

Lacking Interest Representation of Mobile Workers in the European Union: The Case of 24-Hour Care Workers in Austria and Germany (Carina Kobler)

This paper is part of my dissertation project which is written in the context of the problematic relationship between economic freedoms and labour as well as social protection rights in the European Union (EU). The history of debates on the liberal bias of the EU (Leibfried 2010, Scharpf 2010) is underpinned by considerable evidence of scientific studies that labour rights of mobile workers in various EU Member States are violated by leveraging existing gaps in European, national and sectoral labour market regulations (Cremers et al. 2007, Krings 2009, Arnholtz/Hansen 2013, Bernaciak 2015, Wagner 2015, Berntsen/Lillie 2016). A number of authors argue that the EU regulatory framework covering labour mobility creates a space in which social and political controls are difficult or almost not possible to enforce (Lillie 2010). Others say that weak national-level capacities to monitor and sanction infringing private actors as well as to enforce regulations are responsible for the violating of mobile EU workers' rights (Thörnqvist/Bernhardsson 2015). Thus, in a nutshell, what remains unclear is whether it is more the liberal opportunity structures at the EU-level or the weak national-level enforcement explaining the violation of labour rights of mobile EU workers. This is exactly the scientific gap, which the dissertation seeks to overcome. At the national level, I investigate three groups of actors: 1) national governments (regulation), 2) administrative bodies (enforcement), 3) workers' representation (inform workers, encourage them to participate in internal structures and put pressure on the legislator and enforcement bodies).

This paper focuses on the third group of national actors and shows how the main bodies of interest representation in Austria and Germany responded to the increasing number of mobile 24-hour care workers. Besides providing basic information, their relationship to the mobile workforce is rather characterized by providing basic legal and social advice but requesting active membership in order to take action. The creation of separate organizations or new projects was the result. Furthermore, it is argued that institutional power of these bodies of interest representation does not hold to explain their organisational strategy. Rather sector specifics seem to determine their responses to EU-migrant workers. Nonetheless, the legal labour regime which most mobile 24-hour care workers use plays a crucial role on which body of interest representation is considered to be responsible for the mobile workforce. This proves to be especially problematic as the Austrian case shows.

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