

# Seasonal Workers in the Western Balkans: Permanent Challenges and Cooperation Opportunities

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## Summary

Seasonal workers, either formally or informally engaged, comprise a large share of the labour force in the Western Balkans (WB). Seasonal labour brings considerable development benefits including: frequent employment, remittances, enhanced skills, as well as territorial cooperation. Yet, the transition economies of the WB are unable to meet the seasonal working challenges manifested at various levels. These range from a lack of proper governance for seasonal workers' rights, obligations, and mobility, to greater global challenges, such as migration, climate change, intensive agriculture, etc. In a nutshell, seasonal workers in the WB are at risk of increased vulnerability.

European Union (EU) countries, with only 4% of the EU citizen labour force engaged in seasonal labour, find the seasonal workforce from the WB an attractive opportunity for their economies. In 2014, the EU adopted a 'Directive on Seasonal Workers' to regulate their activity (Zoetewij, 2018). However, this directive is controversial in that it transforms people into temporary economic inputs, promoting a void of skills and workforce for the WB economies (Marsden, 2014).

This article analyses this complex context by comparing WB countries and examining the possibility for cooperation and regional approaches. It also suggests that state and non-state actors should pay close attention and take up further initiatives to maximize the benefits of seasonal labour mobility, while also improving seasonal labour governance nationally and within the WB region and monitoring the impacts of reform.

**Keywords:** seasonal workers, regional cooperation, Western Balkans

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## Introduction

Seasonal labour, though no commonly agreed definition exists, is a kind of temporary, short-term employment expected to occur only during certain periods (or seasons) of the year. (Mandl et al., 2015; ILO, 2016; Directive 2014/36/EU). Seasonal work usually refers to working in labour sectors traditionally understood to be 'seasonal' in nature, such as agriculture and tourism. However, the range of seasonal work is continuously expanding in other sectors such as construction, entertainment industries, catering, and even housekeeping, bringing new challenges and complexity to deal with.

The share of seasonal workers in the EU has been substantially increasing in the last decade. As reported by Augère-Granier (2021), an estimated 800,000 to 1 million seasonal workers are hired each year in the EU territories (mainly in agriculture). Another 200,000 undeclared seasonal workers are estimated in tourism, accommodation, and food services in EU countries. Each year, around 650,000 to 850,000 EU citizens<sup>1</sup> carry out seasonal work within the EU. Over 100,000 non-EU seasonal workers, needed to help out in tourism, agriculture, and horticulture (sectors where labour from within the EU is difficult to find), are formally engaged in the EU.

In the Western Balkans, this increasing trend appears as well, though no formal registry of seasonal worker exists in these countries and a major part of this labour force operates as part of the shadow economy.<sup>2</sup> Based on estimations<sup>3</sup> made occasionally by individual countries in the WB, approximately 12,000 seasonal workers in Montenegro and around 15,500 in Albania are engaged in the tourism sector; while there are around 88,000 agriculture workers in Albania and around 80,000<sup>4</sup> in Serbia (Đoković et al., 2020; Bejko et al., 2020).

This illustrates two key aspects of seasonal labour. The first is that seasonal workers, formally or informally engaged, comprise a significant share of the labour force in the EU and in Western Balkans economies. Given their working nature, level of skills required, and relatively low wages, seasonal workers are a must for the labour structure in specific seasonal sectors such as agriculture, tourism, and construction. Secondly, the EU seasonal economy is strongly reliant on third country seasonal workers, draining the substantial potential that seasonal workers could offer in developing economies.

The above is especially sustained by the fact that economic sectors such as agriculture and tourism (economic pillars for the WB countries) require a specific form of employment, being that they are typically seasonal in nature, with labour activities happening in a restricted amount of time. This means that in a very short time (a few weeks and in some cases a few months), a large number of employees is needed, who must be trained quickly and, at the same time be available on short notice. After this high demand period, this labour force it is not needed until the next season. The core challenge of managing seasonal employment therefore is to ensure seasonal workers' availability for future rounds of recruitment.

In addition, this labour force, is particularly vulnerable to exploitation and abuse for several reasons:

1. they are in a country for a short period of time and are usually not informed about their rights and rules that protect them;
2. they often live in temporary housing that does not comply with national standards, and;
3. they frequently live on their employer's premises (especially in the agricultural sector), making them highly dependent on their employer.

On an administration/management level, a series of other challenges pile up, such as;

4. the costs of setting up adequate systems for employment registration;
5. provision of accommodation and transport;
6. improvement of insurance systems; and
7. competitive wages etc.

In this regard, where agriculture or tourism cannot operate in the absence of the seasonal workforce, Western Balkan economies may need to shift focus to further support and encourage seasonal workers. On the other hand, the EU might do the same in fostering better integration and working policies for this specific group.

To shed light on this discussion, this research paper analyses and compares existing situations and policy approaches towards seasonal labour engagement in WB countries and gives insight on the possible co-development of territorial/regional opportunities within the region, examining at the same time mutual challenges and needs for reform.

Policy recommendations are given in the

conclusion addressing: i) requirements and options that can be adapted nationally to meet seasonal labour needs; ii) recommendations that neighbouring countries could follow in enabling better cooperation among them; and iii) insights on how the EU could pursue a more cohesive approach on dealing with seasonal labour issues.

### EU Approaches to Seasonal Workers

In the EU perspective of engaging seasonal labour forces, a broad geographical division can be observed between Central and Eastern European member states as 'sending' countries and Western European countries as 'receiving' countries.

The majority of EU countries rely on workers from developing/transitional countries (such as Serbian workers in Slovakia, or Albanian workers in Greece and Italy etc.), who provide a cheaper workforce to fill lower-skilled jobs, often replacing EU citizens who have sought more lucrative jobs - particularly in Germany, the United Kingdom or the Netherlands.

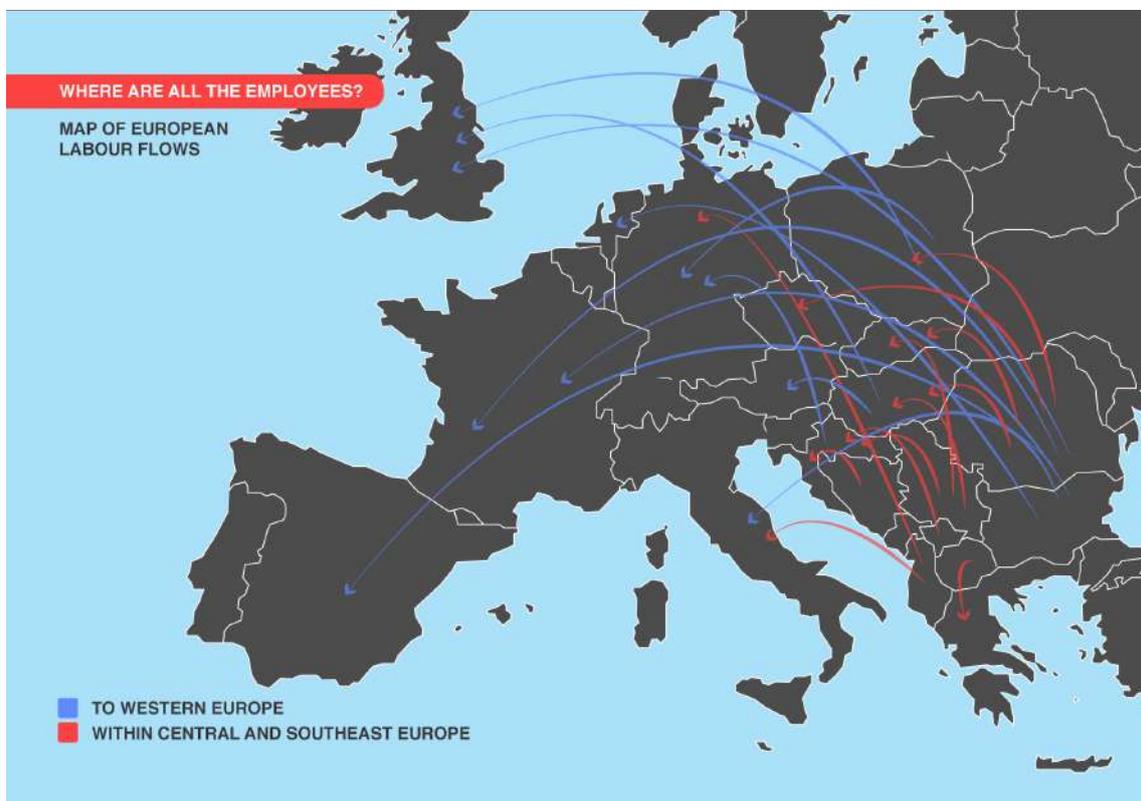
Between 2011 and 2017, more than 1.3 million national farm workers left the EU agriculture sector, an outflow partially off-set by inflows of

both intra-EU and extra-EU migrant workers. These two migrant worker groups increased by 58,500 (+36%) and 83,700 (+31%) respectively over the same period. This corresponds to an increase from 4.3% to 6.5% in the share of migrants in total employment in EU agriculture (Augère-Granier, 2021).

These activities are to some extent covered by bilateral agreements between countries. But that is only true between the EU member states and third,<sup>5</sup> 'sending' countries.

For instance, Italy has so far concluded five framework (bilateral) agreements with Tunisia (2000), Moldova (2003), Morocco (2005), Egypt (2005), and Albania (2009), covering all seasonal activities for which there is a shortage of national workers in the country. The *Direzioni Provinciali del Lavoro*<sup>6</sup> (DPL) of the Italian Ministry of Labour and Social Policies is responsible for granting authorisation to Italian employers intending to employ seasonal workers who are nationals of those countries with which Italy has concluded bilateral agreements. The DPL verifies that the conditions offered to the worker meet the standards established by the national collective work contracts applicable to that kind of activity.

Figure 1. Diagrammatic map of seasonal labour flows in Europe



Source: BIRN infographic, 2020, accessed on [balkaninsight.com](http://balkaninsight.com), authors own visualization

Similarly, Greece concluded bilateral agreements covering seasonal labour immigration from Egypt in 1984, Bulgaria in 1996, and Albania in 1997 (Kasamis, 2005). Similar agreements were put in place with Greece and Albania, even during the 2020 pandemic situation, when the engagement of Albania's seasonal workers was crucial between April and September. Employers wishing to employ an immigrant worker need to apply to their municipality each year by informing the authorities of the number and specialisation of employees they need for the following year. The municipality, prefecture (nomarhia) and the regional directorate for foreigners and immigration (perifereia) work in close collaboration with the Organisation for the Employment of the Labour Force (OAED) in controlling Greek labour market vacancies for these positions. The OAED report on labour market vacancies is then sent to the region (perifereia) (Maroukis, 2009)

Germany also has two bilateral agreements (with Poland and Albania) on seasonal employment for agriculture and tourism. Employers must submit employment contracts to the local labour offices, which examine the proposed wages and working conditions, including provisions for housing,

meals and travel agreements. Another interesting initiative in Germany has been developed in the context of the project 'Fair seasonal work,'<sup>7</sup> in which a web portal (seasonal-work.org) was launched to provide information on agricultural enterprises that employ individuals under fair working conditions. (Carrera, and Faure-Atger, 2010).

To address the aforementioned concerns, the EU initiated many early attempts to regulate seasonal labour migration flows by drafting multiple drafts of the EU Directive for Seasonal Workers.

The first proposal for a Directive 'On the conditions of entry and stay of Third Country Nationals (TCNs) for the purpose of paid employment and self-employed economic activities' was presented by the Commission in 2001.<sup>8</sup> This proposed Directive would have established a general regime treating all labour migrants equally. However, due to a lack of support for the proposal in the Council, the Commission withdrew the proposal in 2005, with the aim of tackling the issue sector by sector in the upcoming years. It was not until 2010, after Directives on the entry and stay (and employment) of students, trainees, volunteers, researchers, and highly qualified workers had

Box 1. Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 - *On the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers*

Seasonal Work, is defined as:

*"a third-country national who retains his or her principal place of residence in a third country and stays legally and temporarily in the territory of a Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that Member State"* (Article 3/b, p.2)

The directive provides the following main protections to non-EU seasonal workers:

- Seasonal workers retain their principal place of residence in a third country, and stay legally and temporarily in the EU to carry out an activity depending on the passing of the seasons, typically in agriculture or tourism;
- Member States must determine a maximum period of stay for seasonal workers of between five and nine months in any 12-month period;
- To be allowed to enter the EU as seasonal workers, third-country nationals must have a work contract or a binding job offer;
- Seasonal workers who are already in an EU member state are able to extend their work contract or change their employer at least once;
- Re-entry of third-country nationals who return every year to the EU to do seasonal work is facilitated;
- Seasonal workers are entitled to equal treatment as nationals of the host member state with regard to terms of employment, minimum working age, working conditions, wages and dismissal, working hours, leave and holidays, and health and safety requirements at the workplace; and
- Equal treatment with nationals will also apply to branches of social security (benefits linked to sickness, invalidity, and old age).

been adopted with unanimity in the Council, that the Commission proposed the introduction of legislation harmonising member states' legislation on unskilled migration. (G.Menz, 2015) Yet the Directive was only adopted in February 2014 with a deadline for implementation by the member states in their national legislation by 2016. So far, no substantial changes have been undertaken by member states (besides a few countries transposing the directive). No definitive conclusions can yet be drawn with regard to the implications of the Seasonal Workers Directive in practice.

In summary, the Directive seeks to cater to the member states' fluctuating but persistent demand for a low-skilled migrant labour force, without giving the labour migrants falling within its scope the prospective of integration and long-term residence in the host member state. As a result, without its implementation in the national legislations of EU member states, the Directive is and will remain a paper tiger, as it does not provide the seasonal worker with directly enforceable rights. (Zoetewij, 2018).

Since the EU's Seasonal Workers Directive makes the third-country national applicant largely dependent on the specific application of the directive of the member states, this substantially increases the vulnerability of this category of employment, as well reinforces the need for 'sending' countries to shift attention to their national efforts in reinforcing seasonal workers' position in relation to these issues.

To better illustrate this, the paper will look into the Western Balkan seasonal workforce's struggles, opportunities, and future challenges in the following section.

### **Seasonal Workforce in the Western Balkans**

Following the trends of engaging seasonal workers in the EU, neighbouring countries in the Western Balkans have as well increased the number of seasonal workers they welcome. A great number of seasonally engaged workers can be found in Western Balkan economies and a much greater number can be perceived to be engaged informally.

For example, though unfortunately no proper reporting of the cases can be noted, a large share of seasonal workers from Albania work in the tourism and/or construction sector in Montenegro, and many workers from Kosovo are actively engaged in the collection of medical

herbs in the northern areas of Albania, in addition to the share of the national labour workforce each of these countries engage as seasonal workers.<sup>9</sup>

According to a survey conducted by the Central Bureau of Statistics in the North Macedonia, the number of seasonal workers<sup>10</sup> hired within the country was 185,237 in 2017; approximately 15,000 were formally engaged in the agriculture sector. In Kosovo, the estimated number of seasonal workers in the agriculture sector was about 9,500 in 2020, though these estimations should be taken with some reserve given that they were estimated with very little field data (NALED, 2018).

In Serbia, the number of seasonally engaged labourers in the agriculture sector is estimated to reach up to 80,000 employees. Yet only 3,500 of them were formally registered in 2018, prior to the implementation of the seasonal worker's reform in agriculture. It was only after 2019, when this reform was fully introduced and the platform for registering seasonal workers was made functional that the number of registered workforce skyrocketed to 26,000 in 2019 and 31,000 in 2020 (NALED, 2018).

Unlike the majority of WB countries, Montenegro employs the majority of its seasonal workforce in the tourism sector. According to the Annual Work Report of the Employment Service of Montenegro, employers reported 29,366 job vacancies in 2018, of which about 22% (or 6,498) were related to seasonal work. As expected, most vacancies are in the accommodation and catering sector (around 22% of those advertised) (Đoković et al., 2020).

In Albania, on the other hand, it is difficult to identify the sector engaging the largest seasonal workforce, as both tourism and agriculture engage a considerable share of formally registered seasonal work (around 15,500 in tourism and around 88,000 in agriculture in 2019) (Bejko et al., 2020).

Lastly, unfortunately, there are no detailed statistics on the labour market in the Federation of Bosnia and Herzegovina, nor is there information on employees from which seasonal labour insights can be drawn.

All cases, albeit not thoroughly explained in terms of share of GDP or percentage (%) of the total workforce in the WB economies, show the increasing importance of seasonal workers as a specific type of employment. This becomes even

## Box 2. Seasonal Workers in the Agriculture Sector in Albania

The agriculture sector is of crucial importance to socio-economic development in Albania as it contributes 23% of the country's GDP and accounts for 42% of overall employment.

The Fruits, Vegetables, Medicinal and Aromatic Plant (MAPs) and Small Ruminants Value Chains (SRVC) are among the most important sub-sectors of Albanian agriculture. The production of greenhouse vegetables has increased considerably between 2000 and 2018. Additionally, exports from the greenhouse industry have increased substantially during recent years, making Albania an important international/regional player for greenhouse vegetables products. Vegetables constitute about 21% of total agro-food exports, marking a significant increase when compared to just less than 3% in 2005.

A similar picture is visible in the MAPs Value Chain. Albania has a strong tradition in the production and export of MAPs. More than 95% of the total MAPs that are collected and cultivated in the country are exported, making Albania an important supplier of raw material or half-finished products for many EU and US industries. Yet the increase in exports and growing supply is associated with several challenges related to modernization, labour availability, high costs of production, organization, and coordination between and among actors (SRD, 2020).

more evident when trying to analyse the typical seasonal sectors (mainly agriculture and tourism) in these countries.

For example, in 2019 the share of agriculture production in GDP varies from 7% in Serbia to 21% in Albania, while the share of employment in agriculture varies from 7% in Montenegro to 38% in Albania (figure 2).

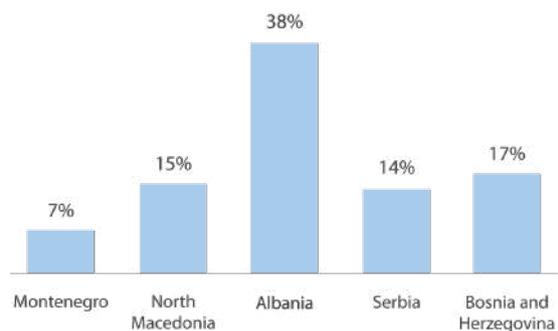
While it is difficult to aggregate data for seasonal employment only, the seasonal character of engagement in agriculture is clearly emphasized by observing quarterly data on the number of employees in Serbia, where the number of employees in Q3 is around 60,000 higher than in Q1 (figure 3).

The situation is similar for the tourism sector. Except for year 2020 and the influence of the Covid-19 pandemic, the share of tourism in GDP was relatively high (figure 4). For instance, in Montenegro the tourism share of GDP was 9% in 2018 and 9.6% in 2019, and in Albania 2.7% in 2018 and 3.1% in 2019.

The share of GDP was followed by employment in this sector, which also increased in the aforementioned countries. The seasonal character of the work in tourism can be noticed when observing quarterly data in Montenegro, where the number of employees in Q3 was around 7,000 higher than in Q1.

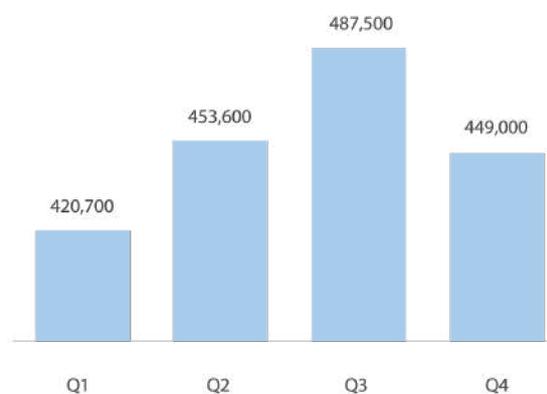
While the EU has been investing substantially in the automatization of different process in the agricultural sector and exploiting new technologies with relation to intensive

Figure 2. Share of Employment in Agriculture (%) per Total Employment (%) in the Western Balkans



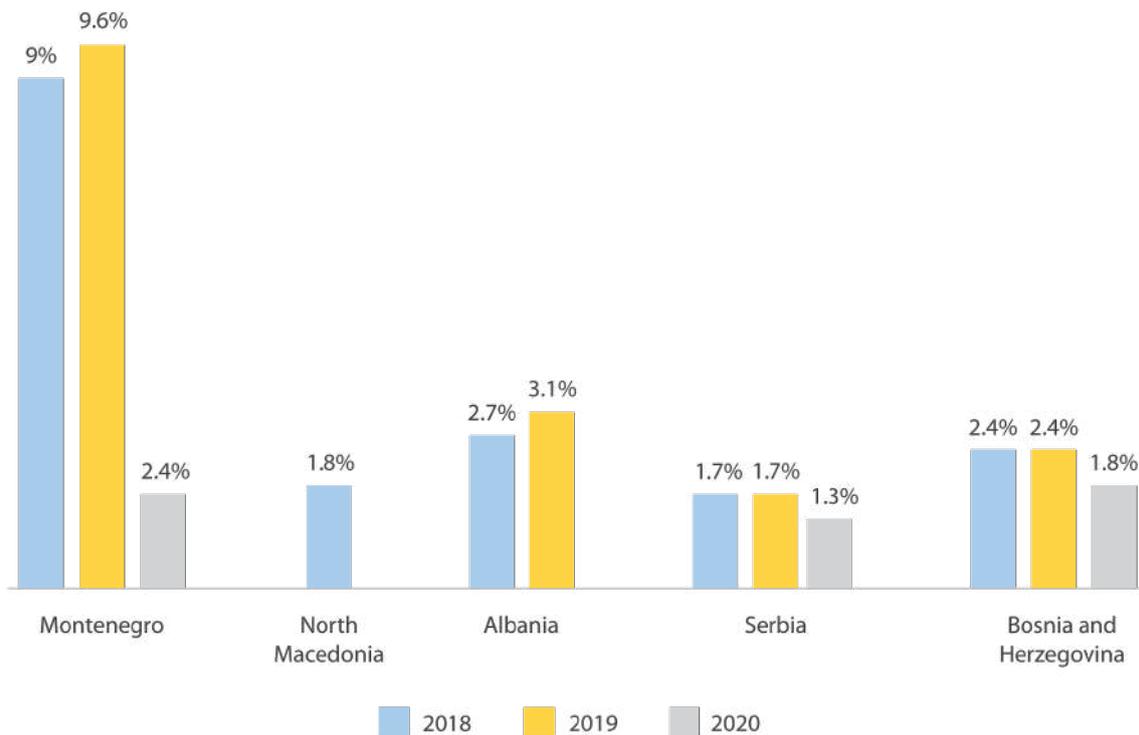
Source: NALED 2019, author's own interpretation

Figure 3. Share of Employment in Agriculture (%) per Total Employment in Serbia during four quarters of 2019



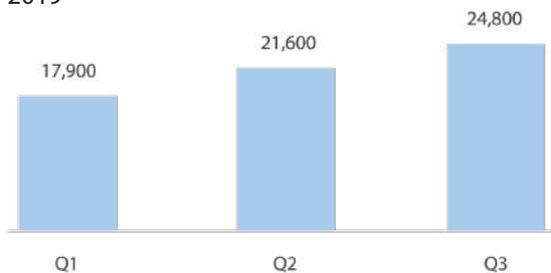
Source: NALED 2019, author's own interpretation

Figure 4. GDP Share of Tourism Sector in the Western Balkans in 2018 and 2019



Source: NALED 2019, author's own interpretation

Figure 5. Total Employment in the Tourism Sector in Montenegro with reference to Quarterly Data, 2019



Source: NALED 2019, author's own interpretation

farming, for the relatively poor economies of the Western Balkans these processes remain at a quite rudimentary level (with the exception of a few initiatives). Besides that, the level of fragmentation of the agricultural land, lack of networking initiatives for exportation, difficulties in absorbing agricultural destined funds from third parties etc. add to the issues that agriculture sector faces in these economies. In this context, the main agricultural processes (harvesting, planting, shredding etc.) are usually provided by manpower, hence seasonal workforces. Yet, the number of employees in the agricultural sector is, in general, declining as a result of internal migration as well as emigration. WB

countries are experiencing large labour losses (including seasonal ones) as a result of the better opportunities, working conditions, pay, and social benefits offered in other EU countries.

The same situation is mirrored in the tourism sector as well. In this situation of multiple challenges, Western Balkan economies have only recently started to reflect on the importance and challenges of engaging and supporting their seasonal workforces.

The key challenges and issues to reflect upon are grouped into three priority areas, further detailed below.

### **Seasonal Work and Registration Issues**

Seasonal work is, by definition, temporary and occasional work where employees work for a limited period of time for any given employer. Usually, these kinds of workers are not highly educated or qualified, especially in the sector of agriculture. Taking into consideration the nature of seasonal work, engagement on a casual or temporary basis, and sometimes by different employers, seasonal work in WB countries becomes difficult to monitor and registered.

According to official statistical data from 2016, there were a total of 2.7 million employees in

Serbia, of which 22% were informally engaged. The majority of informally engaged employees are from the sector of agriculture (around 287,000 workers). Not all informal employees in agriculture are seasonal workers. It is estimated that there are around 65,000 to 80,000 seasonal agriculture workers in Serbia, out of which 95% are informally engaged (NALED, 2018). One of the causes of the shadow economy has been overly complicated procedures that do not suit the dynamic environment in which farmers work, which largely depends on weather conditions. Namely, until the adoption of a new law on seasonal engagement in 2019, employers in agriculture (both legal entities and agricultural farms) had a Temporary & Intermittent work (TI work) contract through which they could hire seasonal labour. This contract involved hiring workers for a maximum of 120 working days during a calendar year to perform a single job. Signing a contract on TI work does not represent the establishment of an employment relationship and therefore the conditions that the employer must comply with are somewhat less stringent than in employment contracts. This procedure meant that the employer spent about five hours of his time and about 10,200 dinars per month on taxes and contributions for one worker, no matter how many days the worker actually worked in any given month.

The situation is similar in all WB countries. Even though seasonal work is different from normal employment, the majority of WB counties (except for Serbia and North Macedonia) do not recognize seasonal work as a specific type of

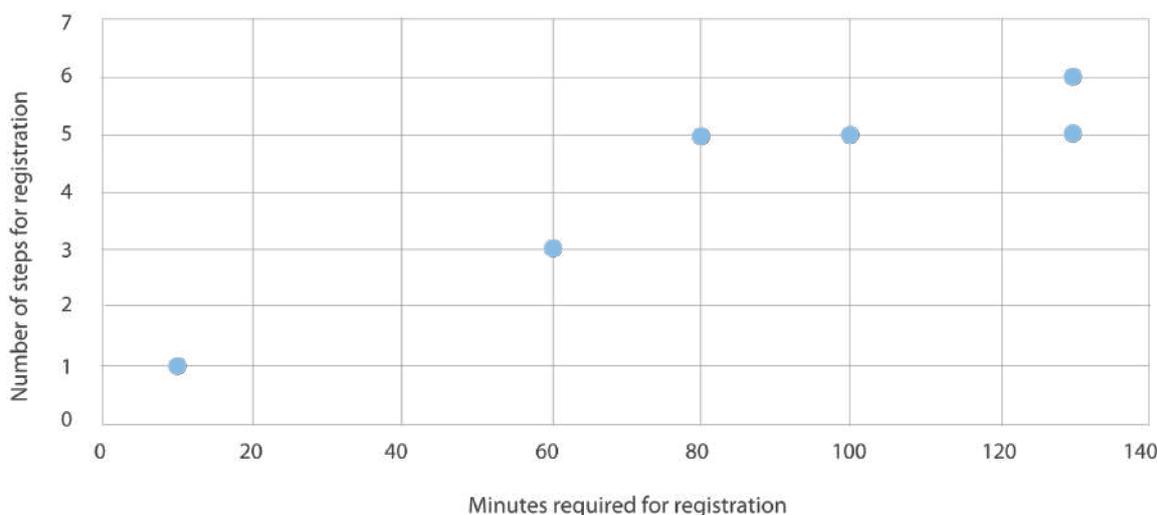
employment. Acknowledging seasonal work as a separate type of employment can simplify the employment process for seasonal workers and could create additional encouragement for the registration of the workers.

The majority of countries are using contracts for casual or temporary jobs or fixed-term contracts to employ seasonal workers. These contracts are often not flexible enough to follow the dynamics of hiring seasonal workers, especially in agriculture where hiring is conducted on a daily basis. In Serbia, before the 2019 reform, it took around five hours to register one worker, which is too long for the dynamic conditions of seasonal work. Based on data for all WB countries, the number of steps that employers need to take to register an employee vary from one in Serbia (after the reform in 2019) to six in North Macedonia. At the same time, the net time invested in the registration process for one worker varies from ten minutes in Serbia to over two hours in North Macedonia and Montenegro (NALED, 2019).

**Seasonal Workers’ Engagement Issues**

With regard to the employer – employee relationship, different approaches are being pursued in WB countries. Without strictly regulated seasonal work, workers are formally employed in another way, such as by causal or temporary job contracts or by fixed-term contracts. In Serbia for example, contracts were previously concluded orally, while in North Macedonia as registration of workers is conducted daily the probation work and period

Figure 6. Total Time Required (in minutes) and Registration Steps Needed for Employment Registration



Source: NALED 2019, author’s own interpretation

of notice (both start and termination) is reduced. Yet the procedures they need to follow for the registration remain a high burden for both employees and employers. As a result, seasonal workers do not seize this opportunity (as it is too complicated for them), and try to seek out other employment opportunities or migrate to other EU countries instead, where employment procedures are usually conducted by private employment agencies.

In most economies where fixed-term contracts are used, there are no daily time limitations for seasonal workers. Serbia and North Macedonia (along with the Federation of Bosnia and Herzegovina) impose daily work limitations on seasonal workers that are usually longer than daily or weekly limitations prescribed for workers with employment contracts. That limitation is 12 hours a day (considering the specific nature of seasonal work) while for workers with employment contracts, it is usually up to a maximum of ten hours a day.

These facets reflect the overall observation that the working, health, and living conditions of seasonal workers (and especially those of seasonal migrants) are often poor and inadequate. Moreover, due to more stringent supervision and weak bargaining positions, seasonal workers are often forced to accept such conditions. Seeking to maximize their incomes (to then be transferred as remittances to their families in their home countries), seasonal migrants face serious housing problems with most settling for very low budget housing.<sup>11</sup> In the WB, the majority are accommodated in large, shared barracks/containers. Furthermore, because of their working hours (when employed in the tourism sector, for example) and their geographical location (when active in agriculture), seasonal workers are often socially and spatially isolated from the rest of society. All the issues mentioned above form a vicious circle linking intensive (sometimes even hazardous) working conditions, poor housing, social disruption, and the risk of spreading diseases among seasonal workers. The short-term relationships between seasonal workers and employers encourages the latter not to take responsibility for providing a safe and healthy workspace (MSF, 2008).

### ***Policy-related Challenges of Seasonal Labour***

On a policy level, the WB are lagging behind in providing good political coverage of seasonal workers' issues.

The majority of legal frameworks in the Western Balkans do not define the problem of seasonal work or it defines it very indirectly. In some cases, differentiation between seasonal and other types of nonstandard employment is not simple (for example, when an employee is employed during an entire season). To illustrate, the legal framework of North Macedonia contains a definition of seasonal work as labour that is not being conducted during the entire year, but during specific periods and seasons, depending on natural or climatic conditions, with a duration of up to eight months in the period of twelve consecutive months. The legal framework of the Republic of Serbia also acknowledges seasonal work but through a separate regulation.<sup>12</sup> In Albania, Kosovo, or Bosnia and Herzegovina, seasonal work operates under the umbrella of 'part time labour engagement' with no clear definition of what constitutes this type of engagement. The identification and definition of seasonal work, its categorization, and recognition in legislation, is crucial in order to design policies that address seasonal labour needs properly.

### **Pandemic and Seasonal Workers Vulnerability - Highlighting the need to Take Action**

While seasonal workers have proven essential (particularly to the developing/transition economies of the Western Balkans), their vulnerability has intensified during the last year in the context of the COVID-19 pandemic. As the coronavirus spread across Europe, low-skilled workers were usually the first to see their wages cut and foreign workers were among the first to be laid off and eventually sent home. In this way, the pandemic has had a triple negative effect on the Balkans: it reduced remittances from abroad, increased local unemployment, and put additional pressure on social services (Vladislavljevic, et al., 2020). On the one hand, as intra-EU borders were closing, third country nationals' inability to reach host countries at the beginning of the harvest season for fruits and vegetables caused member states to panic (Sommarribas, A., Nienaber, B. 2021). In several countries, farmers were struggling to bring in the seasonal workers they rely on to harvest their fruits and vegetables. Attempts to recruit workers locally to replace them often failed, as the work requires physical strength, endurance, and speed that only experienced seasonal workers can provide; the long hours, low wages, and hard-working conditions partly explains why a large part of EU agriculture relies on non-national labour

### Box 3. Best Practice Example – Serbian Seasonal Workers Registration System

Since January 2019, Serbian employers who hire seasonal workers in agriculture can hire them through a simplified procedure. In June 2018, the National Assembly passed the ‘Law on Simplified Employment for Seasonal Jobs in Certain Activities,’ which regulates the simplified manner of employment and payment of taxes and contributions for persons who work seasonal jobs in the agriculture, forestry, and fishery sectors. The goal of passing this law was to make it easier for employers to hire seasonal workers and enable seasonal workers to benefit from all the rights granted through having a work engagement.

This reform introduced a small revolution in the hiring of seasonal workers in Serbia. Employers and workers now conclude an oral contract with the obligation to register workers through the online portal before starting work. Registration and deregistration of workers is done electronically in one place via the portal in just a few minutes, and hiring costs are reduced by more than 40%.

More specifically:

- The law enables the registration of seasonal workers on a daily basis via an electronic portal ([sezonskiradnici.gov.rs](http://sezonskiradnici.gov.rs)) with just a few clicks. The employer can hire seasonal workers this way for 180 days in one calendar year, with the restriction that a single seasonal worker may not be hired for more than 120 days a year. In order to hire a seasonal worker, the employer is no longer obliged to sign a written contract, but the employee’s application is based on a verbal agreement with the worker.
- The calculation of taxes and contributions is done only for those days when the seasonal worker was actually engaged, which has motivated employers to register their workers. Taxes and contributions are paid by the 15th of the month for the previous month and are based on a tax return that the portal automatically creates without any additional effort by the employer.
- The law prescribes that a seasonal worker in agriculture, during seasonal work, does not lose the right to unemployment benefits or the right to social assistance and is not deleted from the unemployment register, which motivates workers to ‘agree’ to formal engagement.

Such an approach has resulted in the number of registered seasonal workers increasing from 3,500 to 26,609 in the first year, which is about a third of the total estimated number of seasonal agricultural workers in Serbia. This positive trend continued in 2020, with 31,394 seasonal workers legally engaged. The total amount of taxes and contributions paid for these workers amounted to 2.1 million EUR in 2019 and 2.7 million EUR in 2020.

(Augère-Granier, 2021). On the other hand, the Western Balkans were also struggling to sustain the domestic issues related to typical seasonal sectors such as agriculture and tourism due to domestic rules for fighting the pandemic.

For example, in Serbia, the lockdown was in force for more than three months for all citizens older than 65 during the state of emergency.<sup>13</sup> Elderly farmers had to engage a large number of seasonal labourers<sup>14</sup> just to process their fields. These workers played a crucial role in keeping up with domestic agricultural production in 2020.

Along with Albania and Kosovo, who could not provide any data on seasonal labour migration, Montenegrin officials still have no data on migrant flows, especially on those employed or not during the pandemic. However, the Central

Bank of Montenegro reported that remittances from abroad in the first half of 2020 totalled 256.2 million EUR, down 15 million EUR (or 7%) from the same period last year (Vladislavljevic, et al., 2020). Even in the absence of official statistics, anecdotal evidence shows that the pandemic has had a significant influence on labour movements across Southeast Europe, which highlights the crucial need to foster new and adequate policies for better opportunities for seasonal workers.

### Conclusions and Recommended Policies for the Future

While the necessity to engage seasonal workers in agriculture and tourism all over the EU and in other developing countries (including the WB) is increasingly important, the reality of seasonal

agricultural work is a harsh one. The coronavirus pandemic, which affected harvests in the spring of 2020 due to travel restrictions, emphasized seasonal (and migrant) workers' critical role in agriculture and tourism, as well as their (often times) poor working and living conditions. While the EU has made some attempts to regulate seasonal labour through the introduction of the Seasonal Workers Directive, only recently has some attention been shifting towards regulating these workers' conditions in the Western Balkans. As such following the discussion above, this paper tries to summarize some of the recommended policies at three different levels.

1. At a domestic level, Western Balkan countries should firstly recognize 'seasonal work' as a specific type of work and integrate and adapt the adequate regulations to labour legislation, creating in this way new possibilities and incentives to tackle this target group. While some good practices are currently being recorded (see Box 3), and further actions at domestic level are being supported by the ORFMM programme, a wider extension of such examples should be introduced in all WB countries, taking into consideration the typical domestic, seasonal work dominant in these countries.
2. Cooperation should be reinforced between Western Balkan countries. Further cross border cooperation is necessary to analyse the work of seasonal labour agencies or (even informal) networks/flows of seasonal workers returning year after year to the same workplace. This would enable and promote the future exchange of information for better matching of skills with the requirements of the job market in the countries of destination.
3. Lastly, the 'territorial' dimension of EU immigration policy should be reinforced, promoting cooperation and dialogue among regions within the EU as well as between those of seasonal workers' origin/sending countries. In the perspective of reducing the effect of labour loss in the developing countries (usually due to high migration rates to member states), EU initiatives on enhancing technological levels or making use of the specific funds could be used by these countries.

At a general level, improving access to information about labour rights is essential for seasonal workers. In this regard, working closely with national agencies or the adequate institutions,

close collaboration with embassies of sending countries, or making use of regional initiatives (such as the Berlin Process<sup>15</sup> for example) can also help to increase workers' awareness of their rights and obligations.

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## Notes

<sup>1</sup> Referring to the study on Intra-EU Mobility of Seasonal Workers: Trends and Challenges by the

European Commission (Directorate – General for Employment Social Affairs and Inclusion), March 2021.

<sup>2</sup> Refers to the informal parallel economy, including unreported economic activities, incomes, and even employment of individuals.

<sup>3</sup> Figures represented here reflect the estimation given by the report in the framework of Increasing Opportunities of Seasonal Workers in the SEE countries project, carried out during 2019 by NALED and financed through the ORFMM programme.

<sup>4</sup> Out of that, in 2020, 31,394 seasonal workers (circa 40% of the total estimated number) were engaged through the official portal in Serbia following the government initiative on drafting the new legislation on seasonal workers and adapting for the first time an on-line registering portal in 2019.

<sup>5</sup> A country that is not a member of the European Union as well as a country or territory whose citizens do not enjoy the European Union's right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code). Albania is not a third country in the EU context.

<sup>6</sup> Provincial Labour Directorates

<sup>7</sup> For more information, see the website of the project 'Fair Seasonal Work' <http://www.pecoev.de/saisonorg/index.php?content=Publikationen>.

<sup>8</sup> European Commission, Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities, COM (2001).

<sup>9</sup> Share of national workforce engaged only seasonally within own country of residence.

<sup>10</sup> Due to the lack of a proper registry database, no additional information could be given whether the numbers reflect North Macedonian citizens or other neighbouring country nationals. The same issue remains in the data of the other Western Balkans country reporting on seasonal labour.

<sup>11</sup> Some EU countries have systems where seasonal workers (often migrants) are receiving vouchers for their temporary work. These vouchers are providing them some kind of discounts regarding rent. Voucher systems are implemented in Austria, Belgium, France, and Germany.

- <sup>12</sup> The Law on Simplified Work Engagement on Seasonal Jobs in Certain Activities provides for the implementation of the reform and encouragement of seasonal workers' registration.
- <sup>13</sup> The state of emergency in Serbia was in spring (April, May, June) when all agriculture activities take place. The majority of farmers in the country are older than 65 years old.
- <sup>14</sup> This was the case in the first month of the state of emergency. Yet in the upcoming months, small farmers in particular complained that they did not have the funds to hire seasonal workers so inspectors allowed them to leave the house with the condition of working in the nearby fields.
- <sup>15</sup> The Berlin Process is an initiative aimed at stepping up regional cooperation in the Western Balkans and aiding the integration of these countries into the European Union. It was launched on August 28, 2014, by the German Chancellor Angela Merkel. For more information, see [ONLINE]: <https://berlinprocess.info/about/>

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**Disclosure statement**

No potential conflict of interest was reported by the author.