



Ad-hoc query on national legislation on seasonal workers and their inclusion in national statistics

Requested by LU EMN NCP on 5th November 2010

Compilation produced on 3rd January 2011

Responses from [Cyprus](#), [Czech Republic](#), [Estonia](#), [Finland](#), [Germany](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Netherlands](#), [Portugal](#), [Slovak Republic](#), [Slovenia](#), [Sweden](#), [United Kingdom](#) (15 in Total)

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1. Background Information

In the context of the 2010 EMN Study on ‘Satisfying Labour Demand through Migration’, several questions related to the definition, status, rights and social security affiliation of seasonal workers have emerged.

The Luxembourg Law on the Free Movement of Persons and Immigration (Law of 29 August 2008) does not provide for a particular status for seasonal workers, neither for EU citizens nor third-country nationals. The proposal for a directive of the European Parliament and the Council on the conditions of entry and residence of third country nationals for the purpose of seasonal employment (COM(2010) 379 final of 13 July 2010) remains to be approved and transposed.

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We would therefore like to ask other NCPs to provide information on the following questions:

- 1. Do you have a legal definition of 'seasonal work' or 'seasonal worker' in your country? If so, what is it?**
- 2. What types of contracts exist with regard to seasonal work (e.g. seasonal work contract, fixed-term contract)?**
- 3.**
 - a) Are seasonal contracts limited to specific work sectors or activities?**
 - b) Is seasonal work tied to a maximum term?**
 - c) Can the work contract be renewed? If so, how many times within a one-year period of 12 consecutive months?**
 - d) Can the employer conclude a seasonal work contract with the same employee for an unlimited number of seasons?**
 - e) Is the employment priority for EU citizens applied in the case of seasonal work/to seasonal contracts?**
- 4.**
 - a) How does the affiliation of seasonal workers to social security differ from the one of other employees?**
 - b) Does the mandatory insurance (health, pension) apply to seasonal workers?**
- 5. Is the category of 'seasonal workers' captured within national social security statistics?**
- 6. Do the available statistics include information on the respective nationalities of seasonal workers?
If yes, what were the five main countries of citizenship of seasonal workers in 2009?**









It would be very much appreciated if we received your answers by **3rd December 2010**.




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2. Responses

		Wider Dissemination	1. Do you have a legal definition of 'seasonal work' or 'seasonal worker' in your country? If so, what is it?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Cyprus	Yes	According to the rules on the employment of third-country nationals (mainly the strategy of employment of foreign workers approved by the Council of Ministers) a seasonal worker is the worker who has a permit issued for a period of 4 months, with a possibility of renewal for another 4 months.
	Czech Republic	Yes	Yes, it is defined in the Act on Employment (No. 435/2004 Coll.). For the definition, see answer No. 3 a, b, and c.
	Estonia	Yes	There is no legal definition of 'seasonal worker' or 'seasonal work' in Estonia.
	Finland	Yes	Seasonal work is not defined as such but touched on in the Finnish Aliens Act. According to Section 81 of the Finnish Aliens Act, aliens have the right to work without a residence permit if they arrive in the country to pick or harvest berries, fruit, specialty crops, root vegetables or other vegetables or to work on a fur farm for a maximum of three months.
	Germany	Yes	The legal definition derives from Section 18 of the ordinance on the admission of foreigners for the purposes of taking up employment ('Beschäftigungsverordnung'), which reads as follows: Section 18 Seasonal employment The labour authorities may approve issuance of a residence title for the purpose of taking up employment in the agricultural and forestry sector, in the hotel and restaurant sector, in the fruit and vegetable processing industry and at sawmills for a minimum of 30 hours per week at an average of at least six hours of work per day for a maximum of six months per calendar year, where placement of the persons concerned has been arranged on the basis of an agreement between the Federal Employment Agency and the labour authority of the country of origin regarding the procedure to be applied and the selection of individuals. The period during which a business undertaking may employ persons pursuant to sentence 1 shall be limited to eight months in any calendar year. Sentence 2 shall not apply to business undertakings pursuing the cultivation of fruit, vegetables, wine, hops or tobacco.
	Italy	Yes	There is no legal definition of 'seasonal worker' or 'seasonal work' in Italy, even if usually they are referred to tourism and agriculture sectors.
	Latvia	Yes	1. /2. There is no legal definition of 'seasonal worker' or 'seasonal work', however we have Cabinet of Ministers Regulations where list of seasonal works are listed. In these areas of economics a limited term work contract can be concluded. Mostly these regulations are for protection of native workers – normally employer should offer a work agreement with unlimited term of validity and only in some sectors (seasonal) it has been allowed to conclude a limited term work agreement. To sum up – if an employer wants to employ a third-country citizen, for example, in fishery for 9 months, she/he is allowed to do it following the general rules of admission of third-country workers. The same rules will apply if the term of work contract in the same













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			seasonal work area – fishery - will be for 1 year. There are no limitations to term of work contract. Limitations regards only native workers and only in the sense that if work agreement exceeds 10 months, it should be with unlimited term of validity.
	Lithuania	Yes	According to Labour code of the Republic of Lithuania article 112, part 1 ‘a seasonal employment contract shall be concluded for the performance of seasonal work. Seasonal work shall be such work, which due to natural and climatic conditions is performed not all year round, but in certain periods (seasons) not exceeding eight months (in a period of twelve successive months), and is entered on the list of types of seasonal work.’ There is no definition of ‘seasonal worker’ under the legal acts of Lithuania.
	Luxembourg	Yes	There is no legal definition of ‘seasonal worker’ or ‘seasonal work’ in Luxembourg.
	Netherlands	Yes	We use the following definition: Employment that is seasonal by nature for climatic reasons and that is therefore only available during a certain period which is characterised by a significant increase in demand for workers during a specific season or a specific period.
	Portugal	Yes	No.
	Slovak Republic	Yes	Yes, the Slovak legislation defines the term seasonal employment and the residence permit for the purpose of the seasonal work. The seasonal work is an employment for maximum six months in one calendar year, providing that between the employments at least a period of six months passes. The residence permit for the purpose of seasonal employment can be granted for maximum 180 days in one calendar year.
	Slovenia¹	Yes	Yes. According to Employment and Work of Aliens Act seasonal work is a form of temporary work subject to the rotation of the seasons. Seasonal work of aliens is permitted within the framework of activities of a seasonal nature only in cases where demand on the labour market temporarily exceeds supply, which serves as the basis for determining an annual quota for these purposes.
	Sweden	Yes	The Swedish legislation concerning labour market migration provides for a common set of rules applicable to all categories of workers. For that reason there are no specific provisions for seasonal workers and nor are there any legal definition of seasonal worker.
	United Kingdom	Yes	No legal definition.


		Wider Dissemination?	2. What types of contract exist with regards to seasonal work (e.g seasonal work contract, fixed-term contract)?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Cyprus	Yes	There are no contract forms specifically for seasonal workers. All contract forms used for foreign workers contain the same terms and conditions of employment regardless of the length of the employment period.
	Czech Republic	Yes	Seasonal workers can be either employees (under employment contract, work contract, contract of services) or can be self-employed. There is no special seasonal work contract.





¹ The information provided below (questions 1-3) is in accordance with a currently valid Employment and Work of Aliens Act, which will presumably be amended within the next months and will affect the provisions concerning seasonal work.

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	Estonia	Yes	According to the Employment Contracts Act a fixed-term employment contract may be made for performance of seasonal work
	Finland	Yes	Fixed-term contracts. Picking natural berries is exempt from income tax and contracts of employment, but the employer should present his or her purchase commitment.
	Germany	Yes	For the purposes of seasonal employment, placement of the persons concerned is required to have been arranged on the basis of an agreement between the Federal Employment Agency and the labour authority of the country of origin regarding the procedure to be applied and the selection of individuals (see answer to question 1). Placement agreements remain in force with the labour authorities of the new EU member states Bulgaria, Poland, Romania, the Slovak Republic, Slovenia, the Czech Republic and Hungary during the transitional phase of restricted freedom of movement for workers, and with the third country Croatia. The placement agreements define the procedure, the selection and the placement of nationals from these contracting states. The form 'Employment undertaking/Employment contract (EZ/AV)' has been developed for the placement procedure. Form EZ/AV is binding for the placement procedure. As of 1 January 2011, nationals of the member states which acceded to the European Union in May 2004 will be exempted from the work permit requirement prior to expiry of the transitional arrangements regarding the freedom of movement for seasonal workers. This means that the placement agreements with Poland, the Slovak Republic, Slovenia, the Czech Republic and Hungary will no longer apply to the recruitment of seasonal workers from these countries as of 2011.
	Italy	Yes	Seasonal workers are hired under fixed-term contracts.
	Latvia	Yes	There is no legal definition of 'seasonal worker' or 'seasonal work', however we have Cabinet of Ministers Regulations where list of seasonal works are listed. In these areas of economics a limited term work contract can be concluded. Mostly these regulations are for protection of native workers – normally employer should offer a work agreement with unlimited term of validity and only in some sectors (seasonal) it has been allowed to conclude a limited term work agreement
	Lithuania	Yes	Regarding seasonal work a seasonal employment contract is concluded, which has a maximum term of eight months in a period of twelve successive months.
	Luxembourg	Yes	The seasonal contract ('contrat saisonnier' / 'contrat de travail à caractère saisonnier') is a fixed-term contract subject to specific regulations.
	Netherlands	Yes	We do not have specific seasonal work contracts. The Civil Code contains the rules about labour employment contracts, these are also valid for seasonal work.
	Portugal	Yes	For the purposes of a temporary stay visa to engage in a subordinate professional activity, nationals of third countries must have a work contract or job offer.
	Slovak Republic	Yes	With regard to seasonal work no specific contracts exist.
	Slovenia	Yes	For the purpose of seasonal work, an alien is issued a type of work permit with a previously determined time limit on the basis of which he or she may be employed or may work in the Republic of Slovenia temporarily in accordance with the purpose for which the permit was issued.
	Sweden	Yes	There are no specific contracts or specific regulations concerning contracts.

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	United Kingdom	Yes	/
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		Wider Dissemination?	<p>3.</p> <p>a) Are seasonal contracts limited to particular work sectors or activities?</p> <p>b) Is seasonal work tied to a maximum term?</p> <p>c) Can the work contract be renewed? If so, how many times within a one-year period of 12 consecutive months?</p> <p>d) Can the employer conclude a seasonal work contract with the same employee for an unlimited number of seasons?</p> <p>e) Is the employment priority for EU citizens applied in the case of seasonal work/to seasonal contracts?</p>
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Cyprus	Yes	<p>a) Seasonal foreign workers are usually employed in the sectors of agriculture (plant and animal farming) and tourism (hotels and restaurants).</p> <p>b) As stated above seasonal work is usually for a period of 4 months with the possibility of renewal for another 4 months.</p> <p>c) The work contract for seasonal employment of foreign workers can be within a one-year period and can be renewed once.</p> <p>d) The employer can conclude a seasonal work contract with the same worker for a maximum of 4 seasons. (e) Yes, the principle of priority for EU citizens is applied in the case of seasonal work as well.</p>
	Czech Republic	Yes	<p>a) The activities are described as 'dependent on seasonal cycle'.</p> <p>b) Yes, the maximum term for seasonal work is set to 6 months in a calendar year.</p> <p>c) A period of at least 6 months must elapse between separate periods of employment in the territory of the Czech Republic.</p> <p>d) No, see above.</p> <p>e) Yes, it is a general rule.</p>
	Estonia	Yes	<p>a) An alien arriving to Estonia on the basis of visa or visa free (if not provided differently by an international agreement) or an alien staying in Estonia on the basis of visa or visa free (if not provided differently by an international agreement) may work in Estonia temporarily without a temporary residence permit up to 6 months during a year for participation in seasonal work involving processing of primary agricultural products if the alien has registered his or her short-term employment. If the alien is planning on staying in Estonia for purposes of short-term employment for more than 3 months within a 6 months period, then he or she has to apply for a national or long-stay (D) visa for short-term employment. Short-term employment has to be registered prior to applying for a visa. Short-term employment application is submitted by the employer.</p> <p>b) As a general rule a fixed-term employment contract may be made for up to five years and the contract expires upon expiry of the term. Parties may terminate a fixed-term employment contract at any time by agreement. In case of short-term employment for participation in seasonal work involving processing of primary agricultural products the alien may work in Estonia temporarily for up to 6 months during a 12 month period. An employer has to notify about not entering into the contract as basis for an alien's employment or premature termination of relevant agreement.</p> <p>c) The employer can propose a new seasonal contract to the same employee as soon as the previous contract has come to an end. There are no limits how many times within a one-year period the work contract can be renewed. It is important to observe that an alien may work in Estonia for seasonal work involving processing of primary agricultural products up to 6 months during a year if his/her short-term</p>






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			<p>employment has been registered.</p> <p>d) The employer can sign a seasonal contract with the same employee for an unlimited number of seasons but has take into consideration that if an employee and an employer have more than two consecutive occasions entered into a fixed-term employment contract for similar work or extended the fixed-term contract more than once in five years, the employment relationship shall be deemed to have been entered into for an unspecified term from the start. Entry into fixed-term employment contracts shall be deemed consecutive if the time between the termination of one employment contract and entry into the next employment contract does not exceed two months.</p> <p>e) Citizens of the EU are not required to register their short-term employment.</p>
	Finland	Yes	<p>a) No. TCN's right for gainful employment is however limited to seasonal work (purpose of entry mentioned in visa application).</p> <p>b) Yes, maximum of three months without residence permit.</p> <p>c) In theory yes, but the TCN should then apply for renewal of his or her visa. Third country nationals employed as seasonal workers are exempt from residence permit obligation but subject to visa obligation (excluding foreign nationals free of visa). Foreign nationals free of visa obligations and foreign nationals subject to visa obligation may reside in the Schengen countries for three (3) months within a half-year period (6 months) starting from the day when they first cross the border of the Schengen area. Seasonal workers may apply for so called multi-entry-visas if the employer shows that his or her farm produces products in different periods of year. Picking of natural berries is excluded from this option.</p> <p>d) N/A</p> <p>e) No, seasonal work as defined in Section 81 of the Aliens Act is not subject to residence permit of an employed person. According to Section 72 of the Aliens Act, issuing residence permits for employed persons is based on consideration in order to establish whether there already is labour available in the labour market and to take into account the qualifications of the applicant for the task in question.</p>
	Germany	Yes	<p>a) Yes, see answer to question 1.</p> <p>b) Yes, see answer to question 1.</p> <p>c) Yes, the number of extension options is limited by the overall duration – see answer to question 1.</p> <p>d) No, the foreigner is required to undergo the stipulated selection and placement procedure annually; the employer may provide the labour authority with the name of the foreigner whom he wishes to employ, however.</p> <p>e) Yes, the priority principle, according to which citizens of the European Union and nationals of third countries with unrestricted access to the labour market are to be given preference when filling vacancies, also applies in the case of seasonal employment.</p>
	Italy	Yes	<p>a) No</p> <p>b) Seasonal work cannot be longer than nine months</p> <p>c) The non EU seasonal workers hired directly from abroad can work within the time limits of the authorization given at the entrance. During this period they may also change employers but not the sector of employment and at the expiration of the period originally granted they must leave Italy.</p> <p>d) The employer may request a three years authorization in favor of the same seasonal worker</p> <p>e) Only in cases of request for direct recruitment from abroad, the territorial employment office must verify within five days if there's any Italian or EU worker available to fill the seasonal job offered.</p>
	Latvia	Yes	<p>a) Yes, seasonal work is limited to certain sectors/activities of economics (for example, sowing and planting; maintenance of planted fields and plantations; preparation of livestock feed; livestock grazing and establishing pasturage; provision of seasonal work in the</p>


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			<p>framework of fish raising (also crayfish raising) activities etc.).</p> <p>b) Maximum term is 10 months within one year.</p> <p>c) Work agreement can be extended but total period of work agreement cannot exceed 10 months. If it does, the work agreement should be considered as unlimited.</p> <p>d) Latvian legislation does not allow concluding work agreement with interruptions for several seasons but we have to stress that immigration legislation does not provide any regulation that would be specifically for a seasonal workers. Seasonal workers entry on the same conditions as regular workers, there is no difference.</p> <p>e) Yes, there is EU priority.</p>
	Lithuania	Yes	<p>a) Seasonal contracts can only be concluded to work activities, which are included in the list of seasonal works, set in the decree of the Government of the Republic of Lithuania 'On seasonal work' (No. 154, 1994 March 7). Currently it includes 31 types of work (e.g. constructions works, geodesy works, forestry works, berry picking, river transportation works, fishing, etc.)</p> <p>b) Seasonal work contract can not exceed eight months (in a period of twelve successive months).</p> <p>c) When a work contract is terminated after the season is over, a new seasonal work contract can be signed with the same employer in between seasons. When the term of the seasonal work contract is over, there is a possibility to extend a work contract for the new season without terminating employment relationship in between seasons or to conclude a new seasonal work contract with the same employer for the new season. In that case a contract is extended or a new contract is concluded. The renewal of work contracts, including seasonal work contracts, is not regulated by the legal acts.</p> <p>d) The number of seasons is not limited in the legal acts.</p> <p>e) The priority principle applies to workers from Lithuania and EU citizens and their family members, as well as citizens and family member of European Free trade association, who use a right of free movement of persons, because these persons do not need a work permit in Lithuania. According to the Law on the legal status of aliens, a work permit to a foreign citizen can be issued if there is no specialist in Lithuania who would meet the employer's qualification requirements.</p>
	Luxembourg	Yes	<p>a) This type of contract can be concluded for particular work that is tied to the rhythm of the seasons or the collective mode of life (e.g. tourism), that cannot be done during the rest of the year and that is not intended for a periodic increase of the normal activity of the respective company. In addition, the seasonal contract applies to activities that need to be conducted repeatedly and during the same period of every year. There is a list of 'seasonal activities'.</p> <p>b) Within a period of 12 successive months, the contract on 'seasonal work' ('contrat saisonnier') is limited to 10 months in total (including contract renewal). The seasonal contract does not have to entail a fixed expiry date. A conditional expiry date can be envisaged but in this case a minimal duration of the contract must be indicated. It expires once the activity (for which the contract was established) has been completed.</p> <p>c) With regard to seasonal contracts, the employer does not have to respect the waiting period that applies to fixed-term contracts, even if the seasonal worker is working as temporary employee ('interimaire'). The employer can thus propose a new seasonal contract (adhering to the legal dispositions regarding the renewal and duration of seasonal contracts) to the same employee as soon as the previous contract has come to an end.</p> <p>d) The employer can sign a seasonal contract with the same employee for an unlimited number of seasons. If the contract is renewed consequently from season to season, it nonetheless remains a fixed-term contract. However, if the seasonal contract entails a prolongation clause for the next season, and the working relation between the same employer and same employee recurs for more than two seasons,</p>

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			then the working relation will be considered as permanent. Every employer not wishing to renew the contract with the same employee after three consecutive seasons has to adhere to dismissal. e) Yes. Before hiring a new seasonal worker and establishing a seasonal work contract, every employer has to declare a vacancy at the Employment Office ('Administration de l'Emploi'). This declaration allows the administration to verify whether other job seekers (nationals and/or EU citizens) benefitting from employment priority are available.
	Netherlands	Yes	a) Mostly relating to the agricultural sector, relating to harvesting and further processing. b) Yes, the maximum term is 24 weeks at a stretch. c) No, the work contract is not renewable, after the maximum period of 24 weeks there must be 14 weeks of non-employment. After a minimum of 14 weeks, the employer can grant a new work contract for a maximum term of 24 weeks. d) Yes, see 3c. e) YES!
	Portugal	Yes	a) No. b) For subordinate or independent professional activities, as a general rule, the period should not exceed six months. c) Temporary stay visa for subordinated professional activity may be extended up to 90 days, provided the conditions that grounded the admission are still in place. For subordinated professional activity the applicant must hold a work contract and be covered by health insurance. d) Yes, once fulfilled the rule mentioned on c). e) Yes.
	Slovak Republic	Yes	a) No. b) Yes, the seasonal work is for the maximum period of 6 months. c) No. d) No. e) Yes.
	Slovenia	Yes	a) Yes. Seasonal work can be performed only in agriculture, forestry, catering, tourism and construction. b) Yes. A work permit is issued with the validity of up to three months. c) A permit for seasonal work in the field of agriculture and forestry may be extended or re-issued to the same employer or another employer, but no more than three times a year if the total duration of work does not exceed six months in one calendar year. A permit for seasonal work in the field of catering and tourism may also be issued several times in one calendar year, however, the total duration of work and the validity of the permit for work must not exceed six months in one calendar year. The validity of a permit for seasonal work in the field of construction shall be limited to a maximum of nine months in any twelve-month period. d) Yes. e) No.
	Sweden	Yes	a) See the answer to question number 2. b) No, there are no maximum terms but for obvious reasons work permits for seasonal work normally are issued for a shorter period according to the length of the season. c) Yes. There are no limitations concerning the number of renewals.

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			<p>d) The employee can only receive a work permit for one period. He or she must apply for a new permit concerning the next season or period.</p> <p>e) Before an employer hires a third country national who is not residing in the country, he must advertise the vacancy nationally and in EURES.</p>
	United Kingdom	Yes	<p>a) The only specific provision that exists in the UK for seasonal labour is the Seasonal Agricultural Workers Scheme (SAWS), which is only open to Bulgarian and Romanian Nationals. It is regulated through contracts between the UK Border Agency and the operators of the scheme. These contracts establish restrictions on what sort of work those recruited under the terms of the scheme i.e. to harvesting and packaging of agricultural crops but not their secondary processing.</p> <p>b) The maximum length of a permit issued under the SAWS is 6 months. There must be a minimum break of 3 months before a worker participate under the scheme again.</p> <p>c) As above.</p> <p>d) In principle yes.</p> <p>e) Yes, in the sense that access to the SAWS is restricted to EU nationals and there is no equivalent scheme for non-EU nationals.</p>











		Wider Dissemination?	<p>4.</p> <p>a) <i>How does the affiliation of seasonal workers to social security differ from the one of other employees?</i></p> <p>b) <i>Does the mandatory insurance (health, pension) apply to seasonal workers?</i></p>
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Cyprus	Yes	b) Yes, it is mandatory for seasonal workers to be insured with health insurance, in the same way as for workers with open-ended contracts.
	Czech Republic	Yes	The mandatory insurance applies to seasonal workers. There is no difference from other employees and self-employed persons, respectively.
	Estonia	Yes	<p>a) The social security of a seasonal worker does not differ from the one of other employees. The general rule is that all persons that work on the basis of an employment contract with the duration of more than one month are insured by their employers. Persons staying in Estonia on the basis of a visa have to have a valid medical expenses insurance policy, which will guarantee payment of the alien's medical costs in case of an injury or illness during the duration of the validity of the visa.</p> <p>b) As above stated.</p>
	Finland	Yes	<p>a) The entitlement to Finnish social security is decided, as a general rule, on the basis of the duration of the residence. If the person intends to move permanently to Finland, as a general rule he or she is covered by the Finnish social security system starting from the moment of migration and is thus entitled to Kela benefits.</p> <p>If a person moves to Finland for a temporary residence, he or she is not normally entitled to social security benefits provided by Kela. For instance, students are considered to be only temporary migrants into Finland, if the sole reason for migration is studying.</p> <p>Under certain circumstances, an alien may be covered by the Finnish social security system if his or her employment in Finland lasts more than four months. Trainees and au pairs are generally not covered by the Finnish social security system. This is also the case with other</p>

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			<p>short-term or low-paid workers whose employment relationship does not meet the employment condition. A person can also be only partially covered by the Finnish social security system. For in-stance, employment in Finland may entitle the person only to Finnish health insurance. The inclusion in Finnish social security can be checked by Kela customer service.</p> <p>b) TCNs subject to visa requirement are required to have travel insurance compensating minimum of 30 000 Euros. Travel insurance must cover the whole Schengen area.</p>
	Germany	Yes	<p>a) The social security situation with regard to seasonally employed workers does not differ from the situation for other employees. As a general principle, German social security law applies to foreign workers for the duration of their employment in Germany, except where they remain subject to the law of their native country. Regulation (EEC) no. 883/2004 is to be observed in this context for workers from the EU member states. This establishes as a general principle that an employee is to be subject to the social security law of one member state only.</p> <p>b) As a general principle, employees are subject to German social security law (health, nursing care, pension, accident and unemployment insurance). With the exception of accident insurance, however, there is no obligation to insure workers under the social security system where the period of employment – including periods of employment in other EU member states – does not exceed two months or 50 working days within a calendar year and the foreigner is not employed on a professional basis. In particular, the employment of pupils, students, housewives and self-employed persons does not constitute professional employment. In order to verify his or her exemption from insurance obligations, the worker is to furnish the employer with the questionnaire for assessing whether the worker is subject to insurance obligations. The employee is to obtain this questionnaire from the labour authority in his/her native country. If the worker does not possess any health insurance cover, the worker is to take out comparable private health insurance for the worker and to bear the attendant costs. In the event of illness, the employer shall otherwise bear the full financial risk.</p>
	Italy	Yes	<p>Given the limited duration of contracts and their specificity, to aliens who hold a residence permit as a seasonal worker, the following forms of social security and assistance are provided:</p> <p>a) Disability insurance, pension contribution and ‘survivors insurance’;</p> <p>b) Insurance against industrial accidents and occupational diseases;</p> <p>c) Health insurance;</p> <p>d) Maternity insurance.</p> <p>Unlike other workers, there are no economic contributions in favour of the family and no insurance against involuntary unemployment, but the employer must pay the National Social Security Institute (INPS) a lump sum contribution.</p>
	Lithuania	Yes	<p>a) According to the Law of State social insurance of the Republic of Lithuania, persons, who work under employment contracts, are insured with all types of social insurance as stated in the law (pensions, illness and maternity, unemployment, accidents at work and professional illness, and health). It means that persons working under seasonal employment contract have the same social guarantees as workers working under other types of employment contracts.</p> <p>b) Mandatory insurance applies to all workers. This includes seasonal employment contracts.</p>
	Luxembourg	Yes	<p>a) With regard to social security, seasonal workers have the same rights and obligations as all other categories of workers/employees.</p> <p>b) The mandatory insurance (health, pension) does not apply to work contracts lasting shorter than three months (in one year). However, all employees are insured against accidents. No information is available on the respective regulations for seasonal contracts lasting more than three months.</p>







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	Netherlands	Yes	a) There is no difference (principle of equal treatment). b) See 4a.
	Portugal	Yes	a) No. b) No.
	Slovak Republic	Yes	a) There is no difference. b) Yes
	Slovenia	Yes	a) It does not. b) Yes, it does.
	Sweden	Yes	a) It does not differ. b) Yes.
	United Kingdom	Yes	a) There is no separate category. b) Yes providing they meet the conditions in national and EU law - which are the same as for the general population.











		Wider Dissemination?	5. Is the category of 'seasonal workers' captured within national social security statistics?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Cyprus	Yes	No answer was received.
	Czech Republic	Yes	No, the social security statistics are not so construed as to capture categories of work.
	Estonia	Yes	No specific data on seasonal workers.
	Finland	Yes	No, seasonal workers are not generally entitled to social benefits (employment should last more than four months to gain certain social benefits). They are also excluded from national labour statistics. As a whole, the exact number or seasonal workers is difficult to define. The ministry for Foreign Affairs has estimated that Finnish embassies receive 12 000 visa applications for seasonal work yearly (2007-2009).
	Germany	Yes	No such statistics are available.
	Italy	Yes	The statistical archives of the National Social Security (INPS) collect data on salary, qualification, sectors, gender, etc. of all workers (including seasonal ones) based on place of birth and not real citizenship.
	Latvia	Yes	Not applicable as we do not have a category of migrant seasonal workers.
	Lithuania	Yes	Yes, all types of workers are captured within national social security system.
	Luxembourg	Yes	The Luxembourg Employment Office ('Administration de l'Emploi') does not have a definition of seasonal worker and thus the category

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			of seasonal workers does not figure within national labour statistics. Social security data collected and administered by the General Inspectorate for Social Security ('Inspection générale de la Sécurité Sociale') does not contain specific data on seasonal workers.
	Netherlands	Yes	No, see 4a.
	Portugal	Yes	No.
	Slovak Republic	Yes	No.
	Slovenia	Yes	No.
	Sweden	Yes	No, it is not possible to capture specific statistics concerning that category.
	United Kingdom	Yes	No.

		Wider Dissemination?	6. Do the available statistics include information on the respective nationalities of seasonal workers? If yes, what were the five main countries of citizenship of seasonal workers in 2009?				
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.				
	Cyprus	Yes	The Department of Labour is the competent authority for verifying the contracts of employment but does not keep statistics on this issue. Among the countries of origin of seasonal workers are Egypt, Syria and Moldova, which are relatively close to Cyprus (workers mainly in agriculture).				
	Czech Republic	Yes	Yes, but not all seasonal workers make use of the seasonal worker category of permit because it does not bring any special benefits. For this reason, a number of them work under a common work permit and are therefore not specifically covered in statistics. Data for 2009 are not available.				
	Estonia	Yes	Since 2004 short-term employment of 38 persons for participation in seasonal work involving processing of primary agricultural products has been registered by Police and Border Guard Board. No short-term employment for participation in seasonal work has been registered in 2009. In 2008 out of 19 short-term employment registrations for participation in seasonal work 18 were registered for citizens of Moldova and 1 for a citizen of Russian Federation.				
	Finland	Yes	During last few years the country of origin has shifted from neighbouring countries to further east. Most of the visa applications for seasonal work are now lodged in Russia, Far East –especially in Thailand, and in Ukraine. Besides these, a few applications are lodged in Mongolia or China. It is impossible to track all the seasonal workers in Finland due to the fact that aliens with multi-entry visas (usually granted on other grounds) may also do some seasonal work like berry picking or harvesting during their stay.				
	Germany	Yes	Work permit application procedures for foreign seasonal workers in 2009: <table border="1" data-bbox="616 1343 1370 1410"> <tr> <td>Poland</td> <td>184,241</td> </tr> <tr> <td>Romania</td> <td>89,172</td> </tr> </table>	Poland	184,241	Romania	89,172
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	Italy	Yes	In 2010 the programming of entry quotas for seasonal workers focused on a total of 80 000 entries, according these categories: - non-EU seasonal employees of Serbia, Montenegro, Bosnia-Herzegovina, Former Yugoslav Republic of Macedonia, Kosovo, Croatia, India, Ghana, Pakistan, Bangladesh, Sri Lanka and Ukraine - seasonal employees of the following non-EU countries which have signed or are close to sign cooperation agreements: Tunisia, Albania, Morocco, Moldova and Egypt								
	Latvia	Yes	Not applicable as we do not have a category of migrant seasonal workers.								
	Lithuania	Yes	Statistical information about seasonal workers, who arrive from third countries, their nationalities and issued work permits, is collected by the Lithuanian Labour exchange, but in 2009 there were no work permits issued for third countries nationals regarding seasonal employment. However, in 2010 there were 13 work permits issued for third country nationals regarding seasonal employment already: 12 – for Ukrainian workers, 1 – for Georgian worker. All of the work permits were issued for entertainment activities (circus workers).								
	Luxembourg	Yes	No.								
	Netherlands	Yes	Only statistics about work permits contain information about nationality. The main countries of citizenship of seasonal workers in 2009 were Poland, Bulgaria, and Romania.								
	Portugal	Yes	No.								
	Slovak Republic	Yes	Only the number of issued work permits for the period shorter than one year is monitored. For the purpose of statistics the number of issued residence permits for the purpose of seasonal work is registered from 15 July 2009. In 2010, 20 residence permits for the purpose of seasonal work have been issued, while 19 of them to the citizens of Ukraine.								
	Slovenia	Yes	Yes. Five main countries of seasonal workers in 2009 were Serbia and Montenegro (unfortunately there is no available statistics for these two countries separately), Bosnia and Herzegovina, Croatia, Macedonia and Moldova.								
	Sweden	Yes	The three main countries during 2009 were Thailand, Ukraine and China.								
	United Kingdom	Yes	National security statistics do not cover this data. However, the UK can provide a nationality breakdown of SAWS participants. The Worker Registration Scheme for A8 nationals would also provide a breakdown of the number of registered workers employed in the agricultural sector but not all of them would be employed solely on a seasonal basis.								
