

GMS Flash Alert

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European Union - Guidelines for Free Movement of Workers During Covid-19 Pandemic

The European Commission (EC) has published practical guidance¹ to ensure the free movement of not only critical workers, but the frontier workers in general. Member states have introduced internal border controls to limit the spread of the Covid-19 pandemic, but it is imperative that workers who need to cross borders to reach their workplace can do so without delay.

The EC encourages member states to install necessary procedures, including proportionate health controls, at their border controls to ensure smooth passage for frontier workers if the work in the sector concerned is still allowed in the host member state.

WHY THIS MATTERS

Frontier workers, posted workers and many seasonal workers live in one member state and work in another member state. It is of the utmost importance that these workers can cross borders as smoothly as possible and ensure a continued provision of services and supply of goods in the EU.

The EC urges therefore the member states to implement a coordinated approach in allowing workers who need to cross border in order to reach their workplace freely. The guidelines stress the importance to implement these measures for critical occupations, including energy technicians, information and communication technicians, food manufacturing and processing, maintenance workers, workers in pharmaceutical and medical device industry etc. However, such smooth passage must be allowed to all workers who are otherwise not forbidden to access their workplace.

Guidelines for Free Movement of Workers

Although Covid-19 outbreak is still present on the European continent, it is still essential for the EU member states to ensure continued provision of services and supply of good across the European borders. It must therefore be a priority

to the member states to coordinate their measures that will ensure a smooth crossing of borders for all frontier workers who are allowed to access their workplace in the host member state.

Among the recommendations can be found the following measures:

1. Dedicated lanes at the borders for workers;
2. Introduction of specific stickers that can be recognized at the border crossing;
3. Health screenings conducted on one side of the border only
4. Checks and screenings should not necessitate the workers to leave the vehicles and should be based on electronic body temperature measurement;
5. Temperature checks should not be carried out more than three times a day on the same worker; and
6. Member states are encouraged to conclude special agreements for social security, should the remote work lead to a change in the country for social security. For further information about social security, please see GMS [Flash Alert 2020-068](#) (March 18, 2020).

KPMG NOTE

The working pattern for the workers who are crossing borders in order to reach their workplace might change due to possible increase in the number of working hours spent at home. This might lead to a change in which country's social security applies to the worker and the employer. At this time, the employers should track workers who are at risk of experiencing changes in their social security and assess the situation once there is more clarity on when the work will be resumed.

The measures to prevent the spread of Covid-19 and the level of lockdown vary from country to country, which means that workers can be allowed to access the workplace in their country of work while that same workplace might be on a lockdown measure in the country of the worker's residence.

Some countries have issued communications about taking a lenient approach to remote work caused by the Covid-19 outbreak in the context of social security. This is, however, preconditioned by the other relevant country accepting this approach for those workers who cross borders with their working activity. We therefore recommend assessing this situation within the framework of the EU Regulation for social security that provides solutions² for the maintenance of social security coverage as it was prior to the changes caused by the Covid-19.

FOOTNOTES:

1 See <http://ec.europa.eu/social/BlobServlet?docId=22473&langId=en>.

2 See GMS [Flash Alert 2020-068](#) (March 18, 2020)

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Contact us

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