

IZA DP No. 10365

The Rise of the Free Movements: How Posting Shapes a Hybrid Single European Labour Market

Ninke Mussche
Vincent Corluy
Ive Marx

November 2016

The Rise of the Free Movements: How Posting Shapes a Hybrid Single European Labour Market

Ninke Mussche

Herman Deleeck Centre for Social Policy, University of Antwerp

Vincent Corluy

Herman Deleeck Centre for Social Policy, University of Antwerp

Ive Marx

*Herman Deleeck Centre for Social Policy, University of Antwerp
and IZA*

Discussion Paper No. 10365
November 2016

IZA

P.O. Box 7240
53072 Bonn
Germany

Phone: +49-228-3894-0
Fax: +49-228-3894-180
E-mail: iza@iza.org

Any opinions expressed here are those of the author(s) and not those of IZA. Research published in this series may include views on policy, but the institute itself takes no institutional policy positions. The IZA research network is committed to the IZA Guiding Principles of Research Integrity.

The Institute for the Study of Labor (IZA) in Bonn is a local and virtual international research center and a place of communication between science, politics and business. IZA is an independent nonprofit organization supported by Deutsche Post Foundation. The center is associated with the University of Bonn and offers a stimulating research environment through its international network, workshops and conferences, data service, project support, research visits and doctoral program. IZA engages in (i) original and internationally competitive research in all fields of labor economics, (ii) development of policy concepts, and (iii) dissemination of research results and concepts to the interested public.

IZA Discussion Papers often represent preliminary work and are circulated to encourage discussion. Citation of such a paper should account for its provisional character. A revised version may be available directly from the author.

ABSTRACT

The Rise of the Free Movements: How Posting Shapes a Hybrid Single European Labour Market

Intra-EU mobility has been the subject of debate from its very inception. Some scholars argue that intra-EU labour migration improves the allocation of human capital in the EU and contend that the level of permanent-type labour mobility is still too low to talk of a single European labour market. Others point to the social downside of both free labour mobility and free service mobility, such as the increased precariousness of industrial relations, and problems of wage dumping. Since the downsides are acute and demand attention, less attention has been given to the origins, destinations and nature of the posting flows more generally. One of the reasons for this is the fact that data on posting are still scarce. This article aims to fill this gap by exploring unique posting data for Belgium. Based on these data we argue that while the free movement of labour and a single European labour market has been a policy goal for decades, it is the free movement of services that is well on its way to shape a hybrid single European labour market. Permanent type mobility is greatly complemented with high levels of short term service mobility. Service mobility/posting is as much a phenomenon of *intra*-EU15 mobility, than it is of EU12 mobility. Moreover, posting is set to remain more popular than classical free movement of labour among EU12 citizens. Service workers circumvent the most important linguistic, cultural, institutional and social hurdles that classical mobile workers face in a diverse EU. The free movement of services is developing to such an extent that it complements permanent type free labour mobility in shaping a single but typically European labour market that is driven by diversity and circular mobility.

JEL Classification: J61

Keywords: posting, migration, labor mobility

Corresponding author:

Ive Marx
Centre for Social Policy
University of Antwerp
St Jacobstraat 2
2000 Antwerpen
Belgium
E-mail: ive.marx@ua.ac.be

1. Introduction: Intra-EU mobility

From its very inception the notion of intra-EU mobility has stirred the waters in both academia and politics. As early as the 1950s, when there were just six member states, academics expressed their doubts about the freedom of movement by arguing, for example, that “in any event, a scheme entailing freedom of movement such as that introduced by the Scandinavian countries seems to be out of the question as long as the marked imbalance in the economic structures and social conditions of Western Europe persists” (Lannes 1956). Mobility-optimists have also always contributed. In 1967 Feldstein concluded on labour mobility that even though ‘the entry of low-status individuals into another member state’ does not seem to help European integration at first sight, ‘time may indeed be the melting-pot’s flame’ (Feldstein 1967).

Today, the same doubts and critique are still reflected in academic literature. While some point to the increased precariousness of industrial labour relations (Alsos & Eldring 2008), problems of wage dumping, especially through free movement of services (Cremers et al. 2007, Alsos & Eldring 2008), others point to the success of free movement of labour after enlargement, and the improvement of the allocation of human capital in the EU (Kahanec 2013). Scholars further point out that the level of permanent-type labour mobility is still too modest to actually be able to speak of a full-grown European Labour Market (Freeman 2013).

This article argues and empirically corroborates that while the free movement of labour and a single European labour market has been a policy goal for decades, it is the free movement of services that is well on its way to shape a hybrid single European labour market. Even though the ideal typical single European labour market has been imagined as a product of the free movement of labour, i.e. permanent-type mobility, the cultural, economic, linguistic and social diversity of the European Union seems to drive very high and underestimated levels of free service mobility based on the free movement of services. The reasons why we qualify service delivery as an integral part of a single European labour market is that 1) our unique data for Belgium show that hyper-mobile service delivery through posting or self-employment is as much an intra-EU 15 phenomenon than it is an EU28 phenomenon. It is a large phenomenon that does not only concern east to west mobility but rather seems to suit EU15 citizens’ work and mobility preferences; 2) while posting from the accession countries developed among others due to inflow restrictions in established member states, the phenomenon became even more popular *after* restrictions were lifted. It seems that the benefits of posting outweigh the benefits of permanent-type mobility for EU12 workers; 3) intra-EU posting is a phenomenon that is attractive to third country nationals or their employers as well. Our data show that third country nationals are posted from other EU member states, in this way circumventing restrictive work permit procedures in certain countries. Once third country nationals obtain a work permit in any EU member state they can freely deliver services. Our data show that this is actually the case. So, permanent type mobility is greatly complemented with high levels of short term service mobility, with third country service mobility within the EU, with self-employed mobility

based on the freedom of establishment and with undocumented mobility. Intra EU15 and intra EU28 posting is an integral part of the European labour market that enables Europeans to circumvent the hurdles and reservations related to permanent migration.

We substantiate the emergence of a hybrid single European labour market that encompasses several types of mobility based on different freedoms, by analysing unique data developed by the Belgian authorities on the entry into Belgium of foreign service workers and self-employed workers. Belgium maintains a compulsory online system of registration of service provision in Belgium, called LIMOSA (https://www.socialsecurity.be/foreign/en/employer_limosa/home.html). Every posted worker (including people coming from third countries), self-employed persons and interns who want to perform a temporary economic activity in Belgium need to register before (s)he starts her/his activity. The online registration of posted workers is an innovative and unique way for the Belgian authorities to know what is happening on the labour market and to combat fraud. Belgium goes further than any other country in this and even got in trouble with the European Court. Belgium got convicted by the European Court of Justice for violating the free movement of services and had to reduce the amount of information it asked from foreign workers (see later). Needless to say that the database is a great tool for the empirical study of posting in Europe. We present data for 2008-2012 & 2014.

This article proceeds as follows. In section 2, we discuss the ongoing debate on EU mobility and the single European labour market. We discuss the impact of the different free movements as assessed by academic literature and discuss the empirical gaps in the present state-of-the-art concerning mobility. In section 3 we present the current state of knowledge on mobility in the EU posting. In section 4 we discuss our unique posting data for Belgium which address the empirical lacunae in the present debate and which indicate the development of a hybrid EU labour market. Section 5 finally discusses why posting is more popular than permanent-type mobility.

2. Labour mobility – what’s in a name?

A single European labour market is seen as part of a fully integrated European market economy. Based on the free movement of workers, the single European labour market has been envisioned as of the Treaty of Rome in 1958 (Riso et al. 2014). It meant to improve the matching of labour supply and demand, thereby improving efficiency (Boeri 2002, Ritzen & Zimmerman 2014, Holland & paluchowski 2013). Academic research has dug deep into the question of the impact of free labour mobility, whether or not the free movement of workers is beneficial for the EU economy and the national labour markets and to what degree we can speak of a single European labour market (Borjas 2014, Ruhs, 2015, Zimmerman 2013).

The answer to the first question seems to be largely positive, albeit with certain caveats. Research concluded that increased labour mobility has a neutral or positive effect on the EU economy (Kahanec et

al. 2014, Constant, 2013). Labour mobility improved the allocation of human capital in the EU and resulted in a seamless absorption of EU workers into the national labour markets (Kahanec 2013). Research for the UK as well as for Ireland indicates very small if any effects of labour mobility on unemployment and wages (Blanchflower et al. 2007; Lemos and Portes 2008; Hugues 2007). Barrett (2009) for Ireland moreover concluded that EU10 migrants impacted positively on the economy in terms of GDP growth. Research is largely positive regarding the effects on the sending member states' economy and labour market. Zaiceva (2014) indicates that outflows from new member states have relieved sending countries of some of their excess labour, thereby reducing unemployment and boosting wages. These positive effects for wages are particularly pronounced for socio-economic groups that have become relatively scarce.

Whereas the macro-economic impact may be neutral or positive, scholars criticized the considerable downsides of the free movement of labour across the EU. Research indicated that EU migrants are overrepresented in low and medium skilled jobs, whereas their skill-composition is higher. Their lower labour market position signifies downskilling and possibly brain waste (Anderson 2006, Drinkwater 2006, Barrett 2009, Hazans & Philips, 2011). Next to longer working hours and lower hourly wages, Blanchflower & Lawton (2008 & 2010) further recorded a general unhappiness among EU10 workers in the UK with their lives and the country they live in. Migrants indicated dissatisfaction with their jobs and a struggle with high job insecurity. Meardi et al (2012) described new migrants' situation of uncertainty as one of maximum risk and minimum 'voice'. Migrants also reported a poor work/life balance. UK migration experts pointed out that there is a risk that a semi-exploited (if often compliant) underclass is developing with limited prospects of social mobility and integration (Sumption & Somerville 2010). For the sending countries, moreover, outmigration risks to increase labour and skills shortages and mismatches in the local labour markets which will intensify as labour demand grows (Zaiceva 2014).

Scholars further critically assessed the 'performance' of labour mobility in building a Single European labour market, for which - after all - EU institutions developed considerable facilitating policy instruments, such as social security coordination, EURES, etc. The assessment of the free movement of labour is quite negative. Even though there has been a good degree of labour relocation (Kahanec, 2013), there seem to be indications that mobility between member states is still too low and, consequently, that it is still too early to speak of a complete single European labour market. To reach an optimum level of intra-EU mobility, many hurdles still need to be taken, institutionally, demographically, culturally and linguistically (Krause et al. 2014, Riso, 2014, Zimmerman 2013) (see below). Even though there is some degree of labour mobility, the potential shock-absorbing capacity of labour mobility in times of crises has not played out to a sufficient degree. Chaloff (2012) concluded that the impact of permanent-type labour mobility has been modest during the crisis and reduced unemployment in the EEA only by 6% (Chaloff 2012). In Europe, upon economic crises, earlier research showed that instead of the necessary labour migration, participation rates in the labour market are affected. If regions are hit by an economic crisis and

unemployment increases, people drop out of the labour market, rather than migrate to another country, which reflects in increased unemployment rates (Decressin & Fatas 1995).

The founders, policy makers and academia have traditionally imagined the single European labour market as the exclusive arena of the free movement of workers, i.e. permanent-type mobility across the national labour markets (Zimmerman 2013, Ruhs 2010). The free movement of services did not seem to figure in this original picture, and is not included as an equal factor in the construction of a single European labour market. Nevertheless, some scholars point out that the free movement of services in the form of posting and self-employment, has generated 'contours of a transnational European market for low-skilled labour' (Dølvik & Visser 2009). Similarly, Meardi et al. (2014) observe 'the creation of a hyper-flexible buffer of migrant workers who, being disposable in case of downturn, can carry most of the uncertainty burden without causing political problems'. The overall assessment of the free movement of services has indeed been negative. Scholars have widely criticized the consequences of mobility based on the free movement of services (Cremers et al. 2007). Dølvik and Visser (2009) argue that there is an increasingly problematic encounter between the EU and the national labour markets and their highly diverse regulatory mixes of union-management relations, public policy and legal order. Scholars widely criticized case law by the European court of justice in creating a contradiction between 'social Europe' and the free movement of services in the EU (Refslund 2015). Ashiagbor (2013) similarly argues that as markets became increasingly more open, the 'grand social bargain' of a European market embedded within national level social policy, has partially unravelled. Case-law of the European Court of Justice on the free movement of services and establishment laid bare a struggle between the market freedoms (especially services and establishment) and social rights, such as collective labour rights, and the right to strike. Scholars further criticized the destructive potential of the internal market on national institutions of social and industrial citizenship (Ashiagbor (2009 & 2013), Syrpis & Novitz (2008), Davies (2008)).

Empirical research indeed points in this direction. Research on the German construction industry revealed that even though German businesses can increase their competitive position through sub-contracting schemes, the massive utilization of sub-contracting reinforces a dualisation of the labour market. Whereas German workers are entirely embedded in the traditional German social market economy, with organized industrial relations, posted workers are legally and physically separated. The entirely parallel circuit of sub-contracted workers results in the undercutting of wages, a lack of skill formation, a lack of union representation (Doellgast & Greer 2007), a lack of knowledge of workers' rights, legal barriers between German and posted workers, the lack of application of collective agreements, isolation from other workers and alienation with the home country. Sub-contracted workers are completely isolated from Germany's conventional institutional structure, even though they may share a construction site with German workers (Wagner 2014).

Literature amply established the downsides of East-West posting movements in the EU. However, since the downsides are acute and demand attention, less attention has been given to the origins, destinations and nature of the posting flows more generally. One of the reasons for this is the fact that data on posting

are still scarce. The EU mainly relies on A1-certificates to map the prevalence of service providers. Many empirical questions remain open: In view of the highly visible issues with East-West movements, can we presume that posting is really a purely East-West affair? Can we only observe posting flows back and forth between the economically disparate parts of the EU? Or do other flows also exist? If other flows also exist, is the East-West movement the dominant one? Moreover, if other flows also exist, what does that tell us about the concept of a single European labour market? Furthermore, with circular mobility on the rise, what is the intensity of circularity? Regarding the East-West posting flows literature argued that these have been stimulated by the labour movement restrictions for the accession countries (Dolvik & Visser 2009, Van Overmeiren 2009). Can we presume that posting would lose popularity after the mobility restrictions were lifted? Furthermore, is posting only a matter of intra-EU movements by EU citizens or is posting part of a broader trend reflecting a popularity for posting across the board, also for third country nationals? And finally, even though literature points to some sectors of the European economy in which posted workers are active (mainly construction – see above), in which other sectors can we find them?

With the unique data for Belgium, we address these questions in the following sections. We start, however, with a brief overview of mobility data in the EU.

3. How much mobility is there?

As discussed above, the single EU labour market has been assessed as failing to live up to the vision of the single market in all its aspects. Scholars come to this assessment as data show that permanent mobility remains quite modest.

Statistics on classical permanent-type mobility are mainly sourced from the Labour Force Survey administrated by Eurostat (Dhéret et al. 2013, Bonin et al. 2008), and partly from administrative data (Riso et al. 2013). The Labour Force Survey (LFS) provides statistics on the labour force participation of the EEA Member States' population, which includes EU mobile workers who registered in the host country. Also for the Labour Force Survey we may deal with an underestimation of the actual migration flows.

Eurostat estimates that in 2013, around 8.1 million economically active EU citizens lived in another EU Member State, representing 3.3 per cent of the total EU labour force (Eurostat 2013). The actual annual mobility rate between EU countries in 2011-12, however, was only around 0.2 per cent of the total EU population (compared to a US mobility rate for that period of 2.7%). This comes down to close to half a million annually. Also, the 3.3 per cent EU mobile workers represents a smaller share of the EU labour force than the percentage of non-EU migrant workers, representing 4.3 per cent (European Commission 2014). Still, the EU worker flow has increased compared to about a decade ago. While the mobile EU workers represented only 2.1 per cent in 2005, it rose to 3.3 percent in 2013 (representing a high number of workers in absolute terms).

EU data indicate a clear contrast between the modest levels of permanent-type mobility and the high and increasing levels of posting flows. However, data on posting are scarce. The European Commission mapped the number of postings across Europe, basing itself on E101 & A1 social insurance forms. By 2011, the European Commission recorded a total of 1.51 million postings (now based on the new PD A1 form) across the EEA. Of these, around 1.21 million related to postings to specific countries. For Belgium, the European Commission registered 125.000 received postings (based on the PD A1 forms). Germany (311,000), France (162,000) and the Netherlands (106,000) (European Commission 2014) are also top posting countries. The European Commission further notes an increase in the number of postings. In 2013, some 1.34 million PDs A1 were related to postings to one particular country. Compared to 2010, the overall number of postings increased by 16% in 2012 and by 27% in 2013 (Pacolet & De Wispelaere 2014). Barslund & Busse (2016) confirmed a level of 1.9 million for 2014. However, based on our data as well as academic critique, we suspect that these results are an underestimation of reality (Dolvik & Visser 2010).

4. The hybrid EU labour market through a case study of Belgium

Keeping the general data on the two types of mobility in mind, we now turn to our Belgian case-study. To study labour mobility of all sorts, Belgium is interesting for several reasons. First, the country offers unique and detailed data on posting as Belgium introduced a registration system of posted workers in 2007. The Belgian online compulsory registration system called LIMOSA, requires self-employed workers as well as posting firms to register posted workers for *any* service delivered in Belgium – irrespective of the duration of this service. Every form of temporary employment of foreign employees, self-employed workers or interns need to be registered. The registering foreign employer needs to mention the posted worker's identity, the employer, the Belgian service user, the period and location of employment in Belgium and the timetable (Maes 2015). The foreign employer or self-employed worker receives a 'limosa-form' which posted workers need to keep with them for the entire duration of their posting. The Belgian user of the posted service needs to check if the posted workers carry their registration with them before the worker starts the job. If that is not the case he is obliged to register them him/herself. This duty is enforced with penal sanctions (Maes 2014). The LIMOSA system enables us to map whether the same posted workers repeatedly register within one year, i.e. whether we observe streams of circular mobility.

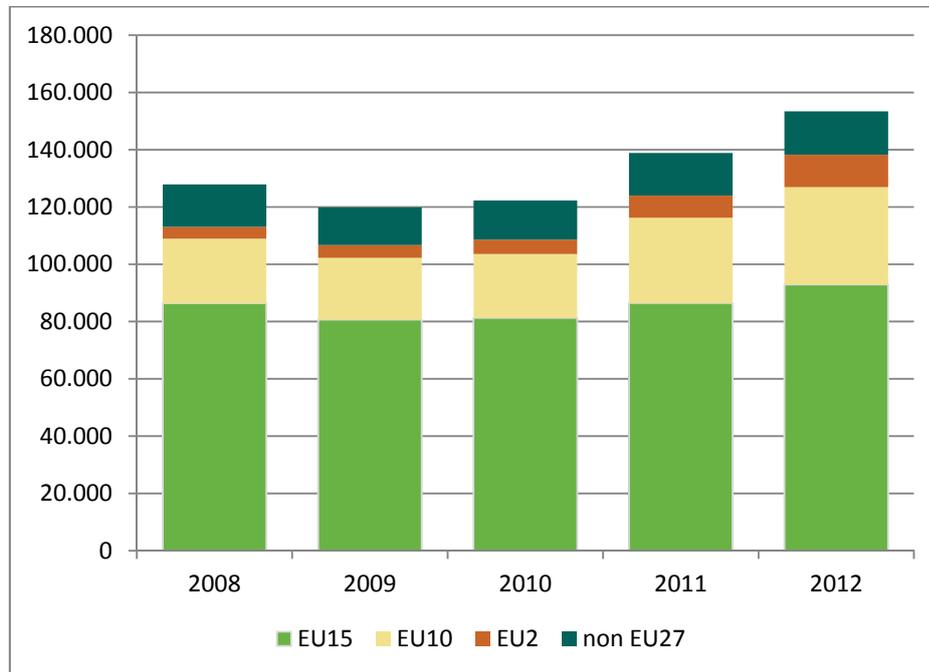
Even though the Belgian LIMOSA system is one of the rare accurate sources of data on posting within Europe, it ran into difficulties with the ECJ. As Dolvik & Visser observe, reliable statistics on posted workers do not exist as registration schemes are deemed 'disproportionate restrictions' on the freedom to provide services (Dolvik & Visser 2009). Belgium indeed was challenged by the European Court of Justice which partly reduced the information that the Belgian authorities are allowed to ask from the employers (ECJ 2012 & 2014). Despite a reduction in the amount of information Belgium can ask of the registering employers and workers, the database offers rich information on posting that can give a perspective on the broader EU reality.

Belgium is also interesting since it is one of the highest receiving countries for worker postings, next to Germany and France within the European Union (Wagner 2015). Furthermore, Belgium is a small country with a very open economy and high unemployment levels. Despite high levels of unemployment, many labour shortages persist even during the economic crisis (this is especially the case for the region of Flanders). Belgium officially has a labour migration stop for third country nationals, but in fact has one of the cheapest and fastest systems of work permits for certain categories of TCNs, mainly for the highly skilled. Highly skilled labour migrants, managers, researchers, for example, are categories that enjoy this flexible labour migration procedure. For lower skilled workers, the procedure is less flexible and based on a labour market test. The inflow of lower skilled third country nationals through work permits is very low. Concerning accession country citizens, and as most other Member States, it imposed restrictions on the free movement of workers from new member states, which were only lifted gradually.

Keeping the above in mind, we briefly present and contrast influx figures for permanent-type free movement of EU citizens into Belgium and posting-mobility into Belgium. The comparison reveals that posting based on the free movement of services, outnumbers the other free movements significantly. Data on in permanent-type influx of EU-citizens based on free movement (but not free movement of services) reveals for 2013 that some 77,000 EU citizens entered Belgium. This relatively modest figure covers all types of movement, workers, students, family members, etc. Not all data are public, but out of these 77,000 we know that almost 25,000 come based on family reunion (Myria 2015). The posting data indicate much higher flows. The LIMOSA data for Belgium indeed show that next to inflow based on the free movement of labour, there is a much higher activity based on posting. In 2012 about 380,000 postings/registrations were done in Belgium. This figure represents the number of service deliveries done in that year. This figure increased the next year by almost 70.000 postings: in 2013 450.000 postings/self-employment were registered in 2013 (Tommelein 2014). These individual service provisions were executed by some 150,000 workers in 2012, representing 3,7% of the Belgian work force. One single person can execute different shorter projects in Belgium in a form of circular short term mobility. Free movement of services is indeed a circular form of mobility. We could call it a form of circular migration (Constant et al. 2012), but is sometimes so short in nature (even for just a few days) that 'circular mobility' is maybe a more accurate term.

Figure 1 shows the number of unique persons who registered in the LIMOSA database by citizenship (region).

FIGURE 1. NUMBER OF UNIQUE POSTED WORKERS/SELF-EMPLOYED SERVICE PROVIDERS REGISTERED IN LIMOSA 2008-2012 - BELGIUM



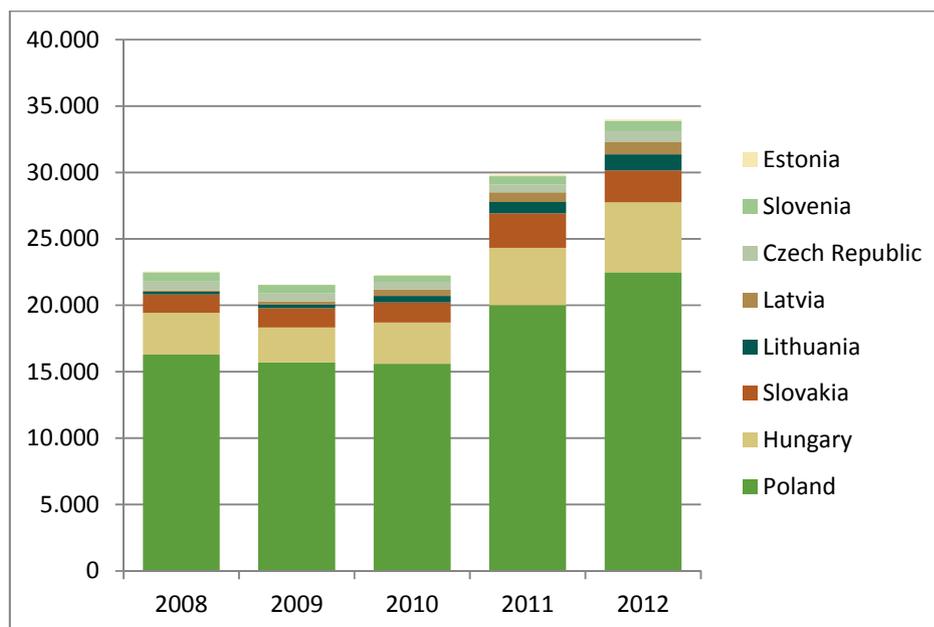
Source: Belgian National Social Security Office, LIMOSA data, own calculations

The above figures confirm but also put in perspective a few general perceptions about mobility in Europe. First, posting is usually associated with the movements from Eastern to Western Europe. One of the main reasons for these flows is the East-West gap in labour costs posing a major economic incentive for Western European clients, contractors and posted workers (Dolvik & Visser 2009). We would presume, then, that the Belgian figures would reflect these movements as the major inflow into Belgium. This is, however, not the case. Figure 1 shows that posting is mainly a Western European affair with the EU15 as the main player. The majority of posting and self-employed service comes from older Member States, and mainly from neighbouring countries. The number of EU10 and EU2 service providers does grow steadily, as we will discuss later.

The dominance of intra-EU15 posting suggests that next to wage disparities, other factors also play a role in the popularity of posting. We come back to these below. Figure 1 also indicates that service provision through posting or self-employment is sensitive to economic cycles. There is a clear dip in service provision for the worst years of the economic crisis. The three principal origin countries for service provision to Belgium are the Netherlands (25 per cent), Germany (11 per cent) and Poland (14 per cent). Note that France and the Netherlands are direct neighbours of Belgium. These three countries make up half of all service providers. Also France (11 per cent), Portugal (6 per cent) and Romania (5 per cent) provide their share of service providers. Other origin countries include India and Hungary.

An important argument in the posting debate in the earlier years focused on the ‘posting route’ for accession country citizens as a way to avoid the mobility restrictions imposed by the old member states. Literature pointed to posting as an alternative route to member states that imposed inflow restrictions for new member states (Dolvik & Visser 2009, Van Overmeiren 2009). The question is whether the lifting of mobility restrictions had any impact on the level of posting from accession countries. Our Belgian posting data first confirm that a posting route indeed existed during the mobility restriction years. Posting was popular among EU10 and EU2 citizens during the transition periods. If we only focus on EU10 and EU2 source countries, we see an increase of the number of posted workers over the years (figure 2). For the EU10, Polish workers predominate with some 22,000 service providers in 2012, leaving the number two, Hungary, behind with some 5,000 service providers. For Romania and Bulgaria (EU2) we equally record a strong increase in the number of service providers. The number of Bulgarians more than doubled from 900 in 2008 to 3007 in 2012 – and this in the period of inflow restrictions. Also the number of Romanians increased from about 3,000 in 2008 to about 8,000 in 2012.

FIGURE 2. SHARE EU10 CITIZENS AS SERVICE PROVIDERS IN BELGIUM - 2008-2012.



Source: Belgian National Social Security Office, LIMOSA data, own calculations

What is interesting, however, is that posting seems to have become *even more* popular once the restrictions were lifted. We can see this in the clear break in the data between 2010 and 2011. 2010 was the last year that Belgium had imposed inflow restrictions for citizens of the new EU10 Member States. Until then, their citizens were obliged to apply for a work permit (or establish as a self-employed worker). When the free movement of workers was established, the number of postings also increased with 5000 in 2011. The persistent popularity of posting clearly reflects more than a simple way to avoid mobility restrictions. We discuss below how it suits EU citizens’ work and residence preferences more generally.

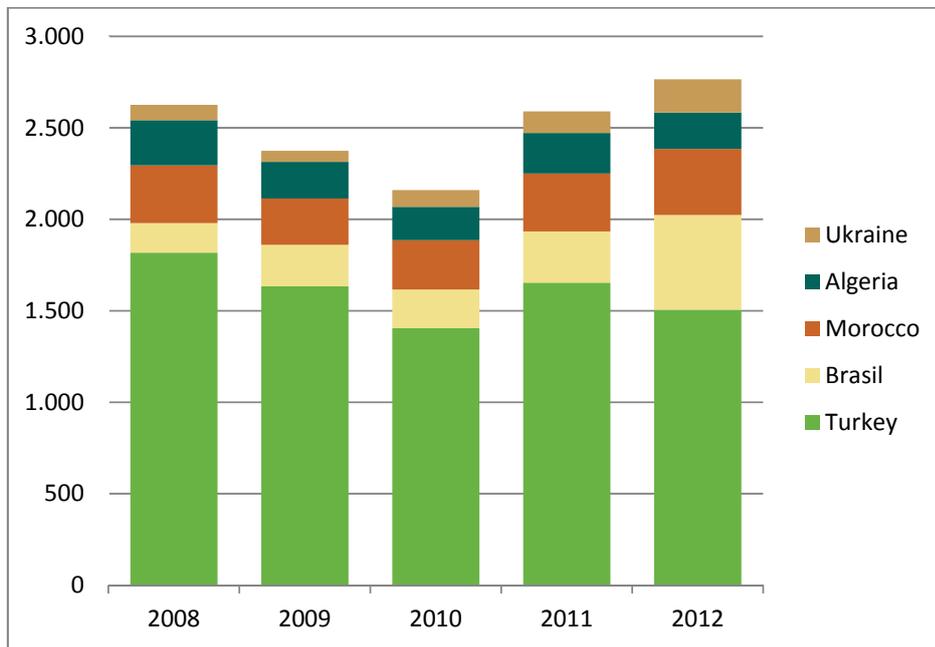
4.1. The popularity of posting with third country nationals, including for intra-EU movements

The debate on intra-EU mobility and the place of posting in it naturally focuses on the policy challenges and tensions (posting) or deficits (labour mobility) posed for the EU landscape. It is useful, however, to put EU mobility in the broader context of labour migration, as the popularity of posting may fit in a broader trend. Our Belgian data bring out such interesting trends of mobility in the labour migration context. As in most countries, third country nationals cannot freely enter Belgium to deliver a service, but need to apply for a work permit. Belgium (through its regions) developed a flexible labour migration system for certain categories of workers, mostly of the highly-skilled category. The highly-skilled represent the highest inflow of labour migration from third countries, as conditions for medium to low-skilled workers are quite restrictive. Belgian labour migration statistics are able to grasp if third country nationals enter for a regular job-work permit or a posting-work permit. Additionally, the LIMOSA posting-database also registers third country nationals who enter Belgium with a posting-work permit for a posting job in Belgium.

Labour migration statistics indicate that the highest inflow takes place for the highly-skilled 'posted' category, i.e. highly-skilled third country nationals who are posted to Belgium from a third country. In Flanders (the largest receiver of labour migrants), for example, the number of highly skilled workers coming on the basis of a normal employment contract in 2013 amounted to 1702. The highly skilled workers coming as posted workers, however, amounted to 2650 persons (Mussche et al. 2010). Posting stands out as the most popular form of labour migration for third country nationals – similar to the mobility pattern of EU nationals. The predominance of posting seems to reshape classical labour migration from third countries into a much more mobile and flexible phenomenon.

Additionally, what is remarkable is that third country nationals who enter Belgium are often posted *from within* the EU. The LIMOSA database enables us to focus on the location of the employer of the worker (i.e. the country from which they get posted). Quite a few third country nationals are posted to Belgium from another EU15 country. Based on EU law, they are exempt from applying for a work permit (*Vander Elst*, nr. C-43/93, Jur. I-3818). Figure 3 shows the top 5 of third country nationals who are posted *from* an EU15 country. The largest share is Turkish citizens, followed by Brazilians and Moroccans. In 2012 only about 200 Turkish workers were posted from outside the EU (e.g. from Turkey). The large majority (about 1500 persons) was posted from within the EU15. In this way, posted workers can circumvent the restrictive labour migration policies that Belgium imposes on medium and lower skilled workers. By obtaining a work permit in another EU member state, they are not subjected any more to the above mentioned work permit but move freely across the EU. This mobility pattern of third-country nationals again emphasizes the popularity of posting across the board.

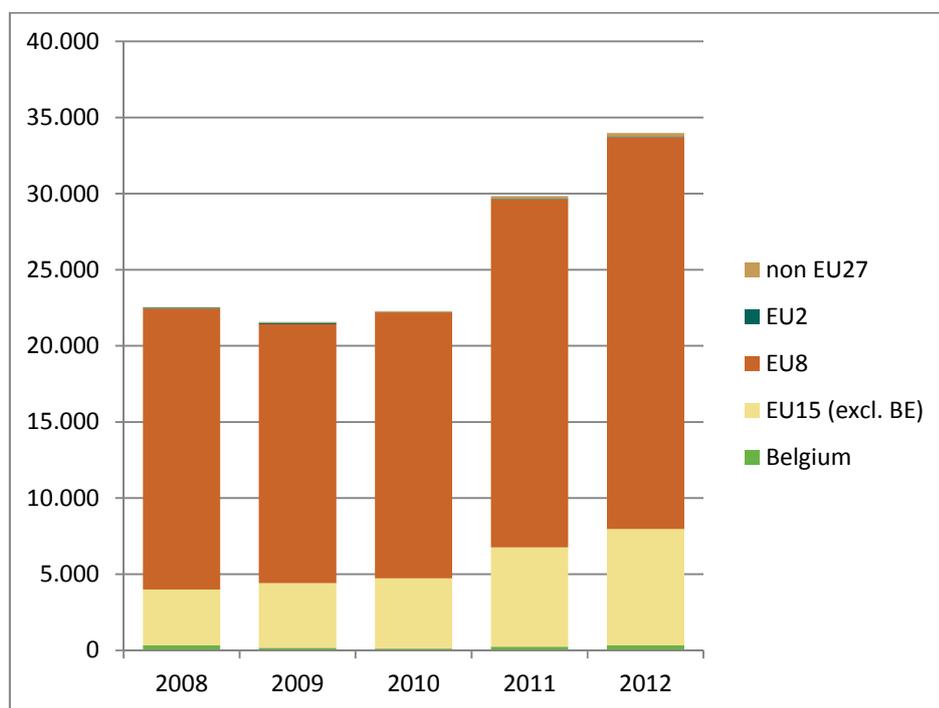
FIGURE 3. TOP 5 THIRD COUNTRY NATIONALS POSTED TO BELGIUM FROM EU15 - 2008-2012



Source: Belgian National Social Security Office, LIMOSA data, own calculations

Furthermore, not only third country nationals are posted from EU15 countries; the same is true for EU8 and EU2 workers. Figure 4 presents the number of EU8 workers by country *from which* they are posted. There is a clear increase noticeable of the number of EU8 employees who are posted from EU15 countries. In 2012, 20 per cent of EU8 employees was posted from a EU15 country. Also for EU2 workers, 20% of them are posted from EU15 and EU8 (e.g. Polish employers posting Romanians).

FIGURE 4. NUMBER OF EU8 WORKERS BY COUNTRY FROM WHICH THEY ARE POSTED



Source: Belgian National Social Security Office, LIMOSA data, own calculations

4.2 The sectors in which posted workers are employed

Public opinion, the general press and literature generally associate posting with a few industry sectors in which posting is thought to be concentrated. Construction is usually cited as a sector where posting is prevalent (Persson 2009, Wagner 2014). The Belgian data seem to confirm construction as the number one posting sector. Table 1 gives an overview of the top 10 sectors to which service provision takes place, as recorded by LIMOSA. The largest share by far goes to construction with some 55,000 service providers in 2012. The second largest sector for posting is the metal industry (close to 40,000 persons in 2012). The third largest sector is ‘maintenance of electrical machines’ with some 10,000 workers in 2012. ICT (n° 5 in the top 10) has a share of almost 7,000 workers and its size is increasing.

TABLE 1. TOP 10 SECTORS IN WHICH POSTED WORKERS ARE ACTIVE – NUMBER OF SERVICE PROVIDERS BY SECTOR 2008-2012.

	2008	2009	2010	2011	2012
Construction	37.578	34.115	34.575	41.854	53.469
Metal Industry	23.827	27.726	31.715	37.595	39.539
Maintenance of Electric Machines	15	4.840	7.436	9.338	10.332

Petrochemical industry	13.623	9.482	8.657	8.241	7.275
ICT	5.522	5.623	6.268	6.722	6.857
Transport & storage	8.305	6.871	5.921	5.755	5.989
Food industry	92	2.267	3.449	4.108	4.713
Cleaning	2.120	2.256	2.546	3.191	3.803
Engineers & Scientists	4.817	3.613	3.234	3.465	3.662
Agriculture	2.147	2.486	3.027	3.257	2.969

Source: Belgian National Social Security Office, LIMOSA data, own calculations

5. Why is posting more popular than permanent-type mobility?

The above data reveal that Europe, at least in some countries, is witnessing large-scale circular intra-EU movements. These movements significantly alter the mobility picture of the EU. This article aims to understand how the high flows of service mobility alter our theoretical understanding of the single European labour market. Our data indicate that the very high and growing levels of posting pushes for a requalification of the single EU labour market. Traditionally, the EU labour market has been envisioned as an exclusive exercise in permanent-type labour mobility. This type of mobility has remained disappointing. Furthermore, because only labour mobility is kept in mind, scholars have compared the EU with the US labour market (Boeri 2002, Blanchard & Katz 1992). Bonin et al. (2008), for example, compared EU interstate mobility of 1% with higher inter-state mobility in the US (3%) and Canada (2%). Of course there is also a lot of equivalent non-permanent posted mobility between US States that is not covered in the data.

Our data suggest, however, that comparing permanent type mobility between the US and the EU does not do justice to the diversity of mobility that constitutes the typically European labour market. Permanent type mobility is greatly complemented with high levels of short term service mobility, with third country service mobility within the EU, with self-employed mobility based on the freedom of establishment and with undocumented mobility. Intra EU15 and intra EU28 posting is an integral part of the European labour market that enables Europeans to circumvent the hurdles and reservations related to permanent migration. The European Union is so diverse linguistically, culturally and economically that a comparison with the United States is hard to sustain.

The hurdles for higher labour mobility between EU countries have been studied extensively (Bonin et al. 2008). We can qualify them as demographic, institutional, and personal factors, all of which can be surpassed or avoided by reverting to posting instead of permanent mobility. Personal factors play the most determining role in hampering intra-EU mobility (Krause 2014). Kovačič et al. (2006) found for Slovenian workers that the main obstacles to moving to another EU member state were separation from the partner, having dependent children and the family situation. A Eurobarometer survey of 2010

published by the European Commission (2010) similarly points to personal factors as important hurdles to mobility. The most important factor proved a lack of language skills. The fourth most important factor was also of the 'personal' category, being adapting to a different culture. Heinz and Ward-Warmedinger (2006) similarly point to the lack of familiarity with other European languages as well as moving costs as mobility hampering personal factors. Another important set of factors can be called 'institutional'. The abovementioned 2010 Eurobarometer survey listed uncertainty about finding a job as the second most important barrier to mobility, and finding suitable housing as the third most important factor (European Commission 2010). Similarly, Heinz and Ward-Warmedinger (2006) refer to legal and administrative barriers, inefficient housing markets, the limited portability of pension rights, problems with the international recognition of professional qualifications and the lack of transparency of job openings. Finally, next to the above mentioned factors, demographic factors have been cited by Zimmerman (2013) as reasons for the insufficiently high level of mobility in Europe: rising female labour market participation, less mobile double-income households, as well as an increase in the homeownership rate.

Another factor that supports the circular mobility in the form of posting, is the existence of social security and welfare state links with the home country. This counts both for EU15 and for EU12 citizens. For Eastern European citizen, the transitional periods curbed migrants' free access to the labour market, but also to the social security systems of those countries. Because of the restricted and overly complicated access to the welfare systems in the west, migrants tend to keep their institutional ties with home countries, which encourages circular rather than permanent mobility (Kureková 2013). So welfare systems in workers' home countries as well as proximity and the ease of travel make short term mobility an attractive European option (Kureková 2013; Meardi et al. 2012).

In short, posting seems to be an adaptation to the realities of a culturally and linguistically very heterogeneous labour market. It is a response to the desire of EU citizens to remain permanently in their home country for cultural, linguistic and family reasons, while at the same time seizing economic opportunities posed by the EU free movements.

6. Conclusion

This article has shed light on the scale and nature of service mobility in the EU, using the case of Belgium. The unique posting data for Belgium indicate that posting is a significant addition to traditional permanent-type mobility in shaping a hybrid single European labour market. Even though posting is usually only regarded as a (problematic) movement from the 'poorer' East to the 'richer' West, we observe that service provision is actually as much a matter of intra-EU15 movements as it is of intra-EU28 movements, and hence not driven by economic disparities alone. Posting seems to fit the mobility preferences of a linguistically, culturally, and economically diverse European work force and circumvents

important hurdles that permanent-type migrants still face, such as linguistic problems and the uncertainty to find a job. This counts for EU15 citizens as well as for EU12 citizens.

Posting is bound to stay popular for both groups in view of the advantages it offers. We observed that even when inflow restrictions for new EU member states were lifted, posting levels remained and even increased. Moreover, posting seems to develop into the preferred form of economic migration across the board, i.e. also for third country nationals who enter EU member states based on classical work permits. For Belgium – but also for other countries such as the UK – we know that the majority of third country labour migration also takes the form of posting. Moreover, once in the EU, third country migrants circumvent their work permits by getting posted across the continent.

Even though posting is vulnerable to fraud and social dumping, we can qualify the phenomenon as the European adaptation to its multilingual and multicultural reality. To adequately measure posting across the EU, better data collection is necessary. However, this is also the case for permanent-type mobility.

This is not to say that there is no future for the free movement of workers. Rather, along with Zimmerman (2013) we propose that ‘Europe will face in the future a much higher level of circular *and* permanent migration’. And as Hazans (2011) notes for Baltic potential emigrant workers, the psychological cost of moving decreases as time goes by. Relatively extensive European diasporas develop all across Europe, and can support the development of further permanent type mobility – for all EU28 citizens. Permanent-type mobility has potentially many benefits for the European labour markets and society. It is much less vulnerable to social dumping and fraud and supports the social security system of the host country. This type of mobility is of a more stable nature and can actually contribute to the demographic challenges of receiving countries. Some policy choices can be made at the European and national levels to ensure a proper balance between the different aspects of free movement – workers vs. services. First, very concrete steps can be taken to make the ‘classical’ single EU labour market radically more integrated. One important factor that has been identified as a hurdle to mobility is workers’ worry about finding a suitable job in the destination area. As mentioned, this deterrent has been related to the institutional setting of transparency and information regarding job openings (Bonin et al. 2008). Here lies an important opportunity for policy makers. The European Union needs a highly integrated pan-European public employment office, i.e. a radically upgraded EURES, which would enable a much higher level of information exchange and transparency on the European labour market as well as a mainstreaming of EU job opportunities (Dhéret 2013).

To better address the downsides of both forms of movement, we follow Ferrera (2009) in his call to develop an EU ‘social space’ whose aim should be to safeguard or reconstruct the institutional preconditions of the national welfare state and an institutional reconciliation between the welfare state and the EU.

References

Alsos, K. & Eldring, L. (2008), 'Labour mobility and wage dumping: The case of Norway', *European Journal of Industrial Relations*, Vol14, N° 4, pp441-459.

Ashiagbor, D. (2009), 'Collective labour rights and the European social model', *3:2 Law & Ethics of Human Rights* 222-266.

Ashiagbor, D. (2013), 'Unravelling the embedded liberal bargain: labour and social welfare law in the context of EU market integration', *European Law Journal*, Vol. 19, n° 3, May 2013, 303-324.

Barrett, A., 'EU Enlargement and Ireland's Labour Market', *IZA Discussion paper N° 4260*.

Barslund, M. & Busse, M., Labour Mobility in the EU Addressing challenges and ensuring 'fair mobility', No. 139 – July 2016, <https://www.ceps.eu/system/files/SR139%20MB%20and%20MB%20LabourMobility.pdf>

Blanchard, O.J. and L.F. Katz (1992), "Regional Evolutions", *Brookings Papers on Economic Activity*, No. 1, pp. 1-75.

Blanchflower, D., Saleheen, J. & Shadforth, C. (2007), 'The Impact of the Recent Migration from Eastern Europe on the UK Economy', *IZA Discussion paper N° 2615*.

Blanchflower, D. & Lawton, H. (2008), 'The impact of the recent expansion of the EU on the UK labour market', *IZA Discussion Paper N° 3695*.

Boeri, T., Hanson, G.H., McCormick, B. (2002), *Immigration policy and the welfare system: a report for the Fondazione Rodolfo De Benedetti*, Oxford University Press on Demand.

Bonin, H., Eichhorst, W., Florman, C., Hansen, M.O., Skiöld, K., Stuhler, J., Tatsiramos, K., Thomasen, H., Zimmermann, K.F. (2008), 'Geographic Mobility in the European Union: Optimising its economic and social benefits', *IZA Research Report No. 19*, Bonn, Institute for the Study of Labour (IZA).

Borjas, G. (2014), *Immigration Economics*, Harvard University Press.

Chaloff, J. et al. (2012), 'Free labour mobility and economic shocks: the experience of the crisis', in *Free Movement of Workers and Labour Market Adjustment: Recent Experiences from OECD Countries and the European Union*, OECD Publishing.

DOI: 10.1787/9789264177185-5-en

Constant, A., Nottmeyer, O. & Zimmerman K (2012)., 'The economics of circular migration', *IZA Discussion Paper Series* No. 6940, October 2012.

Constant, A. (2013), 'Sizing it up: labour migration lessons of the EU enlargement to 27, in Gortázar, C., Parra, C., Segaert, B. & Timmerman, C. (eds.), *European Migration and Asylum Policies: Coherence or Contradiction*, Brussel, Bruylant.

Cremers, J., Dølvik, J., Bosch, G., Posting of Workers in the Single Market: Attempts to Prevent Social Dumping and Regime Competition in the EU, *Industrial Relations Journal*, Vol. 38, Issue 6, pp. 524-541, November 2007.

Davies, A.C.L. (2008), 'One step forward, two steps back? The *Viking* and *Laval* cases in the ECJ', 37:2 *Industrial Law Journal* 126.

Dupont-Fargeaud, F. & Spira, C (2014), 'New directive on posted workers ignores member states' objections', *Euractiv.com*, 16/04/2014, <http://www.euractiv.com/sections/social-europe-jobs/new-directive-posted-workers-ignores-member-states-objections-301592>, consulted on 10 September 2014.

European Commission, Labour mobility in the EU: challenges and perspectives for a genuine European labour market, SPEECH/14/491 of 24/06/2014 by László Andor, http://europa.eu/rapid/press-release_SPEECH-14-491_en.htm, consulted on 11 September 2014.

Decressin, J. & Fatás, A. (1995), "Regional Labour Market Dynamics in Europe," *European Economic Review*, Vol. 39 (December), pp. 1627–55.

Dhéret, C., Lazarowicz, A., Nicoli, F, Pascouau, Y., Zuleeg, F. (2013), 'Making progress towards the completion of the Single European Labour Market', *EPC issue Paper*, N° 75, May 2013.

Doellgast, V. & Greer, I. (2007), 'Vertical distintegration and the disorganization of German Industrial Relations', *British Journal of Industrial Relations*, 45:1 March 2007 0007-1080 pp. 55-76.

Dølvik, J.E. & Visser, J. (2009), 'Free movement, equal treatment and workers' rights: can the European Union solve its trilemma of fundamental principles?', *Industrial Relations Journal* 40:6, 491-509

Drinkwater, S., Eade, J., Garapich, M. (2006), "Poles Apart? EU Enlargement and the Labour Market Outcomes of Immigrants in the UK", IZA Discussion Paper N°. 2410.

ECJ 9 August 1994, *Vander Elst*, nr. C-43/93, Jur. I-3818.

Eurofound (2011), 'Free movement of workers', <http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/freemovementofworkers.htm>, consulted on 15 September 2014.

Eurofound (2014), *Posted Workers*, <http://www.eurofound.europa.eu/areas/Industrialrelations/dictionary/definitions/postedworkers.htm>, consulted 15 September 2014.

European Commission (2007), Communication from the commission to the council, the European parliament, the European Economic and Social Committee and the committee of the regions, Posting of workers in the framework of the provision of services: maximising its benefits and potential while guaranteeing the protection of workers, COM(2007) 304, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0304:FIN:en:PDF>, consulted 15 September 2014.

European Commission (2010), *Geographical and labour market mobility*, Special Eurobarometer, 337/Wave 72.5, Brussels.

European Commission (2012), Employment: Commission improves EURES jobseeker mobility network, IP/12/1262, 26.11.2012, http://europa.eu/rapid/press-release_IP-12-1262_en.htm, consulted on 21 May 2013.

European Commission (2012-2), *Posting of workers in the European Union and EFTA countries : Report on A1 portable documents issued in 2010 and 2011*, <http://ec.europa.eu/social/BlobServlet?docId=9675&langId=en>, , consulted on 15 September 2014.

European Commission (2014), 'Employment: Commission welcomes Council adoption of Posting of Workers Enforcement Directive' 13 May 2014, http://europa.eu/rapid/press-release_IP-14-542_en.htm, consulted on 15 September 2014.

European Court of Justice, 3 December 2014 (C-315/13).

European Court of Justice, 19 December 2012 (C-577/10).

Eurostat, LFS, 2013, sourced from European Commission, Labour mobility in the EU: challenges and perspectives for a genuine European labour market, SPEECH/14/491 of 24/06/2014 by László Andor, http://europa.eu/rapid/press-release_SPEECH-14-491_en.htm, consulted on 11 September 2014.

Ferrera, M. (2005), *The Boundaries of Welfare. European Integration and the New Spatial Politics of Social Protection*, Oxford, Oxford University press.

Ferrera, M. (2009), 'The JCMS Annual Lecture: National welfare states and European integration: in search, of a 'virtuous nesting', *Journal of Common Market Studies*, vol. no. 47, no. 2, pp. 219-233.

Hazans, M. & Philips, K. (2011), 'The post-enlargement migration experience in the Baltic labour markets', *IZA Discussion Paper N° 5878*.

Heinz and Ward-Warmedinger (2006), 'Cross-border labour mobility within an enlarged EU' Occasional paper series – European Central Bank, n° 52.

Holland, D. & Paluchowski, P. (2013), 'Geographical labour mobility in the context of the crisis', European Employment Observatory, Birmingham.

IDEA Consult & ECORYS Netherlands (2011), *Study on the economic and social effects associated with the phenomenon of posting of workers in the EU, On behalf of: European Commission - Directorate General Employment, Social Affairs and Equal Opportunities, ec.europa.eu/social/BlobServlet?docId=6678&langId=en, consulted on 15 September 2014.*

Kahanec, M. (2013), 'Labour mobility in an enlarged European Union', in: Constant, A. & Zimmerman, K., *International Handbook on the Economics of Migration*, Cheltenham, Edward Elgar.

Kahanec, M, Pytliková, M. & Zimmermann, K. (2014), *The free movement of workers in an enlarged European Union: Institutional Underpinnings of Economic Adjustment*, IZA Discussion Paper, no. 8456.

Koettl, J. (2006), *The Relative Merits of Skilled and Unskilled Migration, Temporary and Permanent Migration and Portability of Social Security benefits*, Washington, DC: World bank, Social Protection and Labour Department.

Koikkalainen, S. (2011), 'Free Movement in Europe: Past and Present', <http://www.migrationpolicy.org/article/free-movement-europe-past-and-present>, consulted on 10 September 2014.

Kovačič, M., Tina V. & Bešter-Faller. (2006). *Raziskava Mobilnost slovenskih delavcev pri iskanju zaposlitve v državah EU/EGS*. Ljubljana: Center za raziskovanje javnega mnenja, quoted in Riso, Riso, S., Secher, J.E.O. & Andersen, T. (2014), *Labour mobility in the EU: Recent trends and policies*, Luxembourg: Eurofound.

Krause, A., Rinne U. & Zimmerman K. (2014), 'How far away is a single European Labour Market', *IZA Discussion Paper Series*, IZA DP No. 8383.

Kurekova, L. (2013), 'Welfare systems as emigration factor: Evidence from the New Accession States', *Journal of Common Market Studies*

Lannes, X. (1956), 'International Mobility of Manpower in Western Europe', *International Labour Organization Review*, cited in Feldstein, H. (1967), 'A study of transaction and political integration: transnational labour flow within the European Economic Community', *Journal of Common Market Studies*, Vol. 6, Issue 1, pp 24-55, march 1967.

Lemos, S. & Portes, J. (2008), 'New Labour? The Impact of Migration from Central and Eastern European Countries on the UK Labour Market', *IZA Discussion Paper N° 3756*.

Maes, S. (2014), 'Is Limosa-controleplicht door Belgische eindgebruiker Europees in orde?', *HR. Square*, <http://www.hrsquare.be/nl/rechtspraak/355/is-limosa-controleplicht-door-belgische-eindgebruiker-europees-in-orde>, consulted 21 Jan 2016.

Maes, S. (2015), 'Welke loon- en sociale documenten voor buitenlandse gedetacheerden?', <http://www.hrsquare.be/nl/rechtspraak/382/welke-loon-en-sociale-documenten-voor-buitenlandse-gedetacheerden>, consulted on 21 jan 2016.

Meardi, G., Martín, A. & Lozano Riera, M. (2012), 'Constructing uncertainty : unions and migrant labour in construction in Spain and the UK', *Journal of Industrial Relations* 54(1).

Mussche, N., Corluy, V. & Marx, I. (2010), *Satisfying labour demand through migration in Belgium – Study of the Belgian Contact Point of the European Migration Network*, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/labour-demand/02._belgium_national_report_satisfying_labour_demand_thru_migration_final_version_23nov2010_en.pdf, consulted on 3 February 2016.

Myria – Federal Migration Centre (2015), *Migratie in Cijfers en in Rechten*, <http://www.myria.be/nl/publicaties/migratie-in-cijfers-en-in-rechten-2015>

Pacolet, J. & De Wispelaere, F. (2014), Posting of workers Report on A1 portable documents issued in 2012 and 2013, *Posting of workers: Report on A1 portable documents issued in 2012 and 2013*, *Network Statistics FMSSFE*, European Commission, December 2014, 40 p.

Persson, M., 'Keep European workers moving', *The Guardian*, 12 February 2009, <https://www.theguardian.com/commentisfree/2009/feb/11/trade-unions-europe-labour-movement>

Refslund, B. (2015), 'Adjusting the Danish industrial relations system after *Laval*: recalibration rather than erosion', *Transfer. European Review of Labour and Research* 2015, vol. 21(2), 247-251.

Riso, S., Secher, J.E.O. & Andersen, T. (2014), *Labour mobility in the EU: Recent trends and policies*, Luxembourg: Eurofound.

Ritzen, J. & Zimmermann, K. (2014), 'A vibrant European labour market with full employment', *IZA Journal of European Labour Studies*, 2014, 3:10.

Ruhs, M. & Anderson, B. (2010), *Who Needs Migrant Workers?, Labour Shortages, Immigration and Public Policy*, Oxford, Oxford University Press.

Ruhs, M. (2015), 'Is unrestricted immigration compatible with inclusive welfare states? The (un)sustainability of EU exceptionalism', Centre on Migration, Policy and Society, Working Paper No. 125, University of Oxford, 2015.

Sumption, M. & Somerville, W. (2010), *The UK's New Europeans: Progress and Challenges Five Years After Accession*. Manchester: Equality and Human Rights Commission.

Syrpis, P. & Novitz, T. (2008), 'Economic and social rights in conflict: political and judicial approaches to their reconciliation', 33:3 *European Law Review* 411.

Tommelein, B. (2014), 'Limosa-meldingssysteem voor buitenlandse werknemers doorstaat toets van Europa', <http://www.tommelein.com/limosa-meldingssysteem-voor-buitenlandse-werknemers-doorstaat-toets-van-europa/>, consulted 21 Jan 2016.

Van Overmeiren, F. (2009), *Buitenlandse arbeidskrachten op de Belgische arbeidsmarkt*, Brussel, Larcier.

Wagner, I. & Lillie, N. (2014) 'European integration and the disembedding of labour market regulation: Transnational labour relations at the European central bank construction site', *Journal of Common Market Studies*, 2014, Vol. 52, n° 2, pp. 403-419.

Wagner, I., 'The political economy of borders in a 'borderless' European labour market', *Journal of Common Market Studies* 2015 Vol. 53, N° 6, pp1370-1385.

Zaiceva, A., 'Post-enlargement emigration and new EU members' labour markets. Outmigration has contributed to increasing wages and decreasing unemployment in the new EU member states but may also cause skills shortages', *IZA World of Labour* 2014: 40 doi: 10.15185/izawol.40.

Zimmerman, K. (2013), 'The mobility challenge for growth and integration in Europe', *IZA Policy Paper N° 69*, September 2013.