residence is best explained on the website of the Transartists.org platform: "Artists and other creative professionals can stay and work elsewhere temporarily by participating in



such as conferences, festivals, exhibitions, art fairs, screenings, and so forth. Artists' mobility, either long- or short-term, can be defined by its very specifics related to flexibility, the variety of resources ("capital"), transnational connections and networks.



Figure 1: On the move. Source: <https://on-the-move.org/librarynew/policyandadvocacy/article/15726/european-cities-and-cultural-mobility-trends-and/?category=86>

2. Artists' mobility also has specific features in regard to *diversity*, *duration*, *intensity* and the *number of locations* artists move to. Some artists can travel between as much as six or more locations in a rather short period of time. Researching short-term movements of different artists based in cities in the Baltic Sea region, Emma Duester reports on an artist from Estonia who moved six times in six months (2013: 113). One of my interlocutors, Daniel, a visual artist and film-maker from Romania, changed his location more than eighteen times between 2011 and 2016, going from one residency to another and at the same time attending conferences, screenings or presenting his work across the EU and beyond. In 2014 and 2015, he also attended five different art fairs in Germany, Austria and Italy. Many expert studies analysing artists' mobility confirm that artists are hypermobile (ERICarts 2006 and 2008). The most recent one (Bernava and Bertacchini 2016) reports that one third of surveyed artists

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artist-in-residence programs and other residency opportunities. These opportunities offer conditions that are conducive to creativity and provide their guests with context, such as working facilities, connections, audience, etc." (<http://www.transartists.org/about-residencies>). Residence programmes are financed in different ways. Residents must often finance their own stay, find funding and support on their own, either from their home countries or international networks. There are, however, residence programmes that cover part or all of the expenses for invited resident artists ([http://www.resartis.org/en/residencies/about\\_residencies/](http://www.resartis.org/en/residencies/about_residencies/)).

have taken part in four or more mobility projects in the last three years, thus presenting the mobility practice as a social and economic condition for many creative and culture professionals. Based on such cases, Duester proposed a short classification of artists' mobility, differentiating between migration and mobility: fixed migration is characteristic of artists who migrate permanently; short-term mobility is a feature of artists who migrate temporarily or via artist residencies; and ultra or trans-mobility is attributed to those who hop from one city to another or just communicate or collaborate remotely (2013: 112).

Having obtained permanent residency, Daniel is able to plan and choose residence programmes that provide residents with small, but regular financial support for the time being, which can also be considered as one of his strategies to survive in a very competitive and difficult-to-succeed world of video art.

3. Daniel's story of obtaining permanent residence to survive is closely connected to the fact emphasized by many artists, cultural producers, sociologists of art and art activists. Namely, the *socio-economic status of artists as workers* that receive little or no payment for their labour considerably affects their decision to move and thus defines their mobility practices. According to the ERICarts report on the status of artists in Europe, artists participate in what are described as atypical work practices (ERICarts 2006: 5): "Despite the fact that artists and their activities are increasingly seen as entrepreneurs/entrepreneurial which contribute to economic development, their working practices and motivations must nevertheless be considered 'atypical' in different ways." However, describing their practices as atypical does not explain why "artists are poor", according to artist and social scientist Hans Abbing (2002). Nor does it explain why, as an occupational group, artists are on average younger and better educated than the general workforce, but show higher rates of self-employment, higher rates of unemployment, "several forms of constrained underemployment and are more often multiple job holders. They earn less than workers in their reference occupational category..." (Menger 2001: 242).

Sociologist and cultural activist Katja Praznik argues that the reason behind it lies in the specific, i.e., autonomous status of art in society and the paradoxical autonomy of artist's labour as part of it (Praznik 2016).<sup>11</sup> Artists are therefore either underpaid or not paid at all their artistic work, which is considered a gift to society (economy of the gift) rather than evaluated in terms of remuneration

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11 "Even though the institution of art has secured relative autonomy for artists in determining the parameters of their work as a specialized profession, it has fostered an exploitative system characterized by irregular employment, wage inequality, and unreliable job security. The prestige and perceived exceptionality of artistic work tend to eclipse the injustice of the precarious, often unpaid labor that sustains art as an institution." (Praznik 2016: 270)

(ibid.). Another decisive and interconnected factor is the nature of modern work practices or the so-called “contingent work” (Polivka and Nardone 1989, following Audrey Freedman). The prospects of such an autonomous status are not good:

Self-employment, freelancing and contingent work, which are prevailing work arrangements in the arts, have quite similar effects: they bring into the picture discontinuity, repeated alternation between work, compensated unemployment, non compensated unemployment, searching and networking activities, cycling between multiple jobs inside the arts sphere or across several sectors related or unrelated to the arts (Menger 2001: 242).

International mobility therefore seems as a “golden” opportunity for freelance artists who have to sell their work to different clients such as galleries, museums or private collectors, or join an orchestra or a dance group to obtain financial resources.<sup>12</sup> Mobility is increasingly becoming an economic necessity. It enables artists to take part in the international art market and at the same time participate in the EU labour market (EURES 2017). For those who participate in a work relationship (in private or public art institutions), mobility is yet another option to get an interesting albeit not necessary better paid job. To increase the chances of selling their art or extending their networks, artists practice mobility, i.e., work for international clients or institutions, and they also very often apply for a grant, become members of a project group or apply for a residence. However, as my interlocutors stated, the latter is in most cases accessible only through artists’ own financial contribution; in other words, they have to pay for it.

According to the Artservis survey<sup>13</sup> titled *What do you expect from participating in artist-in-residence programmes?*, 352 respondents mainly want to conduct their artistic projects (27.84%), and they need a place to create (27.84%), second, they expect to receive payment for their creative work (25.28%). Networking

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12 According to my interlocutors, many artists, especially young and emerging ones, soon realize that they will need to have a “day job” if they want to create art and at the same time cover their daily expenses or support a family.

13 The survey was conducted in 2011 and was published on Artservis’s webpage on 10 January 2012. It is still accessible on <http://www.artservis.org/mobilnost/?cat=ankete&start=0>. Established in 2001, Artservis ([www.artservis.org](http://www.artservis.org)) was a web-based information platform to support artists and cultural professional in Slovenia and abroad. Artservis was also established with the aim to provide artists with information on residences and offer comprehensive support for artists’ mobility. As part of its information platform, Artservis also developed a special mobility programme supporting artists’ mobility, called Umetnik na službenem potovanju/ Artist on a business trip (<http://www.artservis.org/mobilnost/>). Due to financing problems, Artservis stopped providing information in 2014.

ranks third (8.24%). Although artists who take part in artist-in-residence programmes and other residence opportunities are not directly entering the labour market in the member state of their residence, the reasons they list in the Artservis survey indicate that they also expect to receive payment for their work while being mobile.<sup>14</sup>

As already discussed above, artists enter mobility programmes and work transnationally more often than other workers because of the opportunity to improve their socioeconomic status, learn, gain new experience, broaden their social networks as well as obtain social and cultural capital (Amilhat Szary et al. 2010). Building on Bourdieu's theory on the forms of capital, Kiwan and Meinhof highlight the interrelation between artists' (in their case musicians') cultural, social and economic capital, incorporate it into the concept of "transcultural capital" (Kiwan and Meinhof 2011; Meinhof and Triandafyllidou 2006) and translate it into artists' ability to make a living from their art in multiple locations. The ability to make a living often depends on the form of art, i.e., literature, performing arts and visual arts. A transnational comparative study on artists' life-long learning process, based on interviews conducted in ten EU member states, shows a correlation between the duration and type of mobility as well as employment status on the one side and art form on the other. According to the said study, self-employment is more characteristic of performing artists who engage in short-term mobilities while performing shows, festivals or tours. On the other hand, holding a student status and health-leave status, and being abroad on residence programmes or teaching/studying is typical of visual artists (Amilhat Szary et al. 2010: 6–7). The same distinction is observed in the cases of my interlocutors. Edward and Sebastijan, the former a ballet choreographer and the latter a music composer, are self-employed, working for international institutions and engaging in short-term mobilities in as well as outside the EU, whereas Daniel and another video artist Elham (from Iran, but currently studying in Finland) both take part in longer-term residences or apply for scholarships/grants.

At the other end of the rainbow, however, there is also a less attractive side to mobility. The existing obstacles to artists' mobility, which arise from unharmonized national tax, social security and – for non-EU residents – immigration policies, but also from subjective circumstances (alienation, language barriers and cultural differences, even censorship, the lack of social connections/networks, struggling with additional costs, harder living conditions as well as mainly unsupportive

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14 If extremely lucky, as Lucija, a multimedia artist, curator and cultural manager explained to me, artists are even able to do a short contract job while on residence. However, the job may not necessarily be part of their usual art work.

social environment (Di Federico and Le Sourd 2012; Konjikušić 2016)), often turn artists' mobility into a time-consuming, stressful and costly endeavour (cf. ERICarts 2006; Poláček 2007; Kobolt 2008; Vujadinovic 2008; IGBK 2010; Recommendations ... 2010; Di Federico and Le Sourd 2012). Daniel and Elham express their concerns about the benefits of mobile practices. Daniel has come face to face with losing his sense of belonging and is wondering how long he will be able to continue with such hypermobility, as "you cannot do that for ever, for the rest of your life". Elham, on the other hand, feels that being mobile, either studying or being on a residence, can be very beneficial, especially for young, emerging artists like herself, but is connected to different administrative impediments, especially for non-EU nationals. For an emerging artist and a foreigner without good connections, access to information as well as best-rated exhibition places and residences around Europe present yet another problem (she compares mobility experiences from Italy, Finland and Slovenia).

4. It is no surprise that, according to art critic and theorist Herman Bashiron Mendolicchio (2013), the concept of mobility has already *entered the vocabularies and agendas* of many international art and cultural institutions (see also European Commission 2016). It is one of the more diffused practices that needs to be discussed and thoroughly investigated within a special interdisciplinary field of research. Multiple aspects of cultural and artistic mobility, according to Mendolicchio (2013: 1), call for a "transdisciplinary field of study that increasingly claims its place in the analysis and research of the social and cultural dynamics of the contemporary world". However, similarly to some other diffused practices established in the contemporary globalized world, mobility too will need a more inclusive approach:

[...] the reality is that we are still facing a lack and shortage of narrative, literature and critique on mobility and its implications in the cultural, artistic and social domain. [...] To reflect on mobility today means to widen the perspective, to go beyond the concepts of travel, discovery and displacement; it calls for analysis of the social, political, economic and cultural phenomena linked to it (Mendolicchio 2013: 1).

Until recently, scholars in art history, art theory or cultural studies primarily focused on the impact that "mobility" has on cultural forms and stylistic changes, i.e., on influences, with mobility being a simple geographical characteristic of the travelling person moving from point A to point B (Klemenčič 2010; see also Avcioğlu and Flood 2010; Kim 2014). In sociology too, as Mimi Scheller (2013) argues, the positional understanding of mobility predominates, whereby the studies

of geographical mobility are limited to specific sub-fields (i.e., migration studies, labour studies). Moreover, the same studies “use very traditional methodological approaches to treat mobility as the movement from A to B” (ibid.).

However, artists who move between different locations for cultural, academic, economic or political reasons and needs have developed diverse modes of mobility and sociality, transnational connections and, consequently, ways of life. These diverse modes and practices are therefore not easy to categorize and fit within frame of academic reasoning. “[M]obility bears a number of meanings that circulate widely in the modern Western world. Mobility as progress, as freedom, as opportunity, and as modernity, sit side by side with mobility as shiftlessness, as deviance, and as resistance” (Cresswell 2006).

5. Coming to the last feature: artists’ mobility as part of and *directly influencing the cultural and creative industries* in the EU. Recognizing mobility as “becoming an integral part of the regular practice and career of artists and culture professionals” and identifying it, “whether for work, study, research, co-production, or participation in a residency or exchange programme”, the European Commission has developed several approaches to promote as well as financially and politically support artists’ mobility in and to the EU. Consequently, a wide and diverse set of EU and national support programmes have been created to enable artists to become mobile (European Commission 2016). Within these support schemes, policy makers have not only framed the mobility of artists as part of the cultural and creative industries and defined it as one of priorities of the European Agenda for Culture, but also set its basic features (OMC 2012; see also European Commission 2016). Artists’ mobility is thus recognized as an important activity that sustains the cultural and creative industries because it often contributes to artists’ “professional survival” and because it is essential not only for “improving their career opportunities, accessing new markets, creating new jobs in the cultural and creative industries, increasing and broadening their audience, building partnerships and contacts, creating networks” but also for promoting cultural diversity and intercultural dialogue. The European Commission has taken upon itself to support and complement the actions of the member states, to provide the right environment for mobility and ensure accurate and comprehensive information and advice on mobility related issues (European Commission 2016).

Stressing the importance of artists’ mobility for improving their career opportunities, accessing new markets, creating new jobs, building networks, etc., has also led to a significant turn towards neoliberal ideology. Namely, the focus from artists’ mobility as the engine of creative process has been shifted to mobility as the engine of the EU economy: artists’ mobility is primarily

needed for economic success as well as to further contribute to EU GDP and create new jobs. Or, to quote Commissioner Andor, artists' mobility as a form of labour mobility "contributes to the objectives of the Europe 2020 Strategy by making it easier to fill cyclical and structural labour shortages and offering people opportunities for upward economic and social mobility" (Andor 2014).

## **ARTISTS' MOBILITY BETWEEN NEOLIBERAL PRAISE AND THE CRITIQUE OF GOVERNMENTALITY**

Let us now consider a more critical standpoint towards artists' mobility as a rather ubiquitous practice in the EU. To make an international career, artists need to travel at least to nearby art centres, but in most cases to the centres of the international art market that are (still) defined by Western art institutions, biennales and fairs (Kobolt 2008). Reflecting on migration from the periphery to the centre, with a particular focus on the representation of a peripheral artist in art centres, Katja Kobolt argues that being peripheral and a migrant (a status ascribed to artists coming from the periphery, i.e., Eastern Europe or third countries to the Western world) within the art world has been represented and appropriated in a way that deprives both the status and an individual artist that are labelled in that way of much of their transnational and translational capacity (ibid.). The issues raised by Kobolt are also important for our discussion on artists' mobility: who is able, allowed or/and forced to move and who is not, and under what conditions. Namely, in an art world, transnational is conceived differently compared to a Western artist if a peripheral artist needs to be subjected to a visa regime or bears the costs of practicing mobility. If an artist is expected to embody mobility, the difficulties with obtaining a visa or finding adequate financial resources or accurate information on opportunities for mobility, "do not really enhance this picture" (Kobolt 2008: 2).

Despite the European Union's quest to abolish many technical, legal and other administrative barriers to the free movement of persons, many obstacles still remain, such as checking of documents at the external Schengen borders – and lately also safety controls applied inside the Schengen area (European Commission 2017) – fragmented national tax systems, separate national markets in specific sectors, complex rules for recognizing vocational qualifications, obstacles to accessing healthcare and other social benefits (Eurofound 2014: 35–42). On the one hand, technological development, globalization, neoliberalism and inclusive socio-economic and cultural policies promote/encourage the geographical mobility of people, constructing new or more intensive forms of mobility and



Figure 2: Visa application denied. Source: <https://www.schengenvisainfo.com>

sociality. On the other hand, strict migration rules and austerity policies driven by the growing issues of security and xenophobia impose diverse administrative impediments to international mobility.

Many reviewed reports on artists' mobility stress that despite a rather broad legal framework and the ongoing attempts at harmonizing the same framework between members states, the EU has failed to eliminate or at least reduce impediments to the mobility of artists. Social security issues, taxation, language and cultural differences, limited access to information, as well as visas and work permits for persons from third countries and outside the Schengen area are still defined as the main obstacles to the free movement of workers in the arts and culture sector (Poláček 2007; Kobolt 2008; IGBK 2010; Holland et al. 2011). Besides the observation that the "European Union law reflects the tension between the goal of advancing greater mobility and the concern not to endanger national welfare systems" (Blitz 2014: 42), it may be argued that the main role of the EU legislation is to coordinate the diverse national rules rather than harmonize them.

And there is yet another aspect that needs to be highlighted in regard to the perception of artists' mobility or mobility in general. Labour mobility in the EU has been and still is perceived as an increasingly important adjustment mechanism for the European economy, especially over the past two decades (ECFIN 2015: 19).<sup>15</sup> The mobility of artists as part of the creative and cultural industries bears a similar mark.

15 Despite the growing trend, mobility in the EU remains insignificant compared to other economic powers, like the US, where nearly 30% of the working-age population live in another state (ECFIN 2015).



Mobility, in particular labour mobility, is regulated by several EU agreements and directives that all EU member states are required to follow. The most important documents are Article 3(2) of the Treaty on European Union; Articles 4(2)(a), 20, 26 and 45–48 of the Treaty on the Functioning of the European Union; Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States; Regulation (EU) No 492/2011 on freedom of movement for workers within the Union; Regulation (EC) No 883/2004 on the coordination of social security systems and its implementing Regulation (EC) No 987/2009; Directive 96/71/EC concerning the posting of workers and Enforcement Directive 2014/67/EU.<sup>16</sup> In conjunction with strategic documents for the future development of the EU, i.e., the Europe 2020 strategy, and research based on up-to-date evidence (Eurofound 2014), they represent the basis for (labour) mobility policy making. Furthermore, mobility is strongly encouraged and financially supported as part of different transnational programmes and schemes (for example, the European Social Fund or the EU Programme for Employment and Social Innovation<sup>17</sup>) as well as promoted through European employment institutions and tools such as the European job mobility portal EURES. The year of 2006, which was declared the European Year of Workers' Mobility (EUR-Lex 2006), represents an important milestone in the EU's political endeavour to increase the mobility of persons, especially workers.

(Labour) mobility has also become an integral part of EU political and public discourses, with mobility's positive image and socio-economic impact being echoed in many statements by high EU representatives.<sup>18</sup> Not only political but also public discourse adopted mobility, i.e., the freedom of movement and work in the EU, as the main signifier of the EU and declared it as a generally

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16 The EU documents regulating labour mobility can be found on the official websites of the European Commission and the Council of the European Union.

17 As much as €919 million have been invested in the programme for the period 2014–2020 (<http://ec.europa.eu/social/main.jsp?catId=1081&langId=en>).

18 For example: Manuel Barroso, President of the European Commission (2004–2014), stated: “Mobility, whether it is changing job or moving to another region, town or country, can help Europe to adapt, compete and reap the benefits of the new world economic order.” (Barroso 2006). Commissioner Andor emphasized in his speech in Ghent: “I will argue not only that freedom of movement is an individual right, but also that labour mobility makes good economic sense. It contributes to the objectives of the Europe 2020 Strategy by making it easier to fill cyclical and structural labour shortages and offering people opportunities for upward economic and social mobility.” (Andor 2014) Another example is part of the speech that Commissioner Thyssen gave in Ireland: “But free movement is not only important as an *individual* right of each citizen. It is also in our *collective* interest as Europeans that people are mobile and ready to cross borders.” (original emphasis; Thyssen 2015).

good thing for the European integration, for the labour market or economy and for individuals (Vandenbrande et al. 2006: 55–58). Namely, the percentage of EU citizens included in the 2005 Eurobarometer mobility survey who perceived all three categories as a good thing was above or just below 50% (ibid.). It may be argued that “the freedom of movement, as represented in popular media, politics and the public sphere, is the ideology and utopia of the twenty-first century” (Elliot and Urry 2010: 8).

In addition to public and political arenas, the phenomenon of mobility has been extensively discussed and explored in social sciences and humanities, and it has also entered the vocabulary and the agenda of numerous international institutions, as Mendolicchio (2013) reports.<sup>19</sup> He refers to several research projects, study programmes and many cultural and artistic organizations dedicated to mobility research, studies or support. Although sociologists in general resisted the “mobilities turn” as the main critique of sedentism and deterritorialisation theories (Sheller 2013; Salazar 2017), many have “fallen under its spell”, not only in the field of sociology but also in geography, transport studies, communication and anthropology. Even influential scholars such as Giddens, Appadurai, Beck or Bauman, “theorise contemporary capitalism and globalisation in terms of increasing numbers and varieties of mobility [...]” (Salazar 2017: 6). As Cresswell points out, mobility appears self-evidently central to modernity as a key social process (2006: 15). Notably, many scholarly argumentations adopt a specific discourse on mobility. Such discourses either mythologize<sup>20</sup> the process of mobility through a special “mythological vocabulary” (Pušnik 2014: 15) or, as Salazar maintains (2017), consider mobility to be a natural tendency in society. In the former case, mobility is very hard to define because it is positioned in the realm of a slippery and what Pušnik (ibid.) emphatically describes as “mobile” conceptual field. In the latter case, such an approach naturalizes mobility as a fact of life so that, according to Salazar, it becomes “a general principle that rarely needs further justification” (2017: 6). However, mobility is not a natural process of our daily lives, nor is it only a “good thing”. Rather, mobility is materially grounded (ibid.) and we need to consider it as a conglomerate of political-economic processes that are imposed on people, by either forcing them or allowing them to move (De Genova and Peutz 2010 in Salazar 2017). Following Foucault’s concept of governmentality, Pušnik (2014) argues that mobility should be perceived as a political concept that co-constitutes the government of the EU. As such,

19 For more on academic and theoretical arguments pro and contra mobility please, see the article by Cirila Toplak in this volume.

20 In *Mobile lives*, Elliot and Urry (2010: 9) emphasize the need to investigate and discuss various limitations to the myth of mobility and the *good life* connected to it (my emphasis).

mobility is not only a possibility, an omnipresent right of EU citizens, a positive consequence of European integration processes, but within the frame of power relations also one of the main tools for governing and building authority in the EU, with a direct impact on mobile people inside the EU.

Referring to the art world of the Renaissance, Kim argues that “mobility, as an ‘external’ force acting upon a society, realigns the bonds among artists, patrons, competitors, audience” (2014: 6). Moreover, mobility realigns the economic and power relations (cf. Pušnik 2014; Salazar 2017), which is also closely connected to the manifestation of political (and hence also economic) relations in arts. In contrast to the general ideology of arts as prestigious and exceptional, as a higher good and artists’ creativity as a gift, artists’ mobility is a form of labour mobility, where artists are considered labourers – most often precarious ones – in the global neoliberal power relations (Vishmidt 2011; Praznik 2016), with their mobile practices controlled and managed by labour, social security, immigration and other related policies. Discourses used in the academic literature and research, but also in arts (i.e. on information platforms for artists) and policy making, emphasize the interconnectedness of labour mobility and artists’ mobility in an explicit way and through specific wording: the mobility of the arts and culture sector, mobility of artists and culture *professionals*, arts and culture *entrepreneurs*, mobility of highly skilled *workers* like artists, self-employed artists who use A1 forms, projects such as *Artist on a business trip*, and finally, the cultural and creative *industries* supported by mobile artists.<sup>21</sup> It is important to emphasize that we are not dealing only with terminology, but with a specific discourse (and also policies) that operationally puts artists in the category of mobile workers. The Artists are subjected to modern neoliberal market mechanisms and their mobile practices are regulated by the EU mobility policy. This indicates that we are dealing with the process of commodification or financialization (Vishmidt 2011) of artists’ labour. As it is stressed in another chapter of this volume dealing with the status of posted workers, what artists in larger extent are becoming, there are several specific legal frameworks in EU that support mobile and flexible work as well as generate positions of workers that are often precarious and vulnerable (Rogelja and Mlekuž this volume; Rogelja and Toplak 2017).

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21 All quotes can be found in different references used in this article and provided in the list of references at the end of the text.

## CONCLUSIONS: TOWARDS FUTURE MOBILE PRACTICES

Analysed material on artist's mobility has shown that mobile artists can seize a lot opportunities by being active in the transnational/globalized art worlds, but at the same time they are facing many challenges imposed on them by the same art world, national interests of EU member states and largely unharmonized EU policies regulating migration, home affairs and security, social affairs, employment, education and even culture (IGBK 2010; Di Federico and Le Sourd 2012; Barthelemy 2013; Toplak 2017). Due to increased controls at external Schengen borders and recently re-introduced safety controls inside the Schengen area, more administrative obstacles are being raised not only for non-EU citizens but for citizens of EU member states as well. Visa regimes are just one of several impediments to mobility, depending on the nationality of artists, the right to obtain residence and employment documents, the type of employment, national social security and tax regulations, information support systems and even the tradition of residences and culture politics (the so-called East-West divide; cf. Vujadinovic 2008).

Considering the politically supported praise to mobility in juxtaposition to a critical stance and evaluating impediments to artists' mobility, it may be argued that mobile artists are caught between the economic need, the prospect of (better) paid work, but also different administrative obstacles, uncertain working and payment conditions, socially determined inclination to mobility and other "pushes and pulls" that affect individuals' decision to move. To ensure an in-depth and credible assessment of the impact that mobility has on artists and culture professionals, a comprehensive survey is needed to measure the "costs and benefits" of individuals' movement. In a similar vein, a study on the work-life balance in regard to mobility is welcomed as a topic of future research that will allow for an insightful comprehension of diverse mobility practices of artists and culture professionals and a better understanding of the category of mobility.

Alternative mobility practices have already emerged out of the need to overcome the main limits of artists' mobility. Virtual mobility and the mobility of audiences instead of artists have been proposed as alternatives to the geographical mobility of artists and culture professionals (Petrányi 2013; Kouchou Feze 2013). Many artists worldwide already work on joint projects, exchanging ideas, sharing knowledge, without having to meet face to face. By means of virtual mobility, artists can reach beyond "local" and address "global" issues (Kouchou Feze 2013). Virtual mobility incorporates virtual exhibitions and galleries, selling artworks through artists' internet-based platforms, broadcasting video and audio works on social networks and via different channels (e.g., Youtube),

sending or accessing accomplished artworks via internet accounts, file-sharing platforms or peer-to-peer applications, virtual meetings, conference calls, etc. (Kounchou Feze 2013; EURES 2017).

To overcome the difficulties of geographical mobility and enable artists to reach the audience from different areas, Barna Petrányi proposes the idea of reversed art mobility (2013). Art mobility can be implemented as the mobility of audiences and venues. Audience mobility may offer an acceptable alternative to the mobility of artists, although it bears its own constraints that range from high costs and the issues of long transport of larger groups of people to difficulties with transnational communication and language barriers (ibid.), but most importantly, it falls short of providing one of the key appeals of mobility, namely, the positive stimulus that mobility practices have on individuals' creative process, networking, gaining international reputation, new knowledge and inspiration.

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## MOBILITY AND POSTED WORKERS

*Posted worker on the move (photo: Igor Lapajne, 2017).*

## BEING POSTED, HAVING PROBLEMS? LETTER (AND A BOX) FROM SLOVENIA

*Nataša Rogelja, Jernej Mlekuž*

### INTRODUCING THE PROBLEM<sup>1</sup>

The free movement of services between old and new members of the European Union (EU) began to apply on 1 May 2004.<sup>2</sup> In practice, the free movement of services – along with the free movement of goods, people and capital, one of the four fundamental freedoms on which the functioning of the internal market is based<sup>3</sup> – means that any undertaking or self-employed individual that meets the requirements to pursue a given activity in their own country may pursue this activity anywhere in the EU. An employer can thus send or *post* a worker to another country to carry out specific work as part of the provision of a given service.

The fundamental regulations governing the posting of workers at the EU level are Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the

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- 1 The text is a result of the projects Posting of workers: Sharing experiences, promoting best practices and improving access to information (POW, 2015–16) and Occupational Safety and Health of Posted Workers: Depicting the existing and future challenges in assuring decent working conditions and wellbeing of workers in hazardous sectors (POOSH, 2017–18). Both were funded by the European Commission, DG Employment, Social Affairs and Inclusion, EaSI-Progress (the first was also co-funded by the Slovenian Ministry of Labour, Family, Social Affairs and Equal Opportunities). The coordinator of the projects was the Research Centre of the Slovenian Academy of Sciences and Arts (ZRC SAZU). The present text is the continuation of research efforts in the above projects and builds on the shortened Slovene version of the article published in *Dve domovini/Two Homelands* (Rogelja et al. 2016). The majority of the material for the text was thus collected in 2015 (above all various studies and journalistic texts, legislation, interviews with various figures connected to the posting of workers) and partly supplemented with newer material and interviews collected/conducted in 2017.
  - 2 In Germany and Austria, the free movement of services has applied in certain sectors (e.g., construction) since 2011.
  - 3 The fundamental document guaranteeing the free circulation of goods, persons, services and capital is the Treaty on the Functioning of the European Union.

provision of services (hereinafter: Directive 96/71/EC) and Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 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”) (hereinafter: Directive 2014/67/EU).<sup>4</sup> Under these two directives, a posted worker is a worker temporarily posted by an employer to an EU or EEA member state other than the one in which they habitually work. Throughout the period of posting, posted workers remain within the social security system of the country from which they have been posted and where social security contributions are paid for them. Minimum rights must be guaranteed for workers in the countries to which they are posted (maximum work periods and minimum rest periods; minimum paid annual holidays; minimum rates of pay; conditions of hiring-out of workers; health and safety at work; protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth; equality of treatment between men and women and other provisions on non-discrimination), as set out in the two directives. These rights are guaranteed by the employer, while the country of posting must ensure that employers who post workers to another EU or EEA country guarantee these rights to posted workers. This is, however, theory. In practice, as we will show, things can be quite different. Multilocal, contingent and mobile work practices enabled also by the above-mentioned directives are linked in a new way to the changing employment environment and can result in the vulnerability of workers. Even though posted workers are not necessarily in a contingent work position, various research findings (see Rogelja, Toplak 2017) suggest that most of them are. As we shall see from one example given in the text, underpaid work and occupational safety and health issues stand at the core of these problems.

Transnational postings of workers already existed in Slovenia in the days of the Socialist Federal Republic of Yugoslavia (SFRY). Predominant among posted workers were those in technical fields, who most frequently carried out work in Iraq, Libya and the non-aligned African countries. Although certain forms of posting existed in the past, they were not as frequent as they are today,

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4 The primary, fundamental document regulating the free movement or mobility of workers within the EU (previously the European Economic Community) is the 1957 Treaty establishing the European Economic Community (Articles 39–42). Building on this basic document are many more narrowly focused documents, the two most important of which are Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community and Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community.



Figure 1: Who is a posted worker? (Photo: Igor Lapajne).

in the age of global capitalism. One could also ask whether it even makes sense, in these past cases, to talk about posting at all. These were certainly not postings as defined by the EU directives on the posting of workers. On the one hand, then, it is worth differentiating the formal and legal category of posted workers defined by these two directives. Who is and who is not a posted worker is, as we shall see, a fairly arbitrary and “technocratic” definition which, however, affords certain rights to holders of this status and defines relations between the country of origin and the country of posting in more detail.<sup>5</sup>

Regarding the movement of labour, Slovenia’s entry to the EU in 2004 had the effect of introducing numerous new elements and forms of employment – both in the context of EU member states and in relation to citizens of non-EU countries. In 2005, a year after Slovenia joined the EU, the number of E101

5 Numerous types or categories of migrations have both a legal, formal use and an informal, colloquial use. For example, the status of refugee, which was first defined by the United Nations in 1952, provides the holders of this status with internationally guaranteed benefits and rights. The word “refugee”, however, is often used even when not talking specifically about people’s legal status. The word is also used to indicate people without refugee status, including in the period before 1951, when refugee status did not yet exist *de iure* (see Robinson et al. 1998: 180–2).

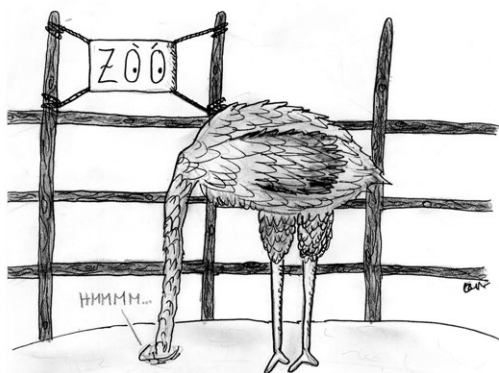


Figure 2: ... am I a posted worker too? (illustration: Eli Mlekuž).

forms (later replaced by form A1) issued was 1,149;<sup>6</sup> in 2016, a total of 146,574 A1 forms were issued. These forms are a statistical indicator of postings from Slovenia.<sup>7</sup> The principal sectors in which posted workers from Slovenia were employed in 2016 were construction (45%) and industry (20%), with the bulk of postings to Germany (44%), followed by Austria (30%), Belgium (6%), Italy (5%), Croatia (4%), the Netherlands (2%), Switzerland (2%), France (less than 2%) and the United Kingdom, Finland and other EU countries (all less than 1%).<sup>8</sup>

Different forms of posting also raise (at least some) specific questions and give rise to specific dilemmas. The growth in the number of posted workers from Slovenia in other EU countries undoubtedly has numerous and varied consequences and impacts. Abuses and infringements of the rights of posted

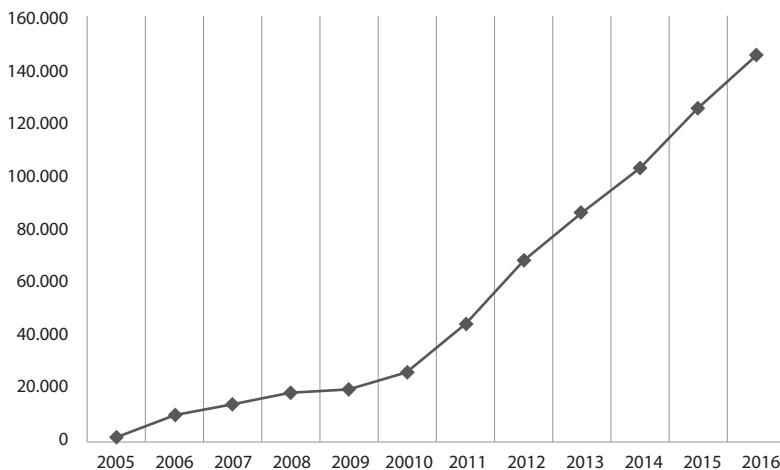
6 The A1 certificate is an essential part of the documentation needed to post workers abroad and is used to prove that the posted worker continues to be insured within the social security system of their home country. In Slovenia, the certificate is issued by the Health Insurance Institute of Slovenia (ZZZS). An employer or self-employed person is required to notify the ZZZS of the intention to post a worker, in advance if possible, and on the appropriate form. If conditions for posting are met, the ZZZS issues the A1 certificate and the same time notifies the competent institution in the country to which the worker is being posted.

7 The number of A1 forms issued reflects the number of postings but not the number of posted workers in a single year. Multiple A1 forms can be issued to the same person in a single year.

8 Source: ZZZS statistical data.



workers are on the increase (this will be discussed in greater detail at the end of the text), which is probably also the reason for the increase in media attention to the issue of posted workers, the increase in the number of European calls for projects focused on posting, and the much higher level of information and awareness on the part of the institutions involved and interested organizations (unions, enterprise associations, employer organizations and other types of interest associations) and among the general public (e.g., an increase in the number of bachelor's and master's theses on the topic). A draft of the Posting of Workers Act was submitted for public consultation in January 2016 before being adopted by the National Assembly in February 2017 (as the Transnational Provision of Services Act). The Act will enter into force on 1 January 2018.<sup>9</sup> Posted workers have also become a category of interest for businesses selling educational services, accounting services, and so on. Seminars of various types, other educational products, advertisements for accounting services and other information on posting workers abroad may be found online.<sup>10</sup>



Graph 1: Number of postings (A1/E101 forms issued) in Slovenia by years (Source: Health Insurance Institute of Slovenia - ZZZS).

9 See [http://www.mddsz.gov.si/si/zakonodaja\\_in\\_dokumenti/predpisi\\_v\\_pripravi/](http://www.mddsz.gov.si/si/zakonodaja_in_dokumenti/predpisi_v_pripravi/).

10 See e.g.: <https://www.zfm.si/kadrovsko-delo/napotitev-delavcev-na-delo-v-tujino.html> or <http://www.racunovodski-servis-zeus.si/storitve-za-tujce/detasirani-delavci?clid=CNHL6tz3q8oCFU-3GwodjtgAoA>.

Despite the uniform trend of increasing interest in the posting of workers and the relatively unified legal basis for posting workers within the EU, this article takes as its starting point the assumption that, in different EU countries, posting raises a variety of different and specific problems and issues linked to specific features of labour markets, specific labour legislation, social legislation, etc., the functioning of competent institutions and their mutual cooperation, and so on. For this reason the text will focus above all on questions and issues relating to postings from Slovenia while not avoiding broader dilemmas and reflections regarding postings within the EU. We do not wish to deny the various positive effects of posting, which would require a separate study. We will begin by introducing the legal background to posting workers, as determined by the legal definition of transnational work or the temporary performance of work in an EU or EEA country that is not the country in which the worker habitually works. We shall look in more detail at the two fundamental documents, namely the directives regulating the posting of workers. We will then touch on the difficulties and issues which the legal category of transnational work or provision of services brings in practice, in the case of postings from Slovenia. As well as a review and analysis of primary and secondary sources (laws, media articles, statistical data), this chapter includes information obtained via interviews with representatives of various institutions (Health Insurance Institute of Slovenia, Labour Inspectorate, Information Point for Foreigners) and interested organizations (Association of Free Trade Unions of Slovenia, Counselling Office for Workers).

The issue of posted workers raises numerous complex social, economic, legal, administrative and other questions (for an up-to-date and broad overview see, for example, Rocca 2015), reflecting broader contrasts and conflicts between the social and economic imperatives of European integration (Maslauskaitė 2013). It should nevertheless be added that responses to these contrasts and dilemmas in different EU countries differ considerably (cf. Maslauskaitė 2014). The article therefore offers a reflection on the contemporary “technocratic” regulation of transnational work in the case of the posting of workers from Slovenia, a topic that has yet to be covered in detail in specialized literature.<sup>11</sup> It should also be pointed out that the situation regarding the posting of workers is changing relatively rapidly. Legislation and administrative and enforcement procedures are being amended or supplemented (as already mentioned, the new Transnational Provision of Services Act, which also covers numerous

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11 As already stated, quite a number of bachelor's and master's theses have been written on the posting of workers. These touch above all on the legal and administrative issues (e.g., Rus 2007; Lah 2009; Čahuk 2011; Teraž 2014; Fišer 2014.)

administrative and enforcement procedures, will enter into force on 1 January 2018). The economic situation is changing in various countries, and posted workers are also becoming an increasingly important factor in public debate.<sup>12</sup> In this sense, the article should be understood as a reflection of the phenomenon at a specific time and in a specific place.

## THE LEGAL FRAMEWORK OF POSTING

The posting of workers among the countries of the EU, EEA and Switzerland is tied to the international (European) and national legal bases that regulate the basic rights and obligations of the parties involved. While labour law traditionally comes under the framework of the autonomous regulation of individual member states, the level of protection of workers' rights differs from member state to member state. This leads in practice to different interpretations of individual regulations or legislation, which is also reflected in the not infrequent judgments of the European Court in connection with posted workers (see the Official Journal of the EU; notable judgments include *Viking*, *Laval*, *Rüffert* and *Luxembourg*).<sup>13</sup> For the purpose of harmonizing regulations with regard to the minimum protection of workers, employers and users, the European Parliament and the Council of the European Union have thus adopted two directives concerning the posting of workers – Directive 96/71/EC and Directive 2014/67/EU – along with a number of other regulations relating to social security systems. If the law of a country of origin with a lower level of protection of workers' rights continued to apply during the posting of workers to another member state, this could result in a competitive advantage for a foreign service provider over domestic service providers.

In this section, we will focus above all on the legal bases of the EU that are important when it comes to posting workers within the EU, EEA and Switzerland, while also citing those Slovenian laws relating to Directive 96/71/EC. Two sets of rules exist within the framework of international European legislation. The first set governs the actual procedure of providing services, ensuring the

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12 The observations in this paragraph are based on a review of online material, media items and other material collected in 2015 (documentation held at the Slovenian Migration Institute, part of the Research Centre of the Slovenian Academy of Sciences and Arts).

13 Some judgments of the Court of Justice of the European Union in relation to posted workers are held up as test cases, for example, *Wolf & Müller GmbH & Co. KG v José Filipe Pereira Félix* (12 October 2004). This judgment prescribed the obligation of a contracting undertaking to act as guarantor in respect of the minimum remuneration of workers employed by a subcontractor (Case C-60/03. See: <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-60/03>; see also Lah 2009: 37–38).

minimum standards which service providers must guarantee for their posted workers, supervision and cooperation between supervisory authorities, and access to key information. Directive 96/71/EC and Directive 2014/67/EU are particularly important for this first set of rules. The second set of rules governs the coordination of social security systems, which defines the conditions under which acquired rights in the field of social security are maintained in the case of working in another member state. These rules also place a chronological limit on the work of the posted worker. Three regulations are relevant in this field: Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland); Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland); and Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality.

The purpose of Directive 96/71/EC is to guarantee an adequate minimal level of protection of the rights of workers posted to another country for the purpose of the transnational provision of services, irrespective of their status and irrespective of the member state in which the undertaking is established. Directive 96/71/EC thus supports the EU's aims regarding the elimination of barriers to the free movement of persons and services between member states, and at the same time aims to reduce the risks that can arise in a posting situation. In this diplomatic role, the directive aims to serve two imperatives – the free market and social justice. In doing so, it necessarily remains loose and open to various interpretations and considerations (e.g., whether the minimum wage is a sufficiently fair measure of the protection of rights of posted and domestic workers or whether there is a need to introduce other, more specific rules regarding equal pay for the same work, etc.). Under Directive 96/71/EC “posted worker” means “a worker who, for a limited period, carries out his work in the territory of a Member State other than the State in which he normally works” (Article 2). The directive distinguishes between three different forms of posting. The first, most broadly understood form of posting is when an undertaking established in one member state posts a worker to another undertaking established in the territory of another member state. The second form of posting is posting within an undertaking, where multinational undertakings temporarily transfer workers between branches of their business established in different member states. The

third form of posting relates to the situation in which a placement agency hires out a worker to a user undertaking established in the territory of a member state. When people talk about posted workers in Slovenia, they are frequently referring to this last type of posting and such workers are consequently known as agency workers, even though this does not apply to all types of posted workers.

Directive 96/71/EC envisages the principle of supervision by the host country for matters relating to labour law, and prescribes minimum rules and conditions of employment which should be observed under the rule of *lex loci laboris* (meaning that the legislation that applies is that of the country in which the worker is working). Other labour legislation not strictly tied to this “basic set of rules” should be applied to posted workers under the principle of non-discrimination, taking into account other compulsory regulations (e.g., collective agreements). Posted workers must thus be guaranteed working conditions in the country of posting as defined by law and other regulations and collective agreements, which under the “minimum package” defined in Directive 96/71/EC includes: (a) maximum work periods and minimum rest periods; (b) minimum paid annual holidays; (c) the minimum rates of pay, including overtime rates; this point does not apply to supplementary occupational retirement pension schemes; (d) the conditions of hiring-out of workers, in particular the supply of workers by temporary employment undertakings; (e) health, safety and hygiene at work; (f) 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; (g) equality of treatment between men and women and other provisions on non-discrimination. In this sense, the Directive sets up a framework of minimum rules, but at the same time, it does not prevent the application of terms and conditions of employment which are more favourable to workers (Article 3.7). Nevertheless, criticism of the directive in the last decade has focused on its implementation of the principle of merely minimum rights, which in the case of some types of work does not seem fair. The principle of equal pay for equal work would appear to be a better solution than guaranteeing a minimum wage, which on the one hand, can be seen as a threat by “domestic” workers, while on the other, it does not allow adequate payment for jobs that pose a risk to health, for example. It should also be emphasized that Directive 96/71/EC was “conceived” by twelve member states and later “adopted” by fifteen member states, while the most notorious judicial disputes (Viking, Laval, Ruffert and Luxembourg) occurred after EU enlargement, when the directive itself was put to the test via concrete disputes. Related to the above judicial disputes, the posting of workers and the Directive itself found their loudest echo in the media in connection with two specific aspects: in the Viking case, the disputes were resolved in court in such a way that social rights were subjugated to economic

rights (Maslauskaitė 2014: 9). At the same time, particularly in countries receiving posted workers, the question was highlighted of the protection of domestic workers who were unable to compete with cheaper labour from the new member states. As Kristina Maslauskaitė (2014: 9) points out, since the EU enlargement, the principle of minimum rights has begun to be asserted more than the principle of equal treatment of domestic and foreign workers.

Directive 2014/67/EU introduces several innovations. According to Morton (2013), it uses access to information and administrative assistance rules to provide for the “enforcement” of the legal principles enshrined in both the old and new Posted Workers Directives. As Morton notes: “Access to information for cross-border firms is to be made available through the Internal Market Information system (IMI) and places new demands on member states to ensure that requisite information is forthcoming. Crucially, the responsibility is placed upon member states to ensure that Article 3(8) is drafted properly in national law” (Morton 2013: 9). Additionally, the Enforcement Directive also offers substantive provisions concerning supply chains in procurement contracts and “letter-boxing” practices (Morton 2013) and “demands extended liability along procurement supply chains so that ancillary contracts are covered by the same employment conditions as the primary contractor” (Morton 2013: 10). However, as Bogoevski (2016) notes, “one should bear in mind that the original aim of the Posted Workers Directive(s) was to abolish the obstacles and uncertainties that impede implementation of the freedom to supply services and not to constitute a pendant on a Social Charter for posted workers”.

## **PARTICULARITIES AND PROBLEMS OF THE POSTING OF WORKERS FROM SLOVENIA**

The success of “European” projects such as the two directives on posting workers is measured above all or exclusively in practice, at national levels. According to Bogoevski (2016), working conditions for posted workers in Germany and other countries attracting posted workers remain largely unfavourable and even exploitative, while each national environment offers a specific answer to the question of the success or failure of an individual European project. Below we shall look at some specific aspects and problems relating to the posting of workers from Slovenia,<sup>14</sup> using the categorization of systemic problems tied to Directive

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14 Posting to Slovenia is not covered here, since to a large extent, this issue raises different questions and is tied to different problems, even if partly related. A worker who is posted to Slovenia

96/71/EC, proposed by Kristina Maslauskaitė (2014: 13), and attempt to address them from the point of view of the situation in Slovenia. By dividing them into *legal*, *administrative* and *enforcement* fields, Maslauskaitė identified various forms of infringements. In the legal field, she highlighted the problem of definitions tied to the “temporary” nature of services and postings; in the administrative field, she highlights the inadequate level of information among workers and employers, insufficient cooperation between member states on the exchange of information, supervision by the host country, etc.;<sup>15</sup> and in the enforcement field, she highlights the weakness of the sanctioning mechanism and the over-complex process of addressing infringements, where the entities forming the contractor chain are not jointly or severally responsible. The types of infringements listed above are likewise relevant in the case of Slovenia, although the overarching framework of EU legislation and regulations is reflected in each member state with specific nuances, regarding the previous experiences of member states with posting, and regarding current trends and the geostrategic positions of the countries themselves. Before we open these “boxes” of various infringements (we will not call them Pandora’s boxes, to avoid alarm), we should add that the swarms that will fly from the boxes are not buzzing original melodies. In short, the various forms of infringements usually if not always overlap, and the above division is not much more than a violent blow aimed at cutting the world – which in everyday practice can never be fully decoded – into individual pieces (which can probably only mean something to someone who views this world from a somewhat exalted position).

## Legal level

In the legal field, Slovenia follows the legislative framework of the EU and, having transposed Directive 96/71/EC and Directive 2014/7/EU into its national legislation, it also shares with the EU the problem of the loose definitions in these documents, which for example talk about “posting for a limited period”, without specifying the relationship between working hours in the home country and the host country, etc. One of the main problems regarding the EU legal framework, namely Directive 96/71/EC and Directive 2014, is the balance

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by a foreign employer on the basis of an employment contract (under the law of another state) carries out temporary work in Slovenia under the conditions prescribed by regulations governing the work and employment of foreign nationals. The worker must be guaranteed rights under Slovenian regulations and the provisions of the collective agreement applying to the sector concerned. International legal bases are also taken into account.

- 15 Kristina Maslauskaitė’s article was written before the adoption of Directive 2014/67/EU, which partly addressed the problems of cooperation between member states on the exchange of information.

between the freedom to provide cross-border services and workers' social rights. In view of this problem, the European Commission revisited Directive 96/71/EC in order to strike a better balance on legal grounds. The initial legal problem, according to Dhéret and Ghimis (2016), is that the primary objective of this legal framework is not to protect workers. Instead, the emphasis is placed on the freedom to provide services. As Dhéret and Ghimis further note, unlike workers who use Article 45 TFEU to move permanently to another member state, posted workers are not entitled (under the legal framework of the two directives) to equal treatment with workers in the host country (2016). These different legal frameworks thus lead to discrimination between legal categories of persons who move permanently or temporarily within the EU. The tension between employers' freedom to provide transnational services and workers' social rights stands at the core of the legal level regulating the posting of workers. When Directive 96/71/EC was adopted, note Dhéret and Ghimis (2017: 5), it seemed that EU legislators had managed to strike a balance between these two competing interests by imposing minimum employment standards on cross-border service providers. Several subsequent developments have, however, put this balance into question. Directive 2014/67/EU (the Enforcement Directive) was adopted in 2014 with the aim of better defining the rules regarding the posting of workers by increasing cooperation between national authorities. It also offers trade unions the possibility of taking legal action against employers (see also Dhéret and Ghimis 2016). Furthermore, the new directive creates a system to facilitate cross-border enforcement of financial penalties. As Dhéret and Ghimis note, despite the strengthening of control, the new directive does not directly tackle the issue of the equal treatment of posted workers (2016). For this reason, the European Commission proposed an additional revision of the rules on posting workers in the EU in March 2016. Dhéret and Ghimis (2016: 9) note that the revision focuses on three main areas: the remuneration of posted workers, rules on temporary work agencies and rules applying to long-term posting with the aim of applying the principle of equal pay for equal work.

All these European legal levels and events have found an echo within specific national contexts and work of implementing the new revisions and enforcements still lies ahead of numerous member states. Additionally, each EU state has its own national legal peculiarities regarding the legal problems relating to the posting of workers. In Slovenia, the law regarding limited liability companies ("d.o.o.") has proved to be particularly problematic in relation to posting. The limited liability company is one of the preferred types of private legal entities in Slovenia and has its own legal identity that separates the liability of the company from its employers and shareholders. This legal framework gives the owner the



opportunity to close down the company via the “bankruptcy system”, while the company’s remaining debts are wiped out. In this case, posted workers may be left without work and without pay. Furthermore, as trade unions in Slovenia have frequently stressed, the bogus owner of a previously bankrupt company is soon able to establish a “new” letter-box company that might experience a similar story in future, with similar consequences for posted workers.

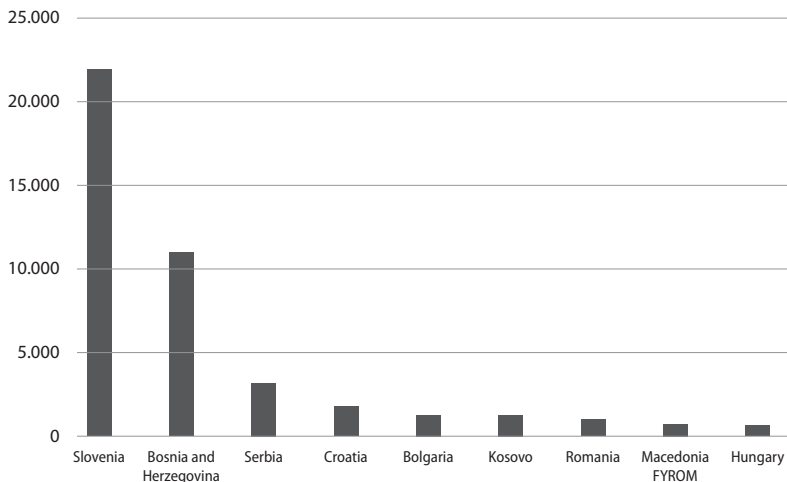
### Administrative level

At the administrative level, the problems are above all with the non-selective issuing of A1 forms for the purpose of the temporary posting of workers, an issue to which attention has been and continues to be drawn by, in particular, the Association of Free Trade Unions of Slovenia (ZSSS). According to the ZSSS, A1 forms (the A1 form is a compulsory element in the formal and bureaucratic process of posting workers to other member states and the basis for the health insurance of the posted worker) are also issued to so-called letter-box companies, which, despite having their accounts blocked or closed in Slovenia, nevertheless post workers to other member states. Here, the basic requirements which must be met by the Slovenian employer and which are laid down in EU regulations governing the coordination of social security systems (e.g., that an undertaking that posts workers to another member state must perform substantial activities other than purely internal administrative activities in the territory of the member state in which it is established) are not sufficiently verified, which makes a range of infringements possible. Letter-box companies, which are potentially the most frequent infringers, are able to slip through the net (interview with Marko Tanasić, 2 December 2015).

These difficulties are further multiplied in the specific national context in which Slovenia has taken on the role of a kind of transit country, via which workers from a third country are employed by a Slovenian undertaking and posted to other member states. Above all these are workers from Bosnia and Herzegovina,<sup>16</sup>

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16 Even at the time of the SFRY, one of the more pronounced migration flows to Slovenia was from Bosnia and Herzegovina. This flow began to grow stronger in the 1970s. According to the 1981 census, 30% of all immigrants were from Bosnia and Herzegovina, while 43% were from neighbouring Croatia. Immigration from Croatia then began to fall, while that from Bosnia and Herzegovina continued to grow, with the result that, in the last Yugoslav census (in 1991), the share of Bosnia and Herzegovina had grown to 39%, overtaking Croatia (38%). This trend strengthened further after Slovenia became independent and by the time of the 2002 census had reached 46%, while Croatia’s share had fallen to 32% (Josipovič 2006: 241–251). The 2011 census showed further growth in immigration from Bosnia and Herzegovina, which now accounted for practically half (49%) of the total 198,242 immigrants. Bosnia and Herzegovina was followed by Croatia with a quarter (25%) and Serbia with just over an eighth (13%) of all



Graph 2: Number of posted workers by citizenship in 2016 (Source: Health Insurance Institute of Slovenia - ZZZS).

while others come from other countries in SE Europe.<sup>17</sup> In 2016, 10,993 or 25% of all workers posted from Slovenia were citizens of Bosnia and Herzegovina. They were followed by citizens of Serbia (3,178 individuals or 7.3% of all posted

immigrants (Josipovič 2015). According to figures from the national statistical office (SURs), the largest share of people born abroad, in the period before the economic crisis, were employed in the construction sector, and amounted to 36.4% in 2007. Economic growth in Slovenia was relatively high between 2005 and 2008, a consequence of favourable conditions in international environment and an increase in investment, above all in the construction sector. An increase in the construction of housing and infrastructure (e.g., motorways) led to increased employment in this sector, above all of immigrants from the successor states of the SFRY, with the largest number coming from Bosnia and Herzegovina, followed by citizens of Serbia and Macedonia (Bofulin 2016: 102).

17 The employment of citizens of Bosnia and Herzegovina is regulated by the Act ratifying the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia and the Protocol on the Implementation of the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina. The provision of services using posted workers is regulated by national legislation. This area is currently regulated by the Employment, Self-employment and Work of Foreigners Act. As stated in the introduction, regulation of this area will shortly be taken over by the Transnational Provision of Services Act, which is due to enter into force at the start of 2018.

workers) and Croatia (1,768 individuals or 4% of all posted workers). There were also more than 1,000 citizens of Bulgaria, Kosovo and Romania among posted workers (see Table 1). A range of infringements occur, which are intensified in the context of the vulnerable position of Bosnian workers, who are not Slovenian citizens and do not speak Slovene, or speak it poorly (for more on this type of “structural crime”, see Bučar Ručman 2014: particularly the last chapter).

### *Example of a letter-box company*

Perhaps the most notorious case in 2015 related to the company Birogradnje, which failed to pay wages to twenty-eight Bosnian workers for three months’ work. Marko Tanasić of the ZSSS emphasized that Birogradnje is not the first company via which its owner has exploited workers. He is also alleged to have done so with Kaltgrad (later renamed Tomograd) and Bis Gradnje. The owner signed Kaltgrad over to a letter-box owner in Bosnia and Herzegovina, while in the case of Bis Gradnje and Birogradnje, he did this on establishing the companies, for which he merely assumed management authority. He did not pay social security contributions for workers in any of the companies. Marko Tanasić says that Birogradnje only retains letter boxes in Slovenia and since 2011 has effectively no longer operated in the country, since it pays no taxes, receives no mail, issues no invoices and has no open bank accounts. It merely exists in the records of the Agency for Public Legal Records and Related Services (*AJPES*) (interview with Marko Tanasić, 2 December 2015). Despite the fact that under Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland) one of the conditions for obtaining an A1 form is that the undertaking or employer must generate 25% of its business in the country of origin, these companies have to date had no difficulty obtaining authorizations for posting or A1 forms, which are issued by the Health Insurance Institute of Slovenia (*ZZZS*). This suggests that the *ZZZS* is not verifying whether employers meet certain requirements to obtain A1 forms.

Klemen Ganziti of the *ZZZS* explains that they simply do not have sufficient technical capacity or staff to carry out such verifications, and that at the same time they would require a legal basis [to obtain information from the Financial Administration of the Republic of Slovenia] in order to supervise the issuing of A1 forms (telephone conversation with Klemen Ganziti, 4 December 2015).

As may be seen from numerous items in the media, the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Ministry of Finance have opposing views with regard to the supervision of A1 forms. The former has



*Figure 3: A Slovenian letter-box company (Novo Mesto, 2016). The photograph was taken by Marko Tanasić, an expert on migrations, employment relationships and project work at the ZSSS, who remembers the incident vividly. He was in front of the house in the photograph giving a statement to a German film crew about the problem of Slovenian letter-box companies: “The lady had just come home from somewhere and I was outside the door with the cameras rolling. There was a brief conversation with her, in which I explained who we were and what we were doing there. It was clear that she knew something [about the company domiciled at her address] but was unable to tell us anything significant.”*

supported the proposal of the ZZZS that this responsibility should be assumed by the Financial Administration, since it is already connected to the ZZZS database and is also responsible for collecting social security contributions. In the opinion of the Ministry of Finance, on the other hand, such procedures can only be conducted by the ZZZS, given the already established system of registration for social security and the latter's supervisory competence regarding the data in its records (see, e.g., Kralj 2015).

This field is additionally regulated by a new law; however, the question of when things will actually start to change in practice remains open, given that the provisions seem rather loose (the conditions for issuing an A1 certificate state that the ZZZS will issue an A1 certificate to an employer provided that it “habitually carries out its activity in the Republic of Slovenia”, “does not infringe important provisions of labour legislation relating to workers’ rights”, “the posted worker does not normally carry out work in the country of posting”, it has not

had an A1 certificate annulled in the past twelve months on the grounds that it does not habitually carry out activities in the Republic of Slovenia.

Marko Tanasić says that there have been frequent cases of Slovenian construction companies signing contracts in Germany despite already knowing that they will be unable to meet all the legal obligations relating to their workers' pay.<sup>18</sup> It is, he says, an established system in which undertakings evade their responsibilities. The German undertakings are not liable to pay the difference between net wages and gross wages, while the Slovenian undertakings either declare bankruptcy or are signed over to letter-box owners, after which they wait to be deleted from the register of companies (interview with Marko Tanasić, 2 December 2015). It should be emphasized that the cheated workers have obtained work permits in Slovenia and that the responsibility to ensure that such abuses do not occur lies in the first place with the Slovenian institutions.

### Enforcement level

At the enforcement level, Slovenia shares the same problem as other member states, in that while Directive 96/71/EC requires member states to activate certain mechanisms designed to combat infringements, it does not define exactly what these sanctions should be. As a consequence, some member states use existing sanctions tied to their own labour legislation (e.g., France), while others use new mechanisms (e.g., Germany) (cf. Maslauskaite 2014). Slovenia uses its existing legal bases, although, following the adoption of the two directives, certain general principles relating to the posting of workers, as defined in the directives, have been transposed into existing laws. According to the Counselling Office for Workers and the ZSSS, one of the basic problems at the enforcement level is the length and inefficiency of proceedings relating to sanctions. The result is that many workers who have suffered harm do not report infringements until the final phase (interview with Marko Tanasić, 2 December 2015). A worker can report infringements of labour legislation to the Labour Inspectorate, which is responsible for supervising the implementation of laws and other regulations, collective agreements and general acts regulating employment relationships, salaries, wages and other emoluments deriving from an employment relationship, the employment of workers at home and abroad, the participation of workers in management, strikes, and occupational safety and health (email from Tanja

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18 Examples of letter-box construction companies of this kind help refute the widely held opinion that employment agencies are the main source of difficulties and abuses with regard to posted workers. Employment agencies are subject to strict operating conditions under the Labour Market Regulation Act and other legislation.

Cmrečnjak, 17 November 2015). Although inspectors have the right to order independent samples or measurements at a time and in a workplace or working environment of their own specification – in addition to their powers under the law regulating inspection – preventive inspections of postal workers are not established practice, in part because of the lack of personnel. In the case of infringements of the rights of Slovenian workers in workplaces abroad, Slovenian inspectors do not of course have direct insight into the situation. Regarding specific infringements or suspicions of infringements, inspectors can apply to specific competent organizations abroad, although naturally this lengthens the whole procedure. The problem of the length of proceedings also arises after an infringement has been reported.

If an employer fails to pay wages, the worker has several possibilities available. A worker can report an infringement relating to the failure to pay wages to the Labour Inspectorate – but even if a labour inspector identifies infringements regarding the payment of wages, they can only sanction the employer for the offence committed. They are not able to take action to bring about the actual payment of the wages owed. This can only be done by the labour court. A worker can also demand the payment of wages by bringing an action against the employer before the labour court, although here a written statement of wages issued by the employer is the authentic document on the basis of which the worker is able to petition for judicial enforcement. Before the case is heard, the prosecutor's office must gather evidence. According to the ZSSS, there are cases in which the process of gathering evidence can take up to four years. When the case finally reaches court, a counter-claim can be filed by the other party, i.e., the employer, which makes the procedure even lengthier and even more expensive.

### *Example of lengthy and inefficient proceedings*

Examples from practice point to the length and inefficiency of proceedings, notes Marko Tanasić, who offers the following example. A worker pursued a claim against his employer over unsettled obligations for a period of several years. He filed actions both with the labour court and with the criminal court in Slovenia. After several years of hearings (and the resulting costs), the injured party arrived at a final and enforceable judgment, which could not, however, be enforced because the assets that should have been seized no longer existed because the undertaking which employed the worker had ceased to exist (email from Marko Tanasić, 25 January 2016). This case indicates – besides the length and inefficiency of proceedings – certain regulatory shortcomings that do not

offer workers adequate protection even after a positive resolution to lengthy proceedings. For example, the fact that the debt owed by an undertaking simply disappears when the latter is wound up.

Conditions have improved somewhat with the introduction of the Internal Market Information System (IMI), developed by the European Commission in conjunction with member states. The IMI uses information technology to connect public authorities in the EEA and in this way contributes to the better management of the internal market. The system enables the exchange of information among national, regional and local public authorities via pre-translated questions and answers that enable each party to communicate in its own language. In the case of the posting of workers, the IMI is used above all for information requests (checking employment conditions for workers). In Slovenia, for example, the Labour Inspectorate is responsible for overseeing Slovenian employers and employers providing services or carrying out activities in Slovenia, but is not competent to carry out controls in the territories of other countries. The IMI enables the Labour Inspectorate in Slovenia to connect with the competent authorities of other EU member states and establish the level of compliance with legislation in another country (About IMI).

#### *The case related to occupational safety and health (OSH) issues*

Most of the problems related to posted workers, such as bogus employers, fake A1 forms, underpayment, excessive working time, lack of rest periods, lack of preventive measures, etc., come to the surface through accidents at work and the problems arising from them. One of these is the question of who covers the costs of injuries. This might seem legally clear, but in practice it is often blurred. Legally speaking, the OSH of posted workers is regulated by Article 3 of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services. As such, it is linked to the assurance of decent labour/working conditions as set out by the directive. In practice, however, the specific work positions of posted workers are vulnerable as they are often realized in the context of subcontractor chains and chain liability in cases of accidents. Apart from these problems, several studies also show a direct relation between precarious employment (which posted working in many cases is) and a negative effect on occupational health and safety. Quinlan et al., for example, conclude that the growth of precarious employment commonly leads to more pressured work processes and more disorganized work settings, thus creating challenges for which existing regulatory regimes are ill-prepared (Quinlan et al. 2001; Ori, Sargeant 2013).



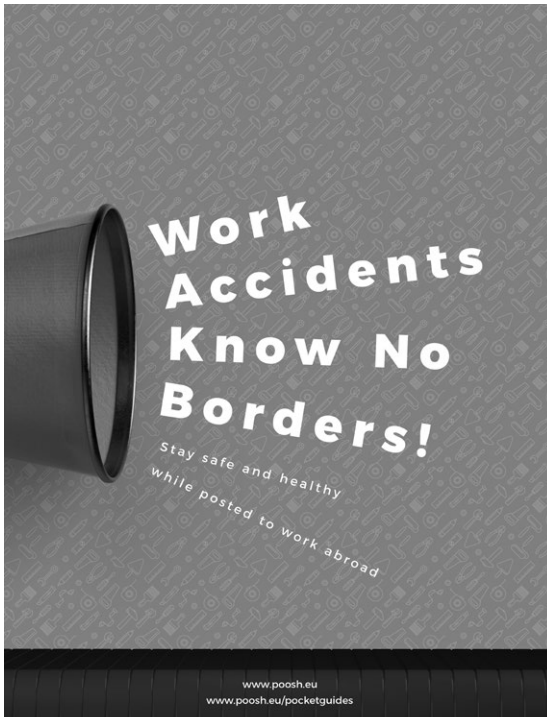


Figure 4: The need for a loudspeaker! Occupational Safety and Health of Posted Workers: Depicting the existing and future challenges in assuring decent working conditions and wellbeing of workers in hazardous sectors – the poster for a project whose title is so long that it would qualify for a place in the Guinness Book of Records.

The OSH of posted workers is specifically linked to the enforcement level, where these problems are particularly urgent. It should likewise be emphasized that, in general terms, the media devote less attention to the OSH of posted workers, something that is also pointed out by the existing project Occupational Safety and Health of Posted Workers: Depicting the existing and future challenges in assuring decent working conditions and wellbeing of workers in hazardous sectors (POOSH, 2017–18).

At the conference of the POOSH project, Counselling Office for Workers director Goran Lukić provided the following description of a case that illustrates that it is not the work accident alone that deals a heavy blow to the posted worker, but also the chain of subsequent events which push the same worker into an



even more precarious position. This is his account of a case involving a series of events that are indirectly and directly tied to the three levels mentioned above:

In July 2016, we received a request for assistance from a social worker at the Soča University Rehabilitation Institute. The matter concerned the patient Zehrudin Čosić, who was undergoing rehabilitation at the aforementioned institute after suffering a serious spinal injury as a result of a work accident that occurred on a construction site in Antwerp, Belgium. [...] Mr Čosić worked in Belgium as a construction worker for the Slovenian company Sova Tri, based in Radlje ob Dravi. The work accident occurred on 9 March 2016. The roof of the building broke under Mr. Čosić, who sustained a roughly five-metre fall and suffered life-threatening spinal injuries. He was taken to a hospital in Antwerp, where he was admitted on the date of the accident, and remained there until 30 May 2016, when his condition was stable enough for him to be transported from Belgium to Slovenia. Transport was by ambulance to the University Medical Centre Ljubljana. On 6 June, 2016 Mr Čosić began to undergo treatment at the Soča University Rehabilitation Institute. As already stated, the injury sustained in the work accident left Mr Čosić a paraplegic. [...] Neither during the first months, when Mr Čosić was still undergoing treatment in Belgium, nor later on, did he receive any remuneration from his employer. We submitted the case to the Labour Inspectorate of Slovenia. In August 2016, we launched a public campaign through which we were able to raise approximately €3,000 to cover his basic life needs. All the money was spent on the adaptation of his home to allow the use of a wheelchair, on transport to home care in Bosnia and Herzegovina after September 2016, and on transport to Ljubljana, where he had a check-up scheduled in October 2016. In September 2016, Mr Čosić received a bill for hospital services in Belgium, amounting to €2,950. We immediately asked the Health Insurance Institute of Slovenia (ZZZS) whether there was any possibility of them repaying that money directly. We filed all the accompanying documentation. On 2 October 2016, we received an official response from ZZZS that direct repayment was not possible. [...] To help Mr Čosić, we turned to the competent social services centre, which approved €450 of targeted assistance for the repayment of medical expenses, which Mr Čosić transferred in full to the Belgian hospital.

At the moment, however, he still has an outstanding debt of €2,500 to the Belgian hospital. This is an amount that Mr Čosić cannot pay alone, and he really needs financial assistance.

Mr Čosić's plight is multi-layered: medical, psychological and social. After sustaining a serious injury as a result of a workplace accident, he is now a paraplegic, afflicted by severe pain and other problems; he is also unable to work, and partly in need

of care and assistance in performing various basic activities. Currently, he is still on sick leave.

Mr Čosić's only income is sick pay calculated on the basis of the minimum wage, and his wife has no income. He does not receive his sick pay regularly, nor does he receive the statutory amount. We have succeeded in ensuring that he will obtain sick pay directly through the ZZZS. The latest information: Zehrudin Čosić had an evaluation before a disability commission on 5 June 2017. We expect him to receive a disability pension by the end of 2017 (Lukić 2017: 33–35).

There are several issues stemming from the case described here. In order for the posted worker to remain in their home social security system and avoid such tragic events (following the tragedy of an accident itself), the employer needs to complete an A1 form. In many cases, completing an A1 form is not a guarantee that things will run smoothly if an accident occurs. There are numerous cases of bogus employers who, under Slovenian legislation, can easily close down the company and disappear (problem at the legal level), or employers who are not paying contributions for workers and should be punished or at least checked regularly (problem at the enforcement level). There are also numerous examples of fake A1 forms being issued to workers. But where is the initial problem? One of them is the increase in the number of A1 forms. As stated by Lukić, 1,149 A1 forms were issued in Slovenia in 2005 and this number had risen to 126,185 by 2015 (2017). “The reason for such a sharp increase is the fact that the institution responsible for issuing the A1 form (the ZZZS) does not check the employer that posts workers and requests an A1 form” (Lukić 2017: 35). This clearly links to problems at the administrative level. Furthermore, and in parallel to this wildly unregulated rise in the number of issued A1 forms, one can trace numerous violations related to working conditions, pay and the return of posted workers to Slovenia. Mr Čosić's case is just one example. On 1 January 2018, the Transnational Provision of Services Act will enter into force in Slovenia and will hopefully close one of the loopholes allowing such unfortunate events, which relate directly to occupational safety and health issues affecting posted workers. The new act aims to prevent A1 forms from being issued to bogus employers; however, given the sequence of events to date and the tactics being used in the field, it is too early to predict the real effects of the act – or the opportunities that will remain open for the creative development of new loopholes. Observing examples of this, one can only hope that in the future human creativity will be directed towards more noble goals.

## CONCLUSION

Today's work practices are multilocal, contingent and mobile. They include various forms of work such as part-time jobs, contract work, outsourced posted work, home-based work, self-employment, and so on. According to economist Audrey Freedman (1985), they can also be called "contingent work". These practices, although not completely new, are linked in a new way to the changing employment environment in the context of the EU and elsewhere (Rogelja, Toplak 2017). The term contingent employment (Freedman 1985) is used to describe flexible work arrangements (alternatives to traditional full-time work arrangements). Such flexible work practices imply changes in three traditional notions of employment: time, permanency and social contract (Christensen, Murphree 1999; Copeland et al. 1999: 3). All these changes influence the status of the worker and their position within a specific institution. Today, all these practices seem familiar and normalized to the point that one does not question the worker's contingent work position. Worker mobility and the posting of workers add another dimension to vulnerability and, as such, have to be examined in two ways: separately, as a specific administrative category with practical consequences, but also in the context of a general change in the employment environment (Rogelja, Toplak 2017). Even though posted workers are not necessarily in a contingent work position, various research findings (see Rogelja, Toplak 2017) suggest that most of them are.<sup>19</sup>

The posting of workers is a legal or "technocratic" invention of the EU that nevertheless has a real impact on people's lives. These effects vary depending on the past experiences of member states, the different situations of the actors involved (who enter the posting relationship from a more or less vulnerable position), and the efficiency at the national institutional level both in dealing with infringements and in preventing them. In the latter case, a key role is played by information and action before infringements occur. In the case of postings from Slovenia, so-called subcontractor chains form in which responsibility is shifted from one element of the chain to another. We also see "re-posted" workers, as in the case of Bosnian workers posted

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19 The article focused above all on problems relating to the posting of workers from Slovenia. It should be emphasized that abuses, difficulties and other negative effects are only part of the story, and that there are also positive aspects to posting (new employment opportunities, the free movement of workers, formal and non-formal education and training in a foreign working environment, etc.) Further studies will, however, be necessary in to obtain a clearer understanding of the positive effects. Such studies would need to explore the views of workers, employers and other stakeholders.

to Germany via Slovenia, a situation that places the worker in an extremely vulnerable position. The specific position of Slovenia as a largely transit country posting, above all, citizens of Bosnia and Herzegovina (for the most part in the construction sector), is also apparent in the vulnerable position of Bosnian workers (poor knowledge of the language, poor qualifications, no payments into funds such as the SOKA-BAU joint fund in Germany or even no minimum wage for work done). As noted by the director of the Information Point for Foreigners (closed in 2015), it frequently turns out in practice that Bosnian workers have signed contracts they have not understood because they are written in a foreign language, and also contracts that do not comply with labour legislation in Slovenia (interview with Robert Modrijan, November 2015). Procedures following the identification of an infringement are lengthy in Slovenia, which makes it even more difficult for the injured party (the worker) to be reintegrated into the labour market. In view of the above, we can conclude as follows: unless matters are regulated at the systemic level, we can expect more infringements at the expense of posted workers, where the shrinking of the welfare state, which in the case of Slovenia is also evident in the closing of the Information Point for Foreigners in 2015 and the Migrants Office at the Association of Free Trade Unions of Slovenia in 2016, certainly does not contribute to resolving this problem.

Besides specifically national problems, several open questions exist at the EU level regarding the posting of workers. Is the EU a community of capital or of citizens? Are the provisions of Directive 96/71/EC and Directive 2014/67/EU too loose to sustain the new situation of the enlarged EU, where increasing differences are appearing between minimum wages? These and other considerations, supported by examples from practice, have led to an additional revision of rules on the posting of workers focused on three main areas: the remuneration of posted workers, rules on temporary work agencies and rules applying to long-term posting with the aim of applying the principle of equal pay for equal work (Dhéret, Ghimis 2016: 9). Since EU enlargement, in fact, more than on the principle of equal treatment of domestic and foreign workers, the emphasis has begun to be placed on the principle of minimum rights, a principle that leads on the one hand to increasing dissatisfaction among “domestic” workers, who are faced with cheaper competition, and on the other to inadequate pay for posted workers. An additional difficulty that will only be revealed by a more ethnographically oriented study is the question of the wishes and inclinations of posted workers themselves. What does a posted worker from Romania think about the fact that he is paid ten times less than his counterpart in Belgium for his work at home? Is he willing

to report infringements and what does this mean to him? We could ask many more questions, but let us end with a modest wish: may the life of a posted worker not become a letter in a Slovenian letter-box company.

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MOBILITY AND CARE WORKERS

*Care worker on the move (photo: Igor Lapajne, 2017).*

## CROATIAN PAID DOMESTIC AND ELDER CARE WORKERS IN ITALY – LOCAL ASPECTS OF A GLOBAL STORY<sup>1</sup>

*Duga Mavrinac*

*“If others can do it, so can you – this is how I comfort myself each time I set off.”<sup>2</sup>*

The number of women with secondary and higher education joining work migration flows is continuously growing. Multiple causes on both sending and receiving sides as well as individual factors shape contemporary female migration flows (Gutiérrez Rodríguez 2007). Nowadays, based on the International Labour Organization (ILO) reports, hundreds of thousands of women throughout the world, estimated to be looking for employment outside their home countries, have become the main heroines of survival strategies of their households.<sup>3</sup> Upon migration, however, their knowledge and skills are frequently reclassified according to the traditional gender labour division. Conditioned by the growing prosperity of rich countries, redefinition of family relations and gender roles, social and economic changes as well as the shrinking of the welfare state, women’s work migrations are enhanced by the increased demand for work within the private household service sector (Hrženjak 2011; Lutz 2011). Hence, the so-called feminization of migration has become one of the most visible characteristics of contemporary global migrations (Henshall Momsen 1999; Morokvašić 2014). Although one can only speculate on the exact figures, it is estimated that more than one half of the 200 million contemporary migrants are women quenching the ever growing demand for care services in Western European countries, the US and financial Meccas such as Dubai and Hong Kong (Ehrenreich, Russell

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2 In the book *Moja Italija [My Italy]*, Croatian carer Katarina Abramović described her personal experience of living and working as an informal domestic and elder care worker. This quote has been taken from the book with the author’s permission.

3 For more see: <http://www.ilo.org/global/lang--en/index.htm>

Hochschild 2002: 1–13). In fact, according to ILO estimates, there are currently between 53 and 100 million of domestic (male and female!) workers, 80% of which are women. Therefore, paid domestic and care work is mostly characterized by transnationality, new gender divisions and exploitation (Henshall Momsen 1999; Salazar Parreñas 2001; Ehrenreich, Hochschild 2002). Often informal, based on fragile verbal agreements, located behind closed doors of private households, far from the public eye and the authorities, for many workers paid domestic and care work is a site of neglect or violation of both their human and labour rights. Thus, contemporary paid domestic and care work strengthens the marginal, vulnerable, and invisible position of the (migrant) worker as well as global economic and gender inequalities and hierarchies (Henshall Momsen 1999; Salazar Parreñas 2001).

Contemporary ideas and practices of motherhood, familial obligations, the excessive amount of work within and outside the household, as well as the maintenance of a specific lifestyle shape the demand for outsourced domestic and care work. Additionally, the continuous retrenchment of the welfare state and the provision of care services, combined with low birth rates and higher life expectancy, impact the increasing demand for outsourced care work by the aging European population as well as reshape and renegotiate generational solidarity within the family.

However, it is worth mentioning that neither women's work migrations nor paid domestic and care work is a new phenomenon. Some scholars defined women in Croatia in the nineteenth and the first half of the twentieth centuries as marginal subjects of migration, so-called white widows who, sometimes even for several decades, waited for their husbands to return (Rajković Iveta 2015). In fact, British historian Pamela Sharpe argues that, throughout history, women have been considered passive migrant subjects who do not migrate independently and travel exclusively to accompany their husbands, fathers or extended family members (Sharpe 2001). This point of view, however, is also the result of what Sharpe calls gendered obscurity, i.e., the lack of visibility of women's work migration in historical researches, caused by the inability of many researchers to notice, observe and define the agency of the female migrant subject (2001: 5). Many examples throughout European history will testify in favour of the previous statement. For example, in the nineteenth and early twentieth centuries, Slovenian female work migrants, the so-called *aleksandrinke* ("Alexandrians"), left their native Goriška region for Alexandria (Egypt) to work as governesses, wet nurses and domestic workers (Barbič, Miklavčič-Brezigar 1999). According to Aleksej Kalc, the case of *aleksandrinke* illustrates how women's work migration is positioned as a functional and strategic solution for the economic and social

survival of the overall Goriška region (Kalc 2015). In a similar vein, we may find many examples of women's work migration on the Istrian Peninsula and eastern Adriatic coast. Here women, locally called *dekle*, would leave the rural surroundings and neighbouring cities to work in urban households or to sell food and goods as *šavrinke*<sup>4</sup> and *mlekarice* (milk sellers). These examples deviate substantially from defining women as passive subjects in terms of economic or migrations strategies. Therefore, we could also position further research on the history of women's work migration by defining potential elements of continuity with the contemporary phenomenon of feminization of migrations.

Within the Croatian context, women's work migration is an under-researched topic. Rajković Iveta states that, from 1970 onwards, many women subsequently joined their husbands who filled temporary positions in Germany as part of the so-called *gastarbeiter* (guest-worker) programme (Rajković Iveta 2015). Sanja Lončar argues that contemporary new waves of Croatian work migrants to EU countries substantially differ from the previous ones in terms of employment sectors as well as the structure of migrants and countries of destination (Lončar 2013). In my research on practices and experiences of paid domestic and care work in Croatia and Italy, started in 2013, I have conducted interviews with both workers in Croatia as well as those who left for Italy in 1991 to find employment in the informal elder care sector. Elsewhere I have discussed how the daily practices in paid elder and domestic care are constructed, requiring a specific set of activities, structured regimes and strict schedules as well as dispositional attitudes and emotional labour (Mavrinac 2015). This chapter, however, aims to address the structure and scope of Croatian women's paid domestic and care migration to Italy from 1991 to date. In terms of methodology I have relied on open-ended in-depth interviews which I conducted on several occasions between 2015 and 2016 with ten paid domestic and care workers, followed by several follow-up interviews with five workers. My research participants were women who I reached primarily through informal channels, i.e., through the mediation of my friends and acquaintances. They were originally from the cities of Rijeka and Pula and their surroundings. Most of them have been long-term migrant workers employed in the elder care sector and have spent their migration cycle working for different households mostly located in northern and north-eastern Italy. As it will be further explained, all of the interviewees are live-in workers, mostly over fifty years of age, married with children and grandchildren. In

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4 The name refers to the region of Šavrinija, which indicates not only female inhabitants of the region but all female egg sellers in north-eastern Istrian countryside (Ledinek Lozej, Rogelja 2012).

the process of acquiring the confidence of the care workers, whose feelings towards the research were ambivalent due to the informal nature of their employment, numerous informal conversations and multiple trips to Italy and back proved to be most effective. Within the informal environment provided by the comforting repetitive background noises of wheels and human voices on the train or a bus, I could more easily address topics such as their informal work status, strong distrust towards institutions and the often stigmatized social position of paid domestic and care work. Unlike the ten women who became my research participants, many others declined to meet me in person. However, they still agreed to fill up a questionnaire which I drew up in order to acquire more quantitative information regarding the structure of female migrant domestic and care workers. The questionnaire consisted of fifteen questions on age, education, family background, duration of the migration cycle, the overall number of households where care services were offered, the geographical location of work, the description of work, previous experiences, the knowledge of language, and so on. I distributed the aforementioned questionnaires on buses travelling between Venice, Trieste and Pula, and Trieste and Rijeka, or handed them to my research participants who passed them on to other care workers. Being able to conduct both interviews and questionnaires provided me with a clearer insight into the extent of the phenomenon. Hence all the collected data are listed and used in the text below.

## THE MARKETIZATION OF PAID DOMESTIC AND CARE WORK

According to Studio Como and the Italian State Bureau of Statistics (ISTAT), both the structure and type of Italian immigration has changed tremendously over the last decade. First, from 2004 to 2006, the total number of immigrant workers in Italy increased from 48.2% to 50.6% (Studio Como in Van Hooren 2010: 28), followed by a constant increase in both work and family reunion permits relisted by the authorities. Later, in the aftermath of the refugee crisis, the said permits were replaced by the vastly growing number of residence permits issued for political and humanitarian reasons.<sup>5</sup> Consequently, in 2016, the total number of issued work permits decreased by 41% in comparison to 2015, when 12,873 work permits were relisted (*ibid.*). Nevertheless, the total number of immigrant workers in Italy is continuously rising. The ISTAT Report registered 1.79 million migrant workers (7.9%) in 2009, 2.11 million (9.3%) in

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5 See: <http://www.istat.it/>

2012 and 2.30 million (10.5%) in 2014. For the purposes of this discussion, it is interesting to note that the analysed report did not recognize paid domestic and care work as a separately listed category of (migrant) labour until 2004. However, by 2005, this “new” category of work appeared and, according to it, 10,7% of the overall migrant population found employment within this niche. In the following year, a large number of paid domestic workers and carers (168,000) appeared in the statistical reports. Since most domestic migrant workers at that time came from Eastern European countries, it can be assumed that this growth was enabled by the recent EU expansion. However, only some EU countries registered a high increase of migrant domestic workers while others, such as Sweden and Finland, did not. In fact, the domestic workers employment policy differed substantially between individual countries within the EU, influencing in different ways the structure of the domestic and care job market. For instance, Van Hooren argues that Spain, Italy and Greece introduced employment quotas, thereby allowing more liberal legislation and criteria while, on the other hand, Great Britain and Ireland introduced a separate visa regime for paid domestic and care work (2010). Germany, the Netherlands and the Nordic countries neither acknowledged the need for the employment of workers such as au pairs, carers, and housekeepers nor did they facilitate it (Van Hooren 2010). The reasons behind the aforementioned diverse policy panorama can be traced back to the unequal historical development of social policy, the welfare state and various political interests that shaped different strategies and solutions of each country (ibid.). Within the Italian system of family and social care, which has gone through tremendous modifications in the last few decades, paid elder care work has gained a specific importance filling the voids of inadequate social infrastructure and welfare regime (Van Hooren 2010: 21).

In the Annual Report of the Italian National Institute for Social Security (INPS) in 2016, 866,747 domestic and care workers were registered, signaling a decrease of 3.1% compared to the previous year. Domestic workers are still predominantly immigrants (75%) and the data collected show a continuous feminization of the sector in terms of a clear predominance of the female component at 88.1%, which is the highest value calculated since 2009 (Istituto Nazionale ... 2017). Although the number of domestic employees has grown enormously, almost doubling over a decade (2002–2012), a slight decrease (-14.3%) in the total number of domestic workers can be noticed between 2012 and 2016. Nevertheless, this decrease only includes foreign-born workers (-21.1% compared to 2012), while the total number of Italian domestic workers is gradually growing (+15.8%). Of the total number of domestic workers, 43.7% have a working relationship defined as a “caretaker”, 92.8% of which are female and

80.2% hold a “non-Italian citizenship” (Istituto Nazionale ... 2017). Hence, the paid domestic and care work sector has gone through some slight changes due to the growing presence of Italian workers. However, the continuous feminization and the predominant migrant character of the work, especially of paid elderly care work, reinforces the previous structure and typology of the job market.

Nowadays, the Italian Coordination of the Associations Working for the Rights of Customers and Consumers Protection (CODACONS) observes a widespread need for care workers. According to CODACONS, in 2015, Italian families spent around €10 billion on private paid domestic and elder care for approximately one million and a half elder care workers.<sup>6</sup> Despite the overwhelming necessity to provide care for more than 3 million ill and disabled elderly, the shrinking welfare state and restrictive migration policies have resulted in the development of an informal and unregulated domestic and care work market looking for services of often undocumented workers. In fact, CODACONS estimations reveal that only 40% of paid elder care workers have a written and regulated contract. A survey that the Institute for Sociological Research in Milan conducted on a sample of 1000 subjects reports that 6.6% of persons over the age of 65 have a carer, while 31.4% of interviewed domestic workers report working as cleaners, 17.4% as au pairs and 51.2% as carers.<sup>7</sup> In the above-mentioned report released by the INPS, domestic workers are divided into two separate categories: as domestic workers (*ital. colf*) and elder carers (*ital. badante*), respectively (Istituto Nazionale ... 2017). In both categories, workers are defined as “those who provide continuous work for the necessity of the employer’s family life” (Ibid.). In fact, according to Bridget Anderson, domestic work can be summed up using the triple C (3C), an abbreviation standing for three different sets of activities: cooking, caring and cleaning, which consist of combined and overlapping elements (Anderson in Lutz 2011: 7).

While the state’s social policy continues to insufficiently invest in the construction of nursing homes and the systematic development of social services for the elderly, the pressure and obligation to provide care remains within the family unit, characterized by intergenerational solidarity and pronounced closeness. Yet the traditional division of gender roles collides with the continuously increasing presence of women in the labour market. What is more, the growing demand for domestic and care work is spread across various social and economic statuses of families in demand which cannot afford costly private hospitals or nursing

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6 For more information see: [http://www.codacons.it/articoli/art\\_badanti\\_in\\_italia\\_sono\\_1,5\\_milioni\\_291362.html](http://www.codacons.it/articoli/art_badanti_in_italia_sono_1,5_milioni_291362.html)

7 See: <http://www.irsonline.it/>



homes. Hence having a care worker is no longer a question of “luxury but more of a necessity” (Sarti 2004: 4). The need to out-source care and domestic work influences the job market by creating a demand for migrant workers whose labour costs are notably lower. The above-mentioned INPS Annual Report registers the highest presence of domestic workers in north-western Italy (29.9%), followed by central Italy (28.6%) and north-eastern Italy (19.8%). The same goes for the data on the provenience of foreign workers. Most come from Eastern Europe (408,158 in 2015 and 391,800 in 2016), followed by Filipina workers (72,131 in 2015 and 70,375 in 2016) and workers from Latin America (63,069 in 2015 and 60,167 in 2016) (Istituto Nazionale ... 2017). With regard to age and education, domestic workers are mostly women aged 45–49, followed by those aged 50–54 and 54–59 (Ibid.). However, it is important to critically approach these data because they do not take into account the vast amount of unregistered workers. The aforementioned traditional gender division of labour within the family is also reflected in the Italian immigration policy, which, although increasingly restrictive, has had a favourable impact on carers as is demonstrated by the constant rise of realized employment quotas for migrant domestic and care workers. From 15,000 workers registered in 2005, the said quota rose to 45,000 issued permits in 2006, 65,000 in 2007, to the total number of 105,400 realized permits in 2008 (Van Hooren, 2010: 25). In contrast, only a total of 16,000 permits were issued for all other forms of employment in 2005 and later, in 2006, that number grew to 33,500 permits (Studio Como in Van Hooren 2010: 28). Hence, combined social, economic and political elements within the Italian state enhanced such a favourable policy towards the so-called marketization of domestic and care work in which care is distributed, marketed and consumed as any other commodity (Lutz 2011: 22).

The year of 2008 saw the beginning of the first wave of the economic crisis and the strengthening of the propaganda manifestos of right-wing political parties such as Berlusconi's *Popolo della Libertà*, Fini's *Alleanza nazionale* and Bossi's *Lega nord*. Together, they advocated the criminalization of illegal migration, whereby it would cease to be an act of misdemeanour and become a punishable criminal offence (Van Hooren 2010: 28). This turn to the right resulted in a sharp increase in submitted requests for the regulation of the domestic workers status by 114,336 Italian families, which simultaneously became subject to fines. Still, regardless of political orientation, all political parties were equally mildly favourable towards domestic workers. Croatian newspapers, too, reported on similar double standards of Italian migration policy. An article published in a local newspaper, shortly after Croatia's accession to the EU, referred to the double standards of employment restrictions applied

in some and revoked in other occupations. According to the report, a circular letter was released by the Italian Ministry of the Interior and the Ministry of Labour to all regional employment bureaus, explaining that Italy was about to introduce a two-year restriction on employing Croatian citizens (Velan 2013), with the exception of categories such as researchers, highly qualified workers, seasonal workers and housekeepers (ibid.). Today, the predominantly informal nature of their job makes it extremely difficult to assess the exact number of Croatian citizens working in Italy. According to some media speculations at the beginning of the new millennium, over 36,000 women were working as carers in Italy (Herceg 2000). Melita Richter, Croatian sociologist at the University of Trieste, considers this number plausible and vividly describes the multitude of Croatian women migrant labourers as “invisible processions” (Richter 2015: 4). However, the said number is considered to have been even larger prior to the first EU expansion, when female citizens from other parts of Eastern Europe entered the labour market. This fact clearly indicates the significant historical contextualization of the phenomenon. Specifically, the “new female migrants” would later push Croatian carers from the labour market to such an extent that the latter would not even appear in the new national statistics report issued by ISTAT in 2011. The aforementioned example of outsourced domestic and care work represents a desirable option for sending countries interested in the influx of foreign currencies. This was very clear to all the women I have interviewed: “Everyone knew we were going to work. The buses were full! We were stopped at the borders, first ours, then the Slovenian, then the Italian! We were frightened to death that they wouldn’t let us pass, but they knew everything, they just wanted to harass us.” (I., 70 years old, Rijeka).

## **CROATIAN ELDER CARE WORKERS IN ITALY – A PERMANENT TEMPORARY SOLUTION**

The interviews and questionnaires I have conducted with Croatian domestic workers and caregivers who were or still are working in Italy show that the majority of women are married, with children and aged 50–65. Hence, in contrast to the above-mentioned INPS Report, they are slightly older than the average care and domestic worker in Italy. For the workers paid domestic and care work comes after a succession of different types of employment in their home country. Some have had successful careers, others were already retired prior to their departure. However, for the majority, migration usually follows either at the end of their working life or after 15–25 years of work, when they

were suddenly left jobless and condemned to permanent unemployment due to their age and the job market saturation. Again, according to the data collected in the open-ended in-depth interviews, the average duration of domestic and care work engagement in Italy amounts to eight years, ranging from one to nineteen years of service. The initial demand for Croatian elder care workers in Italy was partially rooted in a certain degree of cultural closeness embedded in the historical and political relations that cross-linked the Istrian Peninsula and the Croatian Littoral, such as language and familiarity with Italian cuisine as one carer said “*jota* (bean and cabbage stew, author’s note) *is eaten both here and there*” (F. 74 years old, Pula). For this reason, Croatian paid carers were in high demand, demonstrating that such cultural stereotypizations were used to build a reputation and improve the overall position in the job market. According to the testimonies I collected, Croatian carers did not have major difficulties finding work in the early 1990s. Women from Eastern Europe were considered naturally inclined and adequate for tending to the household, children, and the elderly (Anderson 1999: 128). Van Hooren argues that the “pacified image of the carer” appears in the media discourse as a way to enhance social recognition of the so-called *migrant-in-the-family* model of elder care (Bettio in Van Hooren 2010: 25, 31–32). The latter indicates a new model of provision of care that is no longer exclusively a constituent part of the moral economy relations located within the family unit, but rather it becomes outsourced, commodified and placed on the migrant labour market. The interviewees from Istria, the Croatian Littoral and Dalmatia mostly migrate to north-eastern Italy – i.e., to and around the cities of Trieste, Venice, Udine, Padua, Milan, Bolzano, etc.

Unlike the above-mentioned example of Croatian women work migrations to Germany and Austria, studied by Rajković Iveta, migrant domestic and care workers leaving for Italy are not the second generation of migrants, but rather women who, within their own families, have become pioneers of migration. To them, leaving their homes seemed to be the only solution and the last resort in the struggle for their survival and that of their families. “None of us left in a quest for luxury, my children were still in school and I couldn’t expect anyone else to pay my bills for me” (K., 74 years old, Rijeka) or “I left in a tearing hurry, my husband became disabled due to a meniscus injury at work, and you know how the privatization went... we could have been hungry, I panicked!” (Lj., 56 years old, Pula). Although the women I have interviewed are not a homogenous group and there are various individual stories and trajectories, their motivation for leaving was mostly economic. However, the economic goal which triggered their migration in the first place did not necessarily support it afterwards. More specifically, upon fulfilling the first, other motivations followed. For example,

according to many care workers, it was initially about meeting basic needs and paying basic costs such as loan instalments, rent, utilities, etc. Later on, women migrated because they needed new prescription glasses, laptops, PCs or to pay for the costly appointments with private physicians, i.e., for the maintenance of the newly gained life standard. Many paid domestic workers coming from other countries across the globe have experienced downward social mobility. As in the case of the Filipina migrant domestic workers, the majority of research participants, who previously held employment with high school diploma or higher qualifications, have experienced contradictory class mobility within the migrant context. Despite being economically more profitable than their jobs back home, the work they are performing is socially devalued and often invisible (Salaazar Parreñas 2001: 150–196).

Most interviewees never imagined that their work in Italy could become a long-term commitment. For them it was a temporary solution dictated by their economic needs but also by the fragility of the elderly in care. In fact, because of various medical conditions of the elderly, most carers could not predict for how long each individual engagement would last, revealing the intrinsically unpredictable nature of this work. During the migration cycle, they would on average work as live-in carers with five families, which was a decision based on the fact that such an option enabled cutting down expenses as well as providing “shelter” from the potentially perilous attention of state institutions. In most cases, they found their first employment informally, through other carers, acquaintances or upon recommendation of family and friends. This indicates that the activation of social capital and social networks is equally decisive prior to as it is during the migration cycle. This fact is also pointed out by Lončar in her research on Croatian domestic workers in Germany who, by exchanging information, goods and services, are also building a complex, albeit imperative economy of relationships (Lončar 2013). In the case of Croatian elder carers in Italy, the telephone numbers of potential employers that circulate in buses or trains become a similar manifestation of social capital. In this manner, a tight network of services and counter-services is knitted which becomes crucial in the situation of both economic and legislative precariousness. However, through mutual support and exchange, solidarity and trust are being constantly negotiated and recreated. In her book *Moja Italija [My Italy]*, Katarina Abramović writes about the strength and importance of this network:

We stopped by a café in which we've been meeting for years, ever since I've been coming to Tirano. I found many acquaintances there, some of whom I met as early as spring 1994, when I started working in Italy, but there were also new ones.

Around fifteen women from Rijeka and the surrounding area and an equal number of their substitutes are in Tirano at the moment. So, around thirty families from Rijeka have received direct income from work in Tirano ... It is precisely because we have the same job that we understand and support each other. If one of us has a problem, we listen and try to help or at least give a piece of advice (Abramović 2010: 184, 232).

The aforementioned example also testifies to the presence of a homogenous chain migration and micro-interaction between care workers during the last decade of the twentieth century. As in the example of the *aleksandrinke* above, the Croatian case of migrant domestic and care workers indicates the importance of female work migration for the economic survival and social stability of their native communities. Even though the specific amount of financial inflow that these women have provided for their own families remains unknown, many of them have filled the role of primary breadwinners. Hence, although it has mostly remained an informal, unrecorded and socially unrecognised form of employment, its causes and effects are structural, rooted in a specific post-war and post-socialist period characterized by class stratification and economic polarization. For these reasons, many carers feel marginalized and abandoned because of the social invisibility linked to paid elder care work.

Well, of course it's not okay, because you didn't save money all your life and later use it so that someone else could get rich. So, this shouldn't have happened! I think that the state is also to blame ... They've shown they don't care and they should be really, really ashamed of themselves! (F. 74 years old, Pula).

Within the narrations of all research participants, the notion of care is constructed as something that one knows and copes with. Care is considered a naturally developed knowledge that does not require professional preparation: "Nobody taught me how to use the syringe, how to measure blood pressure and glucose levels... I never thought I needed to know that" (prior to the employment, author's note, F. 74 years old, Pula) or "At the end of the day all you need to do is hold their hand, listen to them, and not let their words get to you if they've insulted you" (M., 67 years old, Pula). The typical duration of stay, the so-called shift or *smjena*, is between fifteen days to a month and a half, after which another Croatian carer arrives, whose shift will be of the same duration. As already mentioned, Croatian carers perform their work on a live-in basis. They share the same living space with care recipients 24/7, and their work and leisure time are almost inseparable (Degiuli 2007: 196–205). Carers not only

invest time and energy in their work, but they also provide comfort, emotional support, patience and other services that are crucial for the daily performance of elder care. Elsewhere I have discussed the strict daily practices and routines of paid domestic and eldercare work that constitute and structure both work and rest time of the live-in care worker (Mavrinac 2015). However, paid domestic and care work consists of many measurable and immeasurable aspects that are hard to grasp and quantify. Emotions, which Russell Hochschild considers an unfairly distributed resource – “extracted from one surroundings and consumed in the other” – are a key element in the process of constructing and negotiating paid care (Russell Hochschild 2002: 22). Patience, affect, empathy and so on are all considered an intrinsic part of paid domestic and elder care. Hence, it is not only a well-defined set of activities that is daily required of the workers but their dispositional attitudes and emotions as well (Degiuli 2007). Care as a commodity and a resource constitutes networks of the so-called care chain, underlining global inequalities shaped around both economic and emotional factors (Salaazar Parreñas 2001; Ehrenreich, Russell Hochschild 2002). Within this framework, care has become a commodified good available to wealthy families and individuals and provided by migrant workers (Salaazar Parreñas in Hrženjak, Humer 2011: 99). This emotional inequality brings the worker and the elder closer. “These old people also felt abandoned, we were alone, they were alone. Their daughters would come, but she would get so mad at them that it would take me an hour afterwards to calm them down. But with me, this relationship changed.” (F., 74 years old, Pula).

However, although the symbiotic condition (Grilli, Mugnaini 2009) is an intrinsic part of paid elder care, what distinguishes Croatian carers from other transnational carers is the duration of a single shift. Specifically, in the case of other transcontinental migrant workers, the continuous stay in Italy can last over a year, while in the case of Croatian carers, the tension between being and belonging becomes clearly visible (Povrzanović Frykman 2016) when workers continuously shift from one location to another, moving back and forth from their own home to the home of the elder care recipient. Many testimonies confirm that they maintain manifold relations with their home country (Čapo Žmegač 2003: 118). What is more, multiple private and social relations are continuously activated and recreated through the daily routines of telephone calls during the official break, between 4 p.m. and 6 p.m. On these occasions, women virtually run a household they have left behind. “Our women need to be perfect both here and there. They manage two households and take care of two families, their own and somebody else’s.” (K., 74 years old, Rijeka). They skilfully overcome both spatial and temporal boundaries by continuously stating,

deliberating and even returning in their narratives to the time that preceded the migration or that transferred them to another place. Indeed, in this case, we find a specific transmigrant practice that enables migrants to “connect the locality to which they migrate with the locality from which they come” (Čapo Žmegač 2003: 119). In doing so, they create not only a transnational but also a multilocal social space (ibid.). However, the latter is placed within a concretely sought temporality, without the intention of turning it into a permanent relocation. In their testimonies, all the domestic and care workers I have interviewed underline the fact that their decision to leave for Italy was based on the expectation that they would only go for a limited number of times. For them, the definition of paid elder care work as a temporary solution is crucial in the decision-making process. Nonetheless, their situation is usually transformed into something that may be defined as a permanent temporary solution, something that, each time the informants leave for their shifts, reactivates the decision-making process, with the temporality aspect, stressed over and over again, mitigating the tensions created by the multilocality they experience and reproduce.

## AN OPEN-ENDED CONCLUSION

Contemporary paid domestic and care work is characterized by migration, informality and transnationality. Millions of women leave their homes in order to find work in households across the globe. Hence, migration flows as well as the paid domestic and elder care sector have gone through an intense feminization process. Within the Italian context, albeit slightly decreasing, there is still a high demand for outsourced migrant domestic and care work, caused by the shrinking welfare state and positive migrant policy. Croatian paid domestic and elder care migration to Italy started at the beginning of 1991, shortly after the collapse of the socialist Yugoslavia. Since then, it has continued, based on informal networks established by the workers. Although there are no clear data, an estimate of tens of thousands of women left their homes at some point looking for work in the paid domestic and eldercare sector. For Croatian women, the migration to work as paid carers in Italy was a temporary solution motivated by economic necessity that turned into repeated long-term work engagements. Besides the mostly informal arrangements of their engagement and the emotional stress caused by the difficulties related to elder care, workers underline the importance of the process of adaptation and negotiation between both their families and the families they worked in: “It isn’t easy to welcome a stranger in your own home.” (K., 78 years old, Rijeka). With time, they have developed occasionally nice and

close relationships with the families and persons they tended to. However, the question that remains unanswered concerns the potential changes within their own families, i.e., the extent to which the experience of work migration modifies or additionally strengthens traditional codes. What are the reactions to the absence and loss of a female family member? As one of the narrators states, her husband would often say to her: “Lucky you, you’re working in Italy,” to which she responds: “He considers me lucky, and he’s in his own home, with his near and dear ones, watches his television and does whatever he wants, drives his own car, has his own boat, all the while thinking that I’m the lucky one, that I have it easy.” (M., 60 years old, Rijeka)

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**MOBILITY AND HIGHLY  
EDUCATED WORKERS**

*Highly educated worker on the move (photo: Igor Lapajne, 2017).*

# BRAIN DRAIN FROM SLOVENIA: NATIONAL AND REGIONAL ASPECTS OF “BRAIN CIRCULATION”

*Damir Josipovič*

## INTRODUCTION

The aim of the contribution is to assess and analyse the emigration of highly educated persons from Slovenia as part of the recent migration trends within the context of labour force mobility. The studied materials, including the official statistical data and findings from the EU-funded project on resilience,<sup>1</sup> allow for new insights, particularly when deliberating the regional effects of such a phenomenon. In this way, the contribution sheds light on the traditional emigration region of Prekmurje in north-eastern Slovenia. Applying the demographic and statistical analysis methods, the study first provides a statistical and demographic evaluation of previous assessments concerning the extent of contemporary “skilled” out-migration from Slovenia and from the Mura (Pomurska) region. Second, it argues that, methodologically, one should discern between the national context and regional disparities to be able to realistically address the salient features of contemporary emigration from CEE countries.

The so-called “brain drain”, as one of the key analytical frameworks of looking upon and explaining migration and labour mobility in particular, has been on the rise in Slovenia, especially after 2004. That is, since well before the last financial and economic crisis hit in the last quarter of 2008, when the established “skilled” migration chains started to flourish even in supposedly better-off regions. The migration dynamics over the last decade have shown a massive increase in circulation itself, regardless of the émigrés’ educational background. Combining all of them together, we speak of ever-increasingly mobile tens of thousands moving to or from Slovenia every year. How to deal with such an unexpected and seemingly novel situation? The contribution argues that the main determinants of the latest brain drain from Slovenia should be sought within a macro-societal

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<sup>1</sup> The work at hand is a result of the long-term interdisciplinary project Innovative Social Policies for Inclusive and Resilient Labour Markets in Europe (FP7 INSPIRES).

framework. The said framework consists of a macro-economic setting shaped with a particular education policy “style” underpinned by a sharp break from previous policies of labour market recruitment. In contrast to the theory of “brain drain” – being either a curse or boon (Commander et al. 2004) – the utensil of education is not addressed adequately (ibid.). Here, we argue, it plays a pivotal role in shaping the migration flows. That is not to say that the economics *per se* do not play any role. On the contrary, the disparity between the national labour market and the educational attainment inevitably nourished what later became known as “citizen emigration”. With this, a new wariness emerged about little prospects of emigrating people ever returning. But as Graeme Hugo (2013) puts it:

[C]ircular migration can have a number of positive effects on both countries of origin and countries of destination. It enables destination countries to meet labour shortages in a flexible and timely way, and allows them to address shortages that are specifically seasonal or short term. For countries with shortages in particular skill areas, it can allow them to buy time to train sufficient local workers to do key tasks. For those experiencing aging, circular migration may offset the aging of local populations without eventually contributing to the growth of the aged population. Finally, circular migration may often be easier to “sell” to electorates who might feel threatened by the prospect of permanent migration. (Hugo 2013)

But, do we – or to which extent may we – speak of circular migration in the case of Slovenia and/or its peripheral regions? Moreover, is circular migration helping benefit local populations or propelling the new “wave” of emigration?

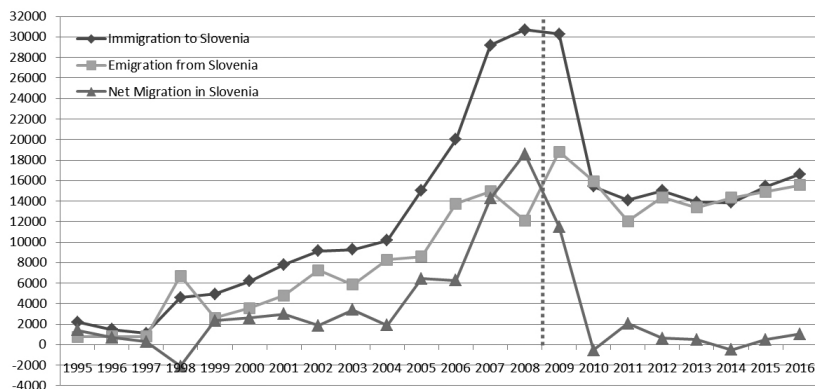
In order to address these questions, an analytical framework<sup>2</sup> was made to distinguish specific periods according to the extent of emigration from Slovenia and then to make use of a wider political and socio-economic context. Analysing the official data on migration movements recorded from 1992 and other demographic characteristics of the Slovenian population, we distinguished three main developmental periods.

The first period (1992–2004) reveals the traces of inglorious “erasure” of some 30,000 permanent residents of Slovenia (Josipovič 2015). The second

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2 Consulted and primarily analysed were the official statistical data on emigration, immigration, migration balance, age, sex and regional provenience of migrants from the National statistical Office (SORS), which revealed age- and sex- specific deficits in the population structure. To put the data in a broader context, we applied the novel qualitative insights from the project FP7 INSPIRES. Finally, within this three-fold scenario, the official data on education, income and sex, along with regional statistics on migration, were cross-examined and analysed in order to assign ponders to which extent the pertinent mobility is “skill-prone”.

period (2005–2009) marks a pronounced immigration, especially of workers in the construction sector to participate in what was later labelled the “construction bubble”.<sup>3</sup> As the majority of immigrants remained foreign citizens, they were forced to move out of Slovenia because their employers either collapsed or introduced austerity measures and curtailed employment. The third period (from 2010 on) symbolizes a weak recovery of immigration creating a slight population surplus with a pronounced migration circulation; i.e., in- and out- migration (Graph 1).



Graph 1: Migrations in Slovenia, 1995–2016 (source: SORS)

While immigration alone to Slovenia amounted to more than 30,000 in the pre-crisis period (2008), it has stabilized at around 15,000 from 2010 on, thus levelling the year of 2005. On the other hand, while gross migration still exceeds

3 The newly introduced neo-liberal (anti-Keynesian) policy of the government of Janez Janša (end of 2004–end of 2008) heavily credited private enterprises, which in turn produced a huge deficit and later, under the government of Borut Pahor (end of 2008–beginning of 2012), devolved on public debt (cf. Markič 2007). The overall debt flung from 8 (end 2008) to 32 billion EUR (end of 2015) by converting credit guarantees into public debt (source: Slovenian National Report 2016). The problem culminated with rising interests for newly assigned loans of the government of Alenka Bratušek (with Finance Minister Uroš Čufer). If Slovenia was paying 459.5 million EUR for interests in 2004, the amount soared to 1.251 billion EUR in 2015. In turn, the AROPE rate rose to 20 per cent with some 400,000 residents suffering poverty, predominantly elder women and single-parent households. N.B. If Slovenia had not paid the interests, the national budget would have remained balanced – i.e., Slovenia irreversibly lost 7.108 billion EUR after the financial crisis outbreak (Slovenian National report 2016).

30,000 (in 2016), emigration is levelled with immigration, and thus contributes to a very low migration surplus, lower than those during the 1990s (Graph 1).

Breaking down migration by citizenship (Slovenian or foreign) uncovers the complexity of the movements of Slovenian citizens as well as, of course, all other migrants. Table 1 summarizes the data on population dynamics on a quarterly basis and highlights the relationships between diverse categories of events. People involved in migration well outdo any of the natural components of population change (number of births, deaths). For example, the event of marriage is seven times rarer than the event of international migration. What is more, internal migration is soaring, with some 110,000 official changes of address per year (Table 1). This striking data implies an increasing instability of national labour markets, instigated by the recent financial and economic crisis, first by provoking the flow of migrants from the periphery to the centre and then by pushing them abroad. By concentrating jobs in cities, the response of firms to the crisis was unanimous – to cut costs and in this way force the worker to either commute or move to a new workplace. When “rationalized” firms further deteriorated, collapsed or curtailed their employment, the once resettled and “out-rooted” worker becomes an easy prey for emigration (cf. Josipovič 2013). Or as David Harvey brilliantly demonstrated on the US example:

At times of crisis, the irrationality of capitalism becomes plain for all to see. Surplus capital and surplus labour exist side by side with seemingly no way to put them back together in the midst of immense human suffering and unmet needs. In midsummer of 2009, one third of the capital equipment in the United States stood idle, while some 17 per cent of the workforce were either unemployed, enforced part-timers or “discouraged” workers. What could be more irrational than that? (Harvey 2011: 215–6)

Slovenia followed these steps just a couple of years later. It is hence not surprising that, based on their residence status in Slovenia, foreign citizens in Slovenia were much more vulnerable to “undesirable” migration and circularity due to labour market volatility than Slovenian citizens. With that the overall migration picture becomes blurred and makes us believe that emigration is not a particular problem. Even though, analysing the movements of Slovenian citizens alone, their exposure to (e)migration intensified over the last decade. Only from October 2011 to December 2013, as much as 10,529 citizens left Slovenia permanently – some 4700 persons per year – excluding circular and return migration (Table 1). Since Slovenia had a positive migration balance in



that period (+1677), the said deficit was absorbed by foreign citizens residing in Slovenia (+12,206) who made this inconvenient truth less evident.

	2011	2012				2013			
	X–XII	I–III	IV–VI	VII–IX	X–XII	I–III	IV–VI	VII–IX	X–XII
<b>Live births</b>	5,276	5,226	5,452	5,891	5,369	4,933	5,153	5,726	5,167
Boys	2,706	2,650	2,820	2,996	2,853	2,513	2,653	2,890	2,677
Girls	2,570	2,576	2,632	2,895	2,516	2,420	2,500	2,836	2,490
<b>Stillbirths</b>	28	16	21	25	32	25	25	24	23
<b>Fatherhood acknowledgements</b>	3,027	3,038	3,079	3,186	2,805	2,905	3,025	3,175	2,870
<b>Deaths</b>	4,780	5,502	4,527	4,406	4,822	5,430	4,681	4,443	4,691
Men	2,320	2,636	2,229	2,203	2,344	2,631	2,344	2,234	2,274
Women	2,460	2,866	2,298	2,203	2,478	2,799	2,337	2,209	2,417
<b>Infant mortality</b>	15	6	10	11	9	16	10	21	15
Boys	13	3	6	5	4	8	6	9	9
Girls	2	3	4	6	5	8	4	12	6
<b>Marriages</b>	1,034	683	2,617	2,706	1,051	604	2,301	2,405	911
<b>Divorces</b>	640	622	693	453	741	591	640	443	614
<b>Immigrants</b>	3,796	3,391	3,228	4,063	4,340	3,486	3,363	3,697	4,049
Slovenian citizens	701	693	632	824	592	797	633	757	724
Foreign citizens	3,095	2,698	2,596	3,239	3,748	2,689	2,730	2,940	3,325
<b>Emigrants</b>	3,537	3,084	3,418	3,687	4,189	3,353	3,178	3,431	4,103
Slovenian citizens	1,416	1,562	2,097	2,256	2,276	1,694	1,724	1,782	2,075
Foreign citizens	2,121	1,522	1,321	1,431	1,913	1,659	1,454	1,649	2,028
<b>Inner migration</b>	29,421	26,415	25,967	30,408	29,878	25,327	24,361	30,562	33,139
<b>Net migration of Slovenian citizens</b>	-715	-869	-1,465	-1,432	-1,684	-897	-1,091	-1,025	-1,351
<b>Natural increase</b>	496	-276	925	1,485	547	-497	472	1,283	476
<b>Migration change</b>	259	307	-190	376	151	133	185	266	-54
<b>Total increase</b>	755	31	735	1,861	698	-364	657	1,549	422

Table 1: Population dynamics in Slovenia, 2011–2013 (source: SORS)

## HOW DO THESE DATA REFLECT THE REGIONAL LEVEL? THE CASE OF THE MURA (POMURSKA) REGION

Another distinction that should be addressed is the regional-geographical distribution of migration in Slovenia. Even though the general figures show a positive picture, the effects of the crisis bear traces of profound changes in regional structures. The Mura (Pomurska) region<sup>4</sup> exhibits the biggest loss of population from 2008 to 2017 (-6347 or 5.2 per cent) of all Slovenian regions. Within the region, a greater part (Prekmurje) covering the left bank of the Mura River, especially the administrative unit (AU) of Lendava (-7.7 per cent) with a significant Hungarian community, lost more population in comparison to Prlekija (a smaller part on the right bank of the Mura River), where the Gornja Radgona AU lost 2.9 per cent of its pre-crisis population (Table 2).

	1 Jan. 1998	1 Jan. 2008	1 Jan. 2017	2008/ 2017 change	2008/ 2017 change	1998 popu- lation share	2008 popu- lation share	2017 popu- lation share
SLOVENIA/ REGION/AU	1,984,923	2,025,866	2,065,895	102.0%	+40,029	NA	NA	NA
Gornja Radgona AU	20,931	20,584	19,978	97.1%	-606	16.6%	16.9%	17.3%
Lendava/Lendva AU	25,405	24,504	22,613	92.3%	-1,891	20.2%	20.1%	19.6%
Ljutomer AU	18,706	18,245	17,591	96.4%	-654	14.9%	15.0%	15.2%
Murska Sobota AU	60,680	58,491	55,295	94.5%	-3,196	48.3%	48.0%	47.9%
<b>PREKMURJE</b> historical region	86,085	82,995	77,908	93.9%	-5,087	68.5%	68.1%	67.5%
<b>PRLEKIJA</b> historical region	39,637	38,829	37,569	96.8%	-1,260	31.5%	31.9%	32.5%
<b>POMURSKA</b> (MURA) STATISTI- CAL REGION	125,722	121,824	115,477	94.8%	-6,347	100.0%	100.0%	100.0%

Table 2: Population change in the Mura (Pomurska) statistical region with Prekmurje and Prlekija historical regions 1998, 2008, 2017 (SORS 2017)

4 The Mura (Pomurska) statistical region covers the north-easternmost part of Slovenia. It is one of the twelve statistical regions of Slovenia, more or less consistent with NUTS 3 regional divisions of the EU, though with no political jurisdiction. Slovenia lacks any kind of political-administrative regionalization.

Whether this loss is attributed to emigration or negative natural change (when the number of births is lower than the number of deaths) may be determined from the following analysis. The age structure of Prlekija grew closer to that of Prekmurje, whereby the growing share of the “65+ population” implied a lower net loss due to mortality. Within the Pomurska region both sub-regions saw a rising aging index in the period 2008–2015: in Prekmurje the index rose to 147.2 (+17 per cent) and in Prlekija to 143.9 (+23 per cent) elderly population (65+) per 100 youngsters (14–). This differentiation would have had a greater impact on the total population change at a slower aging rate. Interestingly, the renowned shorter longevity in the Slovenian east does not hold any more. Namely, women have prolonged their life expectancy to exceed the Slovenian average by eight months, while men have remained well beneath the national average (-8 months) in 2015 (source: SORS).

As regards fertility, the main component of the natural population change, the Mura region is well below the national average (1.58 vs. 1.44 children per woman in child-bearing age in 2016, expressed as a total fertility rate). Hence, it is unlikely to expect that fertility (1033 births per year in the period 2008–2016) would soon be able to replace the demographic loss. Moreover, it is clear that the “death-toll” of the elderly (averaging at 1358 per year in the period 2008–2016), with a yearly natural loss of 325 persons, is way too excessive to expect any kind of demographic recuperation.

To assess the direct effects of migration, it is necessary to remove the impact of the natural population change. The negative population balance of 6347 residents should then be reduced by 2926 (the negative natural change in the period 2008–2016). Thus, we can grasp the so-called mechanical change of population (-3421 residents in the period 2008–2016 or 380 per year). Can we corroborate these numbers with the official data on migration? To do that, we first need to establish the relationship between emigration abroad and out-migration to other Slovenian regions.

As mentioned earlier, the first deterioration of the local labour market in the Mura (Pomurska) region may be traced into the period after Slovenian independence, when many former socialist “giants” collapsed or were restructured. The last major blow to industry in the region was the bankruptcy of Mura Textile Company in 2014, leaving thousands of workers without employment.<sup>5</sup> Apart

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5 Mura was one of the most successful textile factories producing suits for brands like Hugo Boss, etc. In 1990 Mura had 6500 employees and it was by far the biggest employer in the region. The number of employees was gradually reduced to 3300 until the first bankruptcy in October 2009, when more than 2600 workers lost their jobs. After a steady recovery and privatization some 650 workers remained in Mura. In May 2014, when the second, and final bankruptcy

from being a prominent emigration area throughout the twentieth century, the Mura region (and especially the historical region of Prekmurje) partially managed to compensate out-migration with in-migration from other Slovenian regions or from abroad. Strikingly enough, the region had a neutral international migration balance roughly until 2011 (-40 persons in the entire period 1995–2011, with women more inclined to move abroad: -159). Expectedly, during the construction bubble (2005–2008), the balance was positive: +276 persons (Graph 2; cf. Josipovič and Trbanc 2012). On the other hand, the Mura (Pomurska) region lost systematically through emigration to other Slovenian regions (-1569 in the period 1995–2010). From 2011 on, in contrast with previous period, the region regained 112 residents through inter-regional migration. Nevertheless, the whole period 2008–2016 was marked by huge net emigration (-2680 inhabitants), with 1740 moving abroad and 940 moving to other regions (Graph 2).

However, there might be reasons for concern about the reliability of statistical data on migration. According to our analysis, there is a discrepancy of 741 persons missing from the registers. What does that mean? May these numbers be ascribed to cross-border daily, weekly or monthly commuting, to seasonal migration, to emigration void of statistical coverage or simply to unreliable data collection? Without an additional scrutiny this is impossible to tell. Like Paweł Kaczmarczyk observed for Poland, there are significant differences in statistics across the EU countries, including Slovenia:

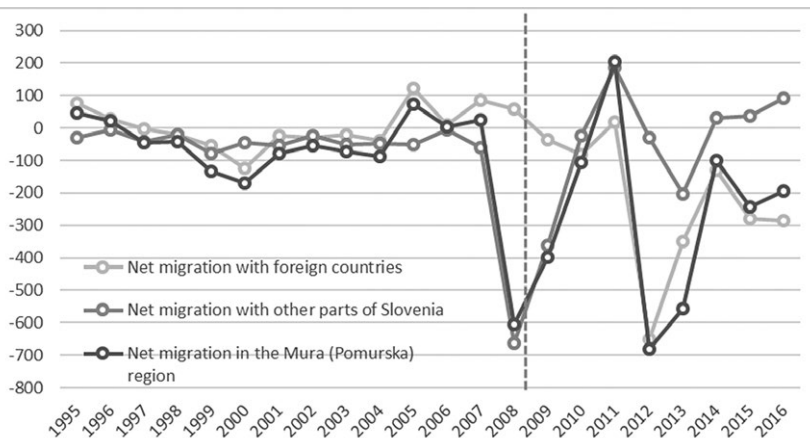
[T]he major problem with assessment of migration trends in most CEE countries is related to methodological and statistical issues. In the communist period, a uniform and particular migration registration system was introduced. The system was based on a specific definition of a migrant, closely connected to documented permanent residence in the country. As a consequence, in the majority of CEE countries an emigrant is (still) defined as a person who has declared an intention to leave for another country (left with an intention to settle abroad) by de-registering him- or herself from their permanent place of residence. In no way does such a concept of a migrant relate to the duration (neither actual nor declared) of stay in the destination country. According to Okólski (1997), this makes migration statistics in the EU8<sup>6</sup> countries incompatible with the respective statistics in the overwhelming majority of other countries, which causes serious problems when assessing the scale of and trends in migration. (Kaczmarczyk, 2016)

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occurred, all of the remaining 1200 workers lost their jobs, after which many moved to textile sector in the neighbouring Austria (source: Sobota Info).

6 EU8 designates the post-socialist CEE countries less Croatia, Bulgaria, and Romania (i.e., Visegrád Group, Baltic States, Slovenia) (Josipovič 2012).

One way or the other, the official migration statistics for Slovenia are still the only source of more or less coherent analytical platform.



Graph 2: Migration from the Mura (Pomurska) region, 1995–2016 (source: SORS)

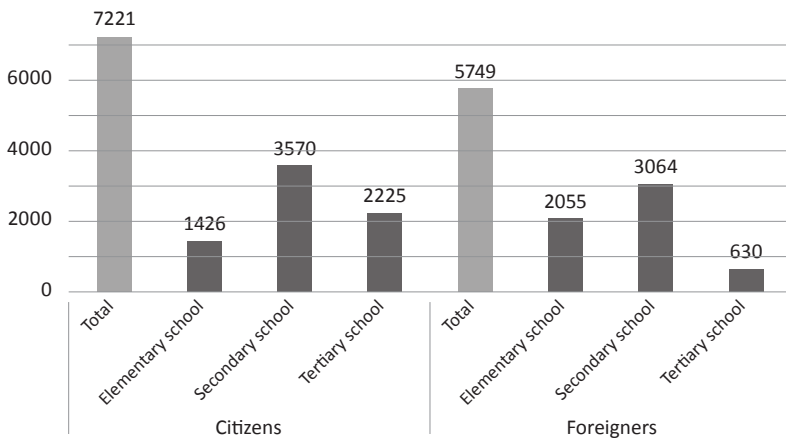
When explaining the unique distribution of migration figures over time in the Mura (Pomurska) region (Graph 3), one may clearly identify a new pattern of higher volatility of migration flows emerging since 2008. The first break from long-term movements was in the field of interregional migration. The net loss of more than 600 migrants in 2008 recurred in 2012, when it was topped by a similar number of those who left abroad. Thus, the year of 2012 witnessed the biggest loss of population through emigration. More importantly, it confirmed the theoretical ‘circularity’ of migrants (after Hugo 2006).

## BRAIN GAIN FOR LJUBLJANA? OR BRAIN DRAIN FOR SLOVENIA: CENTRE VS. PERIPHERY

How to assess the migration of highly educated persons remains the core question that is being tackled in various ways across disciplines. Here, we aim at an interdisciplinary approach combining the demographical data, alternative sources of migration data like an enquiry into highly educated persons (to be dealt with later in the text) and deductive reasoning, using the cross-referenced aggregated data on education, age, gender and migration. The first such assessment

was already made in 2007, when we claimed that Slovenia had been losing some 1500 citizens to emigration per year, with at least 20 per cent (one fifth) of them being ascribed to the brain drain (Josipovič, Šumi 2007).<sup>7</sup> That would amount to more than 300 highly skilled persons per year. Almost ten years later, in 2016, our assumptions proved correct when the intellectuals' society "Vtis" (i.e., Impression) announced that as much as 600 highly educated persons confirmedly left the country in the previous year, which signalled an accelerated brain drain rather than a wishful "brain gain" as popularly stated in the "Strategy of economic immigration" published in 2011 (Ministry of Labour 2011).

After years of lacking reliable data on emigration, the Statistical Office of Slovenia combined the data on education and age for those who had emigrated. Hence, it only lately became possible to observe emigration through all of the aforementioned parameters, including the population breakdown by citizenship. For 2015 we analysed 7945 emigrant men and 5025 emigrant women (of all 12,970 emigrants that year). We officially earned the approval of our assessment from 2007 (i.e., more than 20 per cent), since the overall yearly loss of highly skilled persons amounted to 22 per cent. However, even more important is the fact that among emigrant citizens (7221) this share amounts to 31 per cent, while amidst foreign citizens leaving Slovenia (5749) the share is at 11 per cent (Graph 3).



Graph 3: Emigration from Slovenia by citizenship and education, 2015 (source: SORS)

7 One of the speakers at the round table on emigration of skilled persons, held at Radio Slovenia in 2007, Mr Tony Lenko, a facilitator of Slovenian migrants to Australia, confirmed our assessment as highly plausible.

Furthermore, we also compared the emigration rates by sex and age. Among men, 16.1 per cent were highly educated and highly educated women represented 31.4 per cent among female émigrés. Thus, Slovenia is, at least for the time being, losing the most propulsive future class of society. Slovenian citizens (2753) represented 55.7 per cent of all émigrés (4424) in 2015 and 62.2 per cent in a critical emigration age (25–34). Moreover, the highly educated amongst young people (25–34) had the highest relative share (45 per cent), amounting to as much as 1238 emigrants (Table 3).

Age-group	Elementary school or less	Secondary schools	Tertiary schools	
15–19	276	14	0	0.0%
20–24	150	403	93	14.4%
25–29	115	689	657	45.0%
30–34	100	611	581	45.0%
35–39	111	477	362	38.1%
40–44	108	382	202	29.2%
45–49	103	276	115	23.3%
50–54	65	235	66	18.0%
55–59	64	144	37	15.1%
60–64	99	102	45	18.3%
65+	235	237	67	12.4%
Total: 7,221	1,426	3,570	2,225	30.8%

Table 3: Emigration of Slovenian citizens from Slovenia by education and age in 2015 (source: SORS)

If we break down the 25–34 age group of Slovenian citizens by sex, there are 49 per cent or roughly one half of women (1350) representing more than two thirds (71 per cent) of all highly educated emigrants in this age span. More importantly, women represent a significant majority or 60.3 per cent (747 women) of all highly educated emigrants holding Slovenian citizenship (1238). Thus, young intellectual women are even more vulnerable to “unwanted” emigration, which heavily influences the reproductive potential of Slovenian population (Josipovič 2007). The latter shrank by approximately 8 per cent per year (every twelfth) only through skilled female emigration.

In the meantime, the National Statistical Office launched a project following the population with a PhD degree, since a part of the logic behind the emigration

of highly skilled or highly educated persons may be sought in sectors of their employment. Combining the comparative data on employment and salaries for 2009 and 2012, we discovered considerable anomalies in wage distribution across sectors (Table 4).

Sectors of work		2009	2012	Index 2012/2009	Less paid PhD by sex 2009	Less paid PhD by sex 2012
TOTAL of all sectors	Total	46,981	45,164	96.1		
	Men	50,846	47,777	94.0	-20%	-13%
	Women	40,584	41,342	101.9	Women	Women
Business sector	Total	48,130	47,521	98.7		
	Men	54,097	47,258	87.4	-31%	Men
	Women	37,184	48,044	129.2	Women	-2%
State sector	Total	45,520	40,767	89.6		
	Men	48,010	42,663	88.9	-13%	-11%
	Women	41,642	37,982	91.2	Women	Women
High-education sector	Total	48,096	47,321	98.4		
	Men	51,958	51,686	99.5	-20%	-20%
	Women	41,635	41,589	99.9	Women	Women
Natural sciences	Total	41,872	43,041	102.8		
	Men	45,169	44,021	97.5	-20%	-5%
	Women	35,942	41,754	116.2	Women	Women
Technological sector	Total	45,305	43,162	95.3		
	Men	47,822	44,841	93.8	-33%	-21%
	Women *	32,167	35,312	109.8	Women	Women
Medicine	Total	67,000	65,187	97.3		
	Men *	77,091	78,030	101.2	-25%	-33%
	Women	57,605	52,438	91.0	Women	Women
Agriculture	Total	43,460	35,801	82.4		
	Men *	49,859	36,292	72.8	-26%	-3%
	Women *	36,973	35,237	95.3	Women	Women
Social sciences	Total	49,777	44,656	89.7		
	Men	56,976	47,803	83.9	-28%	-13%
	Women	40,971	41,372	101.0	Women	Women
Humanities	Total	38,506	38,265	99.4		
	Men	40,742	40,676	99.8	-11%	-11%
	Women	36,088	36,218	100.4	Women	Women

Table 4: Inequalities in yearly wages, PhD. Population by sex and sectors of employment, 2009, 2012 (source: SORS) (\* value less accurate)



The most striking is the gender difference observed across all employment sectors. Women with a PhD degree are far less paid compared to men. Women with a PhD degree generally earned considerably less than men in both years (2009: -20 per cent; 2012: -13 per cent). While there is a shift in lessening the disparity between 2009 and 2012, the medical sector exemplifies a huge and soaring disparity in paid wages, where women earned as much as one third less than men. Furthermore, it becomes clear (Table 4) that the “business sector” contributed more not just to gender equality, but it also erased inequality – as concerns employees with a PhD degree – compared to the rigid public sector (state and high education sectors), which maintains the male privileges of former or re-emerging patriarchal structures.

When explaining these inequalities, one part of differences might be ascribed to different working positions, vacancy-occupancy of specific tenure tracks, etc. However, the very fact that Slovenia transposed a relatively equalized payment system from the former Yugoslavia to independence, provides grounds to seek answers in the fields of unequal opportunities, advancement, shortcomings in social arrangements for the childbearing period, unaccommodated discontinuation for parental leave, misogyny, patriarchal cultural setting, etc. These factors go well with the reasons for the emigration of highly skilled persons that were defined long ago but still exist in the decision-making process of future emigrants (cf. Bhagwati, Hamada 1974; Lepener 2016).

The main receiving countries for emigrant Slovenian citizens (7221 in 2015) are Austria (25.9 per cent), Germany (20.7 per cent), Switzerland (10.0 per cent), Croatia (6.6 per cent), UK (6.1 per cent) and Italy (3.3 per cent). Otherwise, closeness is the most important factor for the majority leaving to EU countries (5200 or 75 per cent) and Europe (90 per cent). A significant share of Slovenian citizens traditionally leaves to North America (4.8 per cent) and Australia (1.9 per cent). Asia is becoming an increasingly popular destination with 2.3 per cent in 2015 (source: SORS).

In the period 2000–2016 altogether 272,092 persons moved to Slovenia and 198,524 left the country, making a significant surplus of 73,568 inhabitants. However, in the same period 76,383 Slovenian citizens left the country and only 36,147 Slovenian citizens immigrated or returned from abroad. The negative balance of -40,236 Slovenian citizens was replaced by foreign citizens (235,945 immigrated, 122,141 emigrated, surplus of 113,804 persons). The negative balance of Slovenian citizens is the greatest in the wider Ljubljana area (the Central Slovenia; Osrednjeslovenska region) and the greatest share of emigrants in total population is in the Mura (Pomurska) and Drava (Podravska) regions (Table 5). The main characteristic of the pre- and post-crisis emigration from

Slovenian regions is the definiteness of staying abroad. While about one third of emigrants definitely stayed abroad before 2008 and two thirds returned, the crisis and post-crisis period inversed the situation, making up to two thirds of emigrants prone to stay abroad permanently. In this way, the circular migration shrank instead of gaining momentum.

Regions	Emigrants 2000–2016	Emigrants 2000–2007	Emigrants 2008–2016	2000–2007 Share of emigrants staying permanently abroad	2008–2016 Share of emigrants staying permanently abroad	1 Jan. 2017 Share in total population
SLOVENIA	76,383	17,735	58,648	35%	58%	3.70%
Mura	5,289	1,227	4,062	51%	65%	4.58%
Podravska/Drava	14,702	2,655	12,047	29%	68%	4.57%
Koroška/Carinthia	2,514	548	1,966	59%	70%	3.55%
Savinjska/Savinja	7,865	1,864	6,001	32%	59%	3.09%
Zasavska/Central Sava	1,549	426	1,123	58%	69%	2.70%
Posavska/Lower Sava	2,429	687	1,742	31%	51%	3.22%
Jugovzhodna Slovenija/ Southeast Slovenia	3,689	952	2,737	31%	53%	2.58%
Osrednjeslovenska/ Central Slovenia	20,527	4,705	15,822	-27%	-52%	3.80%
Gorenjska/Upper Carniola	8,209	2,078	6,131	-46%	-60%	4.03%
Primorsko-kraška/ Littoral–Inner Carniola	1,664	431	1,233	-26%	-47%	3.16%
Goriška/Gorica	3,041	808	2,233	-44%	-50%	2.58%
Obalno-kraška/ Coastal–Karst	4,905	1,354	3,551	-40%	-42%	4.32%

Table 5: Regional disparities in emigration, 2000–2016 (source: SORS)

## CONCLUSION

Slovenia, albeit small in size, exhibits significant regional disparities, such as the concentration of political and economic power as well as of population in Ljubljana (Josipovič 2007). As Harvey observed, using Myrdal's notion, the “circular and cumulative causation’ operates to make rich and successful regions even more prosperous, while poorer regions stagnate or decline” (Harvey 2011: 196). Slovenia expectedly exhibits such a “centre–periphery” dichotomy when it comes to the question of migration (Josipovič 2009). As shown, regional disparities in Slovenia are quite high, with the Mura (Pomurska) region losing the greatest share of its population to emigration. We may to some extent speak of circular migration (including longer-term cross-border mobility) in both Slovenia in general and the Mura (Pomurska) region as its most peripheral counterpart. Unfortunately, however, it is not possible to claim that circular migration brings benefit to local populations. Rather, it propels new waves of emigration, predominantly of persons with some kind of qualifications, training, or high skills.

In 2005 a more pronounced trend of citizen emigrants from Slovenia began that is growing exponentially each year and is identified as both permanent emigration of young people and brain drain. This emigration is increasingly characterized by young age (with the majority of emigrants being under 35) and comparatively high levels of education (45 per cent). In the period 2008–2017 every tenth person in these demographics left the country.

To sum up, the brain drain, as mobility of highly skilled persons is widely referred to, designates those groups of a given national population that are represented as critical bearers of societal structure in a given country and without whom the country would socio-economically lag behind. What is more, the brain drain is actually a euphemism for the situation of an individual's inability to serve its own social, economic, psychological, and other needs, where the state sector (including the high education sector) plays a crucial role in proliferating the negative makeup of the Slovenian labour market: “[O]ur commodified educational system means that even higher-level education denies many people a culturally enriching experience that stimulates critical thinking” (Standing 2016). Having seen their precarious position within the “salariat” (cf. Table 4), the skilled and educated, especially women, in Slovenia are constantly under threat of this or that kind of exile. Under such circumstances, the labour market all but collapsed and is, apart from the brain drain, also characterized by a rather dramatic wave of emigration and daily work migrations or daily labour mobility in the border areas with Austria, Italy and increasingly Croatia.

Which direction to follow? The German institute GVG from Cologne recently published a study which confirms that the best societal cure to prevent excessive emigration of the capable is increasing the standards of social care by which a potentially unemployed, long-term unemployed or inactive citizen would consider emigration only as the most radical measure (GVG 2017).

That being said, the Slovenian case, comparing the national and regional scale, confirms the notion that peripheral areas suffer much more compared to the state centre. Furthermore, it uncovers the uneven geographical migration selection in both socio-economic and ethnic terms, mostly due to the recent burst of crony networks suffocating the “positive selection” and principles of meritocracy. Consequently, Slovenia effectively shrinks the potential for a valuable circular migration and contributes to the formation of a relatively extensive and well-educated diaspora.

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