



Delivering on Fair Labour Mobility



2026



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Introduction

Labour mobility is becoming a defining feature in enabling a qualified and sufficient EU workforce characterised by two major trends:

1. Intra-EU mobility is growing steadily, but inequality and social dumping challenges persist.
2. Employers' increasing reliance on third country nationals (TCNs), through direct migration and postings, is reshaping the labour market, often in ways that expose these workers to increased vulnerability.

The EU labour market is more interconnected and global than ever. While labour mobility is essential for growth and competitiveness, business models that exploit regulatory gaps and fragmented enforcement undermine Europe's social model, create unfair competition and erode trust. More vulnerable workers, especially TCNs, are often placed in precarious positions, not because of who they are, but because some employers take advantage of them by dumping wages and bypassing standards.

This is not just a problem for workers. It distorts markets and weakens the foundations of fair competition for the many abiding companies. Closing these gaps and reinforcing prevention and enforcement is not only about protecting workers: it is about strengthening Europe's competitiveness and ensuring that labour mobility becomes a source of fairness, sustainable growth and resilience.

The European Commission's upcoming Fair Labour Mobility Package presents an opportunity to address these challenges and to ensure that labour mobility works for everyone. The package has the potential to have a significant impact on companies, workers, administrations and labour markets across Member States.

As the largest trade union in Denmark, The United Federation of Workers in Denmark (3F) wants to contribute actively to developing a Fair Labour Mobility Package that benefits all. Therefore, this policy catalogue sets out 3F's position on three essential components of a truly Fair Labour Mobility Package:

- Setting ambitions for the European Social Security Pass (ESSPASS) as the foundation for fair mobility in Europe.
- Addressing the issues around the posting of third country nationals (TCNs).
- Optimising the European Labour Authority's mandate (ELA).



Why EU Action is Urgent

Delivering on the European Pillar of Social Rights means ensuring fair working conditions, equal opportunities and quality jobs for all. Fair labour mobility is a cornerstone for Europe’s competitiveness, resilience and ability to create quality jobs in a rapidly changing economy. Without decisive action from policymakers, loopholes and uneven enforcement of labour mobility will continue to distort competition and weaken workers’ protections.

For 3F the Fair Labour Mobility Package must set a high bar for fairness, enforceability and efficiency in cross-border work. It must anchor the ESSPASS as the trusted foundation for mobility, address postings of TCNs to prevent abuse and fragmentation, and optimise ELA’s mandate for consistent enforcement, supporting a competitive Single Market with strong worker protections.

The Fair Labour Mobility Package can contribute to multiple EU ambitions and agendas, such as:

➔ *The ESSPASS, posting of TCNs and ELA can contribute to **quality jobs and social cohesion***

In line with the European Pillar of Social Rights, the package elements should aim to ensure that labour mobility creates safe, well-paid jobs and protects workers’ rights. This approach supports social cohesion and reduces inequalities.

➔ *The ESSPASS, posting of TCNs and ELA can contribute to **competitiveness and a level playing field***

The package initiatives will reinforce the EU’s commitment to a competitive Single Market where businesses succeed through innovation and productivity rather than by lowering labour standards. By establishing clear, consistent and

enforceable rules, it helps prevent social dumping and promotes fair and sustainable competition across Member States.

➔ *The ESSPASS and posting of TCNs can contribute to a **people-centred approach***

Several of the package initiatives will reflect the EU’s focus on fairness and equal opportunities. Clear, transparent rules will enhance trust and ensure that mobility works for everyone: workers, employers and Member States alike.

➔ *The ESSPASS and posting of TCNs can contribute to **simplification***

Consistent with the EU’s simplification agenda, several of the package initiatives will promote elements of standardisation and automation to reduce administrative burdens for employers, workers and Member States. This streamlining improves efficiency and lowers costs, particularly for small and medium-sized enterprises.

➔ *The ESSPASS can contribute to the **Digital Decade and the twin transition***

Part of the package will contribute to the EU’s Digital Decade objectives and the twin green and digital transition. By leveraging digital tools and real-time data, it simplifies compliance and enables smarter regulation, making labour mobility more trusted and fit for the future.

Key Data on Labour Mobility

Intra-EU labour mobility is growing.

- Labour mobility between the EU Member States continues to grow. 2023 data shows¹:
 - 10.1 million EU citizens of working age resided in a Member State different from their citizenship.
 - 84% of EU movers are active in the labour market.
- Posting data shows²:
 - The average duration per posting in 2023 was 110 days.
 - On average, 40% of postings lasted for a period of less than eight days.
 - 1% of postings lasted for more than 12 months.
 - The three main sending Member States were Poland, Germany and Romania, representing around four out of 10 of all postings.

A structural shift is happening with rising inflows of TCNs and posting becoming more global.

- Over the past decade, the share of the working-age population born outside the EU has consistently increased. From about 8% in 2014 to 12.6% in 2024. From 2013 to 2021, net immigration into the EU averaged slightly above one million people per year³.
- Posting of TCNs has become a substantial and growing phenomenon in the EU. On average, one out of five of the incoming posted workers was a TCN⁴.

- Despite some sector-specific exceptions, posted TCNs across various sectors report similar challenges, such as:
 - Underpayment of wages.
 - Complaints about working time and annual leave.
 - The uncertainty surrounding visas and work or residence permits both in their entry Member State, as well as in the Member State where they work during posting⁵.

Labour market impact.

- More than 8% of paid jobs within the EU involve a cross-border dimension, underlining how mobility is embedded in the EU economy⁶.
- Since 2020, the share of EU movers with low education has risen to 30%⁷.
- 27% of EU movers were at risk of poverty and social exclusion⁸.

1 COM (2025) Annual Report on Intra-EU Labour Mobility 2024

2 Posting of workers – Collection of data from the prior declaration tools – Reference year 2023, Publications Office of the European Union, 2025

3 Migration, mobility and the EU labour market - Economy and Finance

4 Posting of workers – Collection of data from the prior declaration tools – Reference year 2023, Publications Office of the European Union, 2025

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

6 calculation from the REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on EURES activity 2022-2024 Submitted pursuant to Article 33 of Regulation (EU) 2016/589

7 COM (2025) Annual Report on Intra-EU Labour Mobility 2024

8 COM (2025) Annual Report on Intra-EU Labour Mobility 2024

An Ambitious European Social Security Pass

3F's position

3F supports the Commission's plan for a European Social Security Pass (ESSPASS) that simplifies the portability of social security rights for mobile workers. The ESSPASS is a unique opportunity for the EU to demonstrate that digitalisation is not only about efficiency but also about rights, transparency and trust. 3F emphasises the importance of ensuring that the ESSPASS is accessible, trustworthy, transparent and will lead to improvements in data validation and quality as well as in practical enforcement.

3F believes it is time to be more ambitious: The ESSPASS should not only encompass social security but also lay the groundwork for a European initiative on social ID cards and the interoperability of national systems to promote a level playing field for companies, workers and Member States by providing an enforcement tool to enhance mobility and ensure fair competition and fair working conditions. Technically and legally, this is achievable.

Advancing digitalisation is essential to safeguard citizens' rights and strengthen the EU infrastructure for mobile workers. It enables early detection and prevention of fraud, reducing risks of error and abuse. According to the European Commission⁹, the upcoming European Social Security Pass (ESSPASS) initiative will be built around three core features that are designed to modernise enforcement mechanisms while reinforcing citizens' rights, laying the foundation for a more resilient and reliable framework for social security coordination in the European Union. These are:

- Digital Identity Wallet for storing and sharing verifiable documents.
- Real-time verification by social security institutions, labour inspectorates, and healthcare providers.
- Full personal data control for individuals.

Why higher ambitions are needed

Fair mobility requires concrete tools. The ESSPASS is the natural starting point for integrating social and labour law information exchange into the EU's digitalisation agenda (eID, digital driving licence, EU Health Card, etc.).

Social ID cards improve transparency, prevent abuse and strengthen workers' rights. Evidence from Member States shows they reduce wage dumping, tax evasion and unfair competition. In some Member States, it also has a preventive effect on the working environment and the health and safety. Labour inspectorates and the European Labour Authority confirm their effectiveness in joint inspections.

National and European solutions can coexist; it is not a question of either-or. National social ID card systems can remain in place while the EU builds a framework that connects the verified information across borders.

⁹ The European Commission - https://employment-social-affairs.ec.europa.eu/policies-and-activities/moving-working-europe/eu-social-security-coordination/digitalisation-social-security-coordination/european-social-security-pass_en



Current context

- When citizens from Member States exercise their right to free movement, they will (in certain situations) need a document that confirms their social security rights and obligations. In 2023, around 5.5 million attestations of insurance coverage (PD A1) certificates were issued to workers in cross-border situations¹⁰.
- A European Parliament study (2023)¹¹ highlights the ESSPASS as a tool to improve labour rights enforcement and suggests expanding it to include national postings and labour declarations.
- The Parliament’s 2021 resolution¹² welcomed the ESSPASS pilots but urged the Commission to raise its ambition and to ensure fair mobility. It also noted that national social ID cards already enhance transparency and called for an EU-wide, standardised digital solution.
- In 2024, Belgium, Croatia, Denmark, Finland, Germany, Greece, the Netherlands and Slovenia¹³ urged the Commission to explore expanding the ESSPASS beyond social security to include labour and company law. A pan-European Labour Card/Social ID Card could integrate information on employer, workplace, working period and contractual relationships.
- The construction sector’s social partners project SIDE-CIC recommends that “interoperability between national social ID card schemes could bring significant added value. By making identification information accessible across borders, this could improve the enforcement and detection of social fraud, worker-employer relationships, simplify cross-border documentation processes and reduce administrative burden for employers and authorities”¹⁴.

¹⁰ Social security coordination | European Labour Authority

¹¹ The European Social Security Pass – A digital enforcement tool for labour relations

¹² European Parliament resolution of 25th of November 2021 on the introduction of a European social security pass for improving the digital enforcement of social security rights and fair mobility (2021/2620(RSP))

¹³ Joint non-paper on digital tools to promote free and fair movement of workers in the EU, November 2025

¹⁴ Joint Recommendation, Social identity cards in construction (SIDE-CIC) project 2025

Opportunities with an ambitious ESSPASS

- 1. Interoperability**
Link national social ID card systems for seamless EU-wide data exchange.
- 2. Fair mobility**
By anchoring the ESSPASS in the European Pillar of Social Rights, the EU can show that digitalisation is not only about efficiency but also about safeguarding rights and creating a level playing field.
- 3. Enforcement and trust**
Multiply benefits proven in national social ID card schemes.
- 4. Digital Decade goals**
Deliver on targets for digital public services and reduce red tape through standardisation, automation, and real-time data flows.



3F policy recommendations for the ESSPASS as an enforcement tool to enhance labour mobility and ensure fair competition and fair working conditions

- 1. Ensure comprehensive coverage**
Ensure that the ESSPASS covers all relevant social security benefits as well as labour market aspects by:
 - Expanding the ESSPASS proposal to include a “social ID wallet” with employment and social security attributes.
 - Integrating social ID card functionality into the ESSPASS, making it the central infrastructure for fair mobility. For social ID cards to have the desired effect, 3F sees a need for the following information to be included:
 - Identity and bank details of the worker
 - Place of employment, work location and work period
 - Contractual and actual working hours
 - Social security status
 - Relevant training, such as certificates or apprenticeship programmes
- 2. Ensure access to data for national social partners**, where they have a role in the enforcement, for optimal use and efficiency.
- 3. The Commission must engage with social partners and enforcement authorities** early in design, pilots and implementation.
 - Engage with social partners to ensure that the system addresses the needs and concerns of workers and employers alike.
 - Work closely with Member States to ensure that the system aligns with national laws and regulations. This collaboration would be crucial for creating trust between administrations in cross-border enforcement.
- 4. Develop a roadmap** for interoperability between national social ID systems by 2030 at the latest.
- 5. Ensure governance** by creating an ESSPASS steering group/expert group involving European Commission services, Member States, European and national social partners and the ELA.

Fair Mobility for Third Country Nationals

3F's position

3F acknowledges the importance of mobility and ensuring fair labour practices for all workers within the EU. We emphasise the need for more robust protections to prevent the exploitation of third country nationals (TCNs) and to ensure that their employment does not undermine the wages and working conditions of locally based workers.

Preventive measures, legal clarity, better enforcement, transparency and rights are priority areas to address. A key element is the active involvement of social partners in Member States. Their cooperation is essential to create a level playing field and protect vulnerable employees.

It is important to emphasise that 3F is not opposed to international labour mobility. Our focus is on ensuring fair conditions in the labour market – regardless of nationality.

EU labour law permits posting under the Treaties' freedom to provide services, freedom of establishment and free movement of workers. While these freedoms traditionally applied to EU citizens, CJEU case law has extended them to third country nationals (TCNs).

The posting TCNs within the EU is increasing, creating both opportunities and challenges for labour markets. While mobility can benefit businesses and workers, it also raises concerns about fair treatment, legal compliance and market stability. Current rules often lack clarity and enforcement, leaving room for abuse and undermining local, national, European and international labour standards. Cooperation between Member States is necessary to ensure full enforcement of the applicable rules. When one Member State fails to enforce mobility and labour legislation effectively, the problems can spill over to disrupt labour markets across the EU. To address these issues, 3F proposes a comprehensive set of policy recommendations aimed at ensuring lawful, fair and safe posting practices.

Current context

- The posting of TCNs has become a substantial and growing phenomenon in the EU over the past decade and it has become an alternative avenue to the traditional avenue of labour migration. Recent data¹⁵ show that, on average, one out of five incoming posted workers was a TCN in 2023.
- They were most frequently sent from companies established in Poland (20.6%), outside the EU/EFTA (18.5%), and Portugal (12.0%).
- The main sector of activity was the construction sector, as it covered over half of the postings and almost 30% of the posted workers. Other sectors are transportation and agriculture. All these sectors are considered labour-intensive sectors.
- TCNs in the EU generally have lower annual disposable household incomes and a higher risk of poverty compared to EU nationals.

¹⁵ Posting of workers – Collection of data from the prior declaration tools – Reference year 2023





- TCNs are overrepresented in work accidents. From 2016 to 2022, migrant workers in Denmark accounted for about 37% of all fatal workplace accidents, despite only comprising 13% of total employment¹⁶.
- There is a fundamental lack of easily accessible knowledge across countries, which makes it difficult for TCNs to obtain information about their rights.
- The EU legal framework on the posting of workers does not include specific provisions

for TCNs, as the rules apply uniformly regardless of the worker's nationality. However, in practice, posting workers from third countries presents distinct challenges.

- A 2022 ELA study identifies issues when it comes to posting of TCNs, such as diverging interpretations and application of EU law and CJEU case-law, especially when it comes to the concept of lawful and habitual employment of the posted TCN in the sending Member State¹⁷.

¹⁶ Migrants' work environment in the Danish construction sector (2023) Charlotte Hooper Overgård, Laust Høgedahl, Trine Lund Thomsen, Magnus Jespersen, Lærke Busk Sørensen & Nicoline Bisgaard Møller; Center for Labor Market Research, Aalborg University

¹⁷ Report on the cooperation practices, possibilities and challenges between Member States - specifically in relation to the posting of TCNs, ELA, 2022



3F policy recommendations for posted TCNs:

1. Introduce effective prevention efforts by establishing mandatory introduction programs for posted TCNs in Member States

- The program must cover information on health and safety, employment rights and obligations, as well as complaint procedures and union access. The programs must involve labour market stakeholders and be accessible in understandable languages. Only highly qualified workers with documented knowledge can be exempted from attending the introduction program.

2. Ensure better legal clarity and new definitions to promote a level playing field

- To ensure that posting is not abused to circumvent rules on pay and working conditions, a clear definition of “lawfully and habitually employed”¹⁸ should be introduced in EU law, as at least 6 months of actual work in the sending country before posting.
- Introduce clear criteria for companies' genuine activity in the sending country to prevent letterbox companies from posting.
- Allow temporary restrictions in sectors facing serious market disruptions due to postings, based on EU safeguard principles and a balance between free movement and the safeguard of national labour markets.

3. Establish a national dialogue forum and annual reporting

- Member States must establish a permanent forum with unions, employer organisations, and authorities to enable meaningful discussion of challenges and evaluate posting enforcement measures.

- Member States should produce annual national reports on posting issues, prepared with social partners and published publicly on national websites, to follow the development on the national level and propose solutions.

4. Introduce an EU whitelist for responsible companies

- The whitelist scheme supports more transparent and fair competition between companies, where responsibility and legal practices become a competitive parameter.
- Companies that are included on the EU's whitelist for the responsible posting of TCNs can potentially enjoy a number of benefits such as simplified procedures, positive recognition and competitive advantage.
- The list must have strict criteria, including compliance with tax, social security, labour standards and no serious violations or criminal convictions.

5. Rights and information for posted TCNs

- Ensure that posted TCNs enjoy the same rights as posted EU citizens, including an explicitly protected right to join trade unions and to participate freely in union meetings and activities without intimidation or retaliation.
- Guarantee that TCNs receive at least written information on local labour rights in their mother tongue or a language they can reasonably understand, strengthening their ability to exercise rights during employment and the ability to maintain contact with unions and authorities after their posting ends, including in cases of (in)voluntary return.

¹⁸ Lawfully and habitually employed is a concept from EU caselaw (C-43/93 Van der Elst)

Optimising the European Labour Authority

3F's position

3F supports the role of the European Labour Authority (ELA) in coordinating and facilitating fair labour mobility within the EU. 3F welcomes ELA's contributions since its establishment, particularly in improving the enforcement of labour market rules and protecting mobile workers while respecting the division of competencies.

3F calls for a revision that enhances ELA's capacity to protect workers' rights, ensure fair labour practices across Member States and combat social dumping. This should be achieved through increased inspection capabilities, improved coordination and better communication.

ELA plays a key role in facilitating and safeguarding labour mobility across the EU. By coordinating cross-border labour inspections, promoting cooperation between Member States and mediating disputes, ELA plays a role in ensuring that millions of workers abroad enjoy fair wages, decent conditions and social security coverage.

Under the current regulation, four objectives describe the mandate and guide the actions of ELA:

1. Facilitate access to information on rights and obligations regarding labour mobility across the Union as well as relevant to services.
2. Facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union and including facilitating concerted and joint inspections.
3. Mediate and facilitate a solution in case of cross-border disputes between Member States.
4. Support cooperation between Member States in tackling undeclared work.

Current context

- A range of entities that exercise authoritative enforcement or compliance roles in several Member States, where such functions are legally shared with or delegated to social partners, particularly trade unions, are under the current ELA mandate¹⁹ and are prevented from using the IMI-system, due to a narrow definition of "national authorities" that is de facto limited to public administrative bodies.
- Current enforcement mechanisms under ELA are inadequate to prevent abuse of posting rules, particularly involving TCNs. This creates opportunities for social dumping, fraudulent postings and exploitation of workers through companies that are not genuinely established or compliant with tax and social security obligations.
- The European Parliament's resolution of 18th of January 2024 on the review of the European Labour Authority's mandate called for the European Labour Authority's mandate to be extended to cover labour mobility for

¹⁹ Regulation (EU) 2019/1149 of the European Parliament resolution of 25th of November 2021 and of the Council of 20th of June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (Text with relevance for the EEA and for Switzerland)



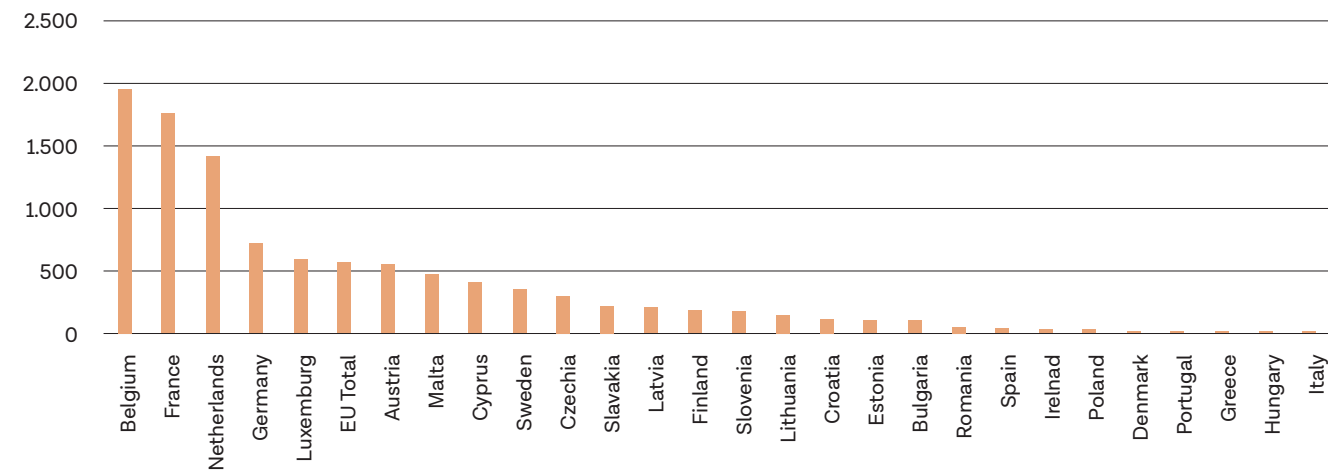


TCNs, with a particular focus on putting an end to false postings and pro forma self-employment²⁰.

- EURES' share of intra-EU placements has fallen over the years from 8.2% in 2021, 6.8% in 2022, to 4.9% in 2023²¹.
- The statistics for 2024 show that only around 3% of the CVs on the EURES portal were reviewed by EURES staff. The portal holds over 1.1 million CVs from job seekers²².
- There is no published average duration for case handling of social partner requests in ELA. The only known timeline applies to Member State mediations: solutions are expected to be implemented within three months post-opinion. As illustrated in the key data section, postings vary in duration, but 40% of postings are of short-term duration.

20 European Parliament resolution of 18th of January 2024 on the revision of the European Labour Authority mandate (2023/2866(RSP))
21 Report from the Commission on EURES activity 2022-2024 (COM(2025) 538)
22 Report from the Commission on EURES activity 2022-2024 (COM(2025) 538)

Number of job vacancies per 100,000 inhabitants in the EU and EEA countries



Vacancy data retrieved on 8th of January 2026. Population figures are from 1st of January 2024. Source: 3F, based on data from EURES and Eurostat

3F policy recommendations for a revised ELA mandate:

- 1. More accessible information for national authorities and national social partners**
 - Ensure two-way sharing of knowledge on mobile workers between ELA and national authorities incl. social partners.
 - Provide trade unions access to systems like the IMI-systems and include their input on trends and risks in labour mobility.
- 2. Better control of legal posting, incl. TCNs**
 - Expand the scope to identify and prevent exploitation of skilled and unskilled TCNs.
 - Play a supporting role in enforcement, particularly regarding specific legal cases involving social dumping related to false postings. This includes investigating whether the company is a legitimate entity in the sending country and not merely a letterbox company in the receiving country, as well as verifying whether the posting companies pay taxes and social security contributions and are properly registered in their home country.
- 3. Expand the mandate and support for EURES**
 - Strengthen EURES and expand ELA's work on the portal, for it to better contribute to reducing unemployment in the EU. Many European citizens are interested in working in another Member State and ELA should therefore work on making it easier to facilitate job offers across the EU and support employers in making greater use of EURES as the recruiting platform for intra-EU mobility.
- 4. Socially responsible business behaviour**
 - Companies who repetitively exploit workers and create unfair competition through cross-border fraud and social dumping must be dealt with, as it is unfair to the companies that are exposed to unfair competition and the employees who are underpaid and exploited. Under ELA, an EU-wide exclusion mechanism and an associated register must be created to enable cross-referencing of companies and to prevent companies from reappearing under new names. This would make it easier for ELA, contracting authorities, public bodies, and social partners to support fair labour mobility across the EU.
- 5. Effective response time**
 - Case processing remains a key priority for trade unions, particularly regarding national social partners' ability to bring cases before ELA. Accelerating ELA's case-handling procedures is a priority, as timely processing is crucial to protect short-term posted workers and to address abuses more swiftly and effectively.

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