

25 April 2012

RE: Orientation vote on draft report on proposal for European Parliament and Council Directive on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment (COM(2010)0379 – C7 0180/2010 – 2010/0210(COD))

Dear distinguished Members of the European Parliament's LIBE Committee,

We are contacting you with regard to the orientation vote on the Seasonal Workers Directive. In particular, we are approaching you to raise our concerns about three split votes planned on the compromise amendments COMP 37, 41 and 61 in addition to COMP 65.

In view of the high vulnerability and exploitation of seasonal workers, as well as the high number of undocumented migrant workers in this sector, SOLIDAR, PICUM, ENAR, 11.11.11 and CIRÉ* consider it necessary to genuinely improve the safeguards for social protection and decent work – for EU nationals and third country nationals.

We therefore kindly call upon you to vote for:

1. The wording "working conditions and social rights" in the split votes on COMP 37 and 41.
2. COMP Am. 61 and in particular the split vote on the text which reads "as certified by the competent authority".
3. COMP 65, paragraph 2 which deals with the issue of allowing "...at least 10% of employers" to be "subject to inspections".

Why are we asking you to vote in this way?

COMP 37 and 41: The wording "working conditions and social rights" may result in weakening the purpose of social protection and non-discrimination of seasonal workers. Relying on "social security and labour rights" as provisions may not be sufficient, as several EU Member States have not yet ratified ILO Conventions No. 97 (Migration for Employment Convention), No.149 (Migrant Workers Convention), while none have yet ratified the "International Convention of the Rights of all Migrant Workers and Members of their families".

COMP 61: Adequate housing standards are an essential part of decent work and living conditions. Removing the wording "as certified by the competent authority" may therefore undermine this aim, as employers could in principle define inspection criteria.

COMP 65: There is a need for the effective access of all Third Country Nationals to the full respect of equal treatment regarding fundamental rights, working conditions, social protection and access to legal redress. To avoid exploitation and to ensure decent working conditions for Seasonal Workers, regular labour inspections are of utmost importance.

SOLIDAR is a European NGO working for more social justice in Europe (www.solidar.org); **PICUM** - the Platform for International Cooperation on Undocumented Migrants - is an NGO that aims to promote respect for the human rights of undocumented migrants within Europe (www.picum.org); **ENAR** - The European Network Against Racism - is an EU-wide network working to combat racism in all EU member states (www.enar-eu.org); **11.11.11** is a coalition of NGOs, unions, movements and solidarity groups in Flanders working to achieve a fairer world with no poverty (www.11.be); **CIRÉ** - Coordination et Initiatives pour et avec les Réfugiés et Étrangers - is a pluralistic network of organisations working for and with refugees and foreigners (www.cire.be).