



Central European
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Bargaining for working conditions and social rights of migrant workers in Central and Eastern European countries (BARMIG)

National Report Estonia

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Abbreviations



CEE	Central and Eastern Europe
EAA	Estonian Association of Architects
EAKL	Estonian Trade Union Confederation
EAL	Estonian Medical Association
EEEL	Estonian Association of Construction Entrepreneurs
EEL	Estonian Association of Civil Engineers
EHK	Estonian Health Insurance Fund
EHL	Estonian Hospital Association
EHRL	Estonian Hotel and Restaurant Association
EKL	Estonian Traders' Association
EMSA	Estonian Seamen's Independent Union
EÕL	Estonian Nurses Union
ESTAL	The Estonian Communication and Service Workers' Trade Union
ETKA	Estonian Trade Union of Commercial and Servicing Employees
ETKL	Estonian Employers' Confederation
EETL	Estonian Electronics Industries Association
EML	Federation of Estonian Engineering Industry
EU	European Union
ICT	Information and communications technology
IMTAL	Federation of Estonian Industrial and Metal Workers' Unions
PPA	Estonian Police and Border Guard Board
PRO	Trade Union Pro
TALO	Estonian Employees' Unions' Confederation
TWA	Temporary Work Agency
TCN	Third-country national
TU	Trade Union

Executive summary



Since Estonia regained its independence in 1991, the regulation of international migration has been rather strict, with a relatively low annual migration quota for long-term employment. Nevertheless, the 2010s saw the increased migration of third-country nationals, primarily via temporary working schemes. Since 2015, Estonia has experienced positive net migration, even in 2020. However, the importance of migrant workers varies significantly across the analysed sectors. The transience of migration causes problems for both the working conditions and labour market integration of migrants. All signs indicate that social partners are often aware of these problems; however, though they lack the capacities to deal with these issues, they are interested in developing them. Despite some differences in how employers and unions perceive the need for a migrant workforce, even unions do not question the need for an additional migrant workforce. In order to tackle the challenges of the migrant workforce, alternatives to the current strict quota-based migration regulation system should be considered. Furthermore, the regulations should be adjusted by taking into account the specifics of the particular sectors in aspects such as the strength of the social partners, labour shortages and skills requirements, and the nature of the work and projects.

Historical context As in other Central and Eastern European countries, the employment of third-country migrant workers emerged in Estonia during the 2010s in the context of local labour shortages that can be traced to multiple reasons. In the 2000s, after joining the EU in 2004, outward migration to other EU countries, especially Finland, emerged. The profound economic decline in 2008-2009 during the Great Recession further exacerbated outward migration, especially in certain sectors (construction). The latter explains, to some extent, the labour shortages that created the need for migrant workers from third countries. The 2010s changed the context of migration due to the emerging return migration of Estonians and the immigration of third country migrant workers. Since 2015, Estonia has experienced positive net migration every year. This has brought along a rapid change in migration research agenda and policy debates. In particular, it has shone more light on the regulation of migration, such as whether the current strict regulation should be modified or a toughening of regulations is required due to the risks stemming from migrant workers.

Regulation The regulation on long-term employment is particularly restrictive in Estonia due to the migration quota being set at a very low level (0.1 per cent) of Estonia's permanent population annually, though this excludes top specialists, employees of start-up companies, IT specialists and certain others. Therefore, short-term employment is relatively more relevant. This is limited to 365 days within a span of 455 days and is subject to the requirement that at least the average Estonia gross salary is paid. However, exceptions are again applied to groups such as start-up companies, teachers and researchers, and seasonal workers. There are also special regulations that allow international students to work in Estonia. During studies, no work permit is required (if the student is studying full time and there is no interference with their studies), and after graduation, they have nine months to look for a job in Estonia. Despite the strict regulation, the presence of significant numbers of migrant workers from third countries in Estonia has sparked debate among social partners and policy-makers. While unions have stressed that borders are pretty open despite the strict regulations, employers have stressed the problems resulting from the use of temporary employees via work agencies. A toughening of the migration regulation was actively discussed in 2019-2020, mainly at the initiative of the Estonian Conservative Peoples' Party. This was also reflected in the media analysis: one of the main topics identified was the lack of seasonal migrant workers in agriculture in 2020 due to the pandemic-related restrictions for such workers entering Estonia.

Migrant workers presence and trends The positive net migration in Estonia since 2015 has been due in roughly equal parts to the return migration of Estonians and the immigration of third-country nationals; the fall in both immigration and emigration was relatively mild in 2020. Among the source countries, Ukraine has been the most significant. The importance of migrant workers significantly varies across industries. For instance, there are many migrant workers in the platform economy sector due to the ease at which third-country nationals can become platform workers and the fact that platform companies provide support in English. Aside from this, platform companies do not pay special attention to hiring third-country nationals or keeping track of them, while unions do not cater for migrant workers either. In the services sector, the total number of migrant workers is not significant, but some segments of the sector are highly dependent on them due to the local labour shortage. In the metal and construction industry, a large number of third-country nationals work as temporary employees (e.g., about 5,000 in construction). There are only a few third-country nationals in the health sector due to the language and professional requirements. Our analysis of the feasibility of the available registries (Statistical Registry of Population; Employment Registry) for the study of third-country nationals has indicated that these migrant workforce numbers are underestimated, especially for jobs requiring low skill levels. Temporary third-country workers are often not recorded in these registries.

Labour market integration Labour market integration and the working conditions of third-country nationals are strongly affected by the widespread use of temporary working

schemes. Also, interviews with experts have indicated that most of the complaints related to third-country nationals concern temporary workers, such as construction workers from Ukraine. Transience makes it more challenging to collect information on the working conditions of such employees (in the case of the metal industry). However, transience may also be associated with worse working conditions for migrants compared to locals, e.g. third-country nationals may choose long working hours themselves as a way to maximise their income. There are issues with the lack of employment contracts; for example, many service contracts are civil law contracts that lack social guarantees. The social partners and companies interviewed also mentioned occupational safety issues, pay below that of local employees and problems with social security (related to platform work). There seem to be smaller gaps in working conditions or none at all in cases where company-level or industry-level collective agreements are present, but these cover only a tiny proportion of the workforce.

Role of intermediaries The role of intermediaries in channelling migrant work is therefore quite significant due to many temporary employees arriving in Estonia via intermediaries, especially in sectors such as construction and the metal industry. For digital economy or platform work, third-country nationals working in the sector arrive in Estonia without the help of intermediaries. However, platforms engage with Estonian partner firms (aggregators) to hire platform workers, i.e., the aggregators communicate with the platform workers, not the platforms. The widespread use of intermediaries has resulted in problems with working conditions and a lack of information on the working conditions of third-country nationals among the social partners.

Collective bargaining and social dialogue – relevant findings by sectors The situation with the social dialogue and thus also its ability to address the issues of migrant workers varies significantly across the five studied sectors. In the digital economy (platform work) sector, there is no social dialogue between the unions and the platform operators (due to the absence of unions). Platform operators regard platform workers as service providers, not employees. In the services sector, unions are underrepresented. Workers can bargain without unions, and the need for unions is not felt due to the labour shortages comparable to those in the IT sector (thus, the particular sector representing the whole economy); however, there have been some notable recent improvements. The metal industry has a very low level of unionisation, with only firm-level collective bargaining present. In contrast, the construction sector does not even have establishment-level collective agreements due to the predominance of micro-firms. Among the five analysed sectors, the health sector is the only one with active social dialogue and a sector-level collective agreement renewed every two years. However, the negotiation processes are not always short and effective. Media analysis has revealed that employers are visible in the media in migration-related articles but the trade unions are not visible in the media in migration-related articles, indicating especially the latter's weakness.

Social partners capacities and strategies In the digital sector, employers try to avoid statistical categories that separately count third-country nationals, and there is no special staff related to migrant workers. Still, support for platform workers is available in both Estonian and English. There are no collective agreements with clauses related to third-country nationals in the services sectors; nevertheless, there is a concerted effort to ensure equality of working conditions across contracts. Employers and employees cooperate on issues of third-country nationals with the respective umbrella organisations (Estonian Employers' Confederation and Estonian Trade Union Confederation). There is effective cooperation with the Ministry of Economic Affairs, yet some differences in the approaches of unions and employers may affect this collaboration. No specific clauses pertaining to third-country nationals are included in the collective agreements in the metal industry, but unions have provided some advice and information to migrant workers. Despite some discrepancies in how unions and employers view the situation, employers see the potential for cooperation with unions on migration issues. In the health sector, the sector-level collective agreement ensures that the working conditions of third-country nationals are the same as the working conditions of any other healthcare sector employee. The position of social partners in the health sector is that they have no interest in Estonia being a transit country of third-country nationals. Different solutions have been discussed regarding the employment of third-country nationals, such as study groups whereby tuition and living expenses are paid on condition that the third-country nationals work in Estonia upon completing their studies. However, improving working conditions in Estonia to a level more akin to that experienced in Scandinavian countries could help reduce the motivation of migrant doctors to transit to other countries. In the construction sector, the view of employers is that third-country migrant workers are needed in the industry; they prefer the immigration of qualified employees, and the main challenge is in eliminating the current strict migration quota.

Recommendations

1. Alternatives to the current strict migration regulation system via the strict migration quota should be considered, e.g., such as incorporating some labour market testing mechanism or a points system.
2. The state should consider the capacities of the social partners of particular sectors in tackling migration issues and, given the interest among social partners, develop their capacities in tackling the issue of third country nationals.
3. The recommendations of social partners regarding the specifics of the sectors and suggestions to resolve the stumbling blocks related to the employment of third-country nationals should be taken into account, e.g., in the construction sector, the length of the stay of migrant workers to match the length of contracts; in the services sector, extending the list of specialists who can come to Estonia to work from third countries; in the health sector, sequencing training provided to third-country nationals interested in working in Estonia, so that language training is followed by professional training.

4. Alternative solutions to labour shortages should be searched for if strict migration policies continue.

I. Economic and labour market outlook



In the years preceding the COVID-19 induced crisis, the Estonian economy (and also the economies of the two other Baltic states of Latvia and Lithuania) had been characterised by growing labour shortages, similar to many other Central and Eastern Europe (CEE) countries (Masso et al., 2019a). The labour shortages had resulted in unemployment rates that were probably below the labour market equilibrium, e.g., in 2019 4.4%, versus 6.3% in the EU-28 (age 15-74, Eurostat table *lfsa_urgan*) and high employment rates, in 2019 80.3%, cf. with 73.9% in the EU-28 (age group 20-64, Eurostat table *lfsa_ergan*). The tight labour market caused increasing wage pressure resulting in annual wage growth of about 7%. Such wage growth has been argued to be too high given the change in productivity; consequently, this has threatened cost competitiveness, as many companies work in the low valued added segments. The tight labour market prior to the COVID-19 induced recession and the increased income level in Estonia explain the changes in migration patterns. In particular, while previously observed outward labour migration to other EU countries, particularly Finland with almost 2/3 of the emigrants (e.g., Hazans, Philips, 2011; Tammur et al., 2017), remained the most significant, it has been complemented by growing inward migration, largely from third countries (though the latter had been positive since the mid 2000s, Tammur et al., 2017). The most important third countries of immigrants are Russia and Ukraine, followed by India, Belarus and Nigeria (Lauren 2020). Since 2015, net migration in Estonia has been positive, with the situation in Estonia thus being different in that regard to the two other Baltic states. The migration turnaround from negative to positive net migration had already been expected some time ago (Tammuru and Eamets 2015). The positive net migration in Estonia is due both to return migration and migration from EU third countries, each approximately 50%, and return migration is one of the reasons for the parallel increase in both immigration and emigration (for a general overview of the trends, see e.g., Tammur et al., 2017, Lauren, 2020). That has occurred even though Estonia has set strict limits on non-EU immigration (0.1 per cent of the population) through the use of temporary labour e.g., in the form of posted workers (see the section on regulations below). For example, in 2019 2,218 residence permits were granted for work along with 32,245 short-term working registrations (Lauren 2020), which may have affected the working conditions of migrant workers. In 2019, the employment rate of foreign nationals in Estonia was 71.4% (higher than the EU-28 average of 58%, Eurostat table *lfst_romgeca*), while the country's average in the 20-64 age group was 80.2%. (Lauren 2020)

The recession driven by the COVID-19 pandemic has been in many aspects very different in Estonia and in other Baltic states from both the response of the other EU countries and in how the Baltic states responded to the Great Recession in 2008-2009. GDP decline was -6.9% and -1.9% in the 2nd and 3rd quarters of 2020, respectively (cf. -14.0% and -4.2% in EU-28, Eurostat table *namq_10_GDP*)¹. Unlike the Great Recession, the government in Estonia chose to avoid the fiscal austerity measures and instead to finance current expenditure and additional investments via debt, with the projected budget deficit being -6.6% in 2020 and -6% in 2021. Such policy, though widespread in the EU, has been aided by the fact that Estonia has had the lowest public debt (general government, sovereign debt) in the euro area: in 2019, 8.4% of GDP, cf. 84% in the euro area (Eurostat table *teina225*). Therefore, GDP decline is significantly smaller in comparison to the Great Recession (about -14% in 2009). The list of reasons for this includes the lack of structural problems present before the Great Recession, the lower share of the tourism sector in the economy, milder lockdown measures and a lesser incidence of coronavirus compared to many other EU countries. As a result, in 2021 Estonia is already expected to exceed the pre-crisis level. Despite the milder decline, employment responded heavily, even in the presence of policy measures targeted to preserving jobs, which indicates that Estonian companies used relatively more numerical flexibility. (Urke et al., 2020) The most heavily affected labour market groups are different from those most affected in the Great Recession. While young people are again most likely to be affected, female labour is somewhat more heavily affected due to the decline of services: while the rate of registered unemployed increased from 5.7% to 7.9% in February-November 2020, the share of females in registered unemployed increased from 50.1% to 52.6%. (Eesti Töötukassa) The COVID crisis has also caused a halt in wage growth, which was 8.2% and 3.1% in the 3rd quarters of 2019 and 2020, respectively. (Statistics Estonia) The various COVID-19 policy measures applied in Estonia (as mapped in Kahanec et al. 2020) generally did not concern migration, yet migration has naturally been affected in various ways by the COVID-19 induced crisis. Due to frequent commuting between neighbouring countries (especially between Estonia and Finland, but more recently between Estonia and Latvia), exceptions have been granted amid the general travel restrictions (commuting for reasons of work is permitted between the Baltic states and Finland independently of the recorded virus numbers). The closure to migrants from third countries (though borders were re-opened for labour migration and learning mobility by 6 July 2020) strongly affected certain sectors that are dependent on the migrant workforce, such as agriculture (where exceptions to some regulations have been granted). The total number of registrations for temporary work declined in the 3rd quarter of 2020 by 25.8% annually (Urke et al., 2020). The same trend was noted in an expert interview: 'Labour Inspectorate statistics indicates that in 2020 the number of posted workers decreased by 44% compared to 2019. However, this did not reflect the reality, as it turned out during the COVID crisis that 99% of posted workers were not reg-

¹ According to the state budget strategy, GDP is to decline -5.5% in 2020 and grow 4.5% in 2021 (while the earlier forecasts by Eesti Pank were as low as -10% in spring 2020).

istered in the Labour Inspectorate, but only with the Estonian Police and Border Guard Board (Politsei ja Piirivalveamet, PPA)..’ (EX3EE052621) This indicates that in many cases employers do not notify the Labour Inspectorate even when they are obliged to do so.

II. Regulation

European Union citizens do not have to apply for a specific work permit in Estonia; therefore, the below regulations apply to individuals from third countries². Third-country nationals (TCNs) can apply to work in Estonia (Ministry of the Interior 2021) under the following criteria:

- **Short-term employment in Estonia:** up to 365 days within a period of 455 days or, in the case of seasonal work, 270 days within a period of 365 days. Employers are obliged to pay third-country nationals at least the Estonian average gross salary (except certain categories of employees such as startups, teachers and researchers, and seasonal workers).

Since 2016, third-country nationals staying in Estonia temporarily or on the basis of a temporary residence permit are permitted to work in Estonia as agency workers. Furthermore, the Estonian Unemployment Insurance Fund permit is no longer related to specific third-country nationals. The maximum duration of short-term employment period was 6 months prior to 2017; it subsequently became 9 months post 2017 and 365 days since 2018. In 2018, the number of fields in which short-term employment is allowed was increased. This led to a significant increase in the registration of short-term employment in Estonia. In 2017, the conditions of entry and stay for the purpose of seasonal work were revised and a range of measures were implemented to avoid labour exploitation. In 2018, the number of days was set to 270 for seasonal work.

Since May 2020, the amendment of the Aliens Act has allowed the Government, in case of emergency, to prolong the period of short-term employment of third-country nationals to maximum of 730 days within 913 consecutive days. In 2020, the emergency resulted from closure of borders due to the COVID-19 pandemic.

- **Long-term employment in Estonia** (more than 12 months). A residence permit is required, and the salary criterion applies. The number of third-country nationals who can come to work in Estonia on the basis of a residence permit is limited to an annual quota of 0.1 percent of Estonia's permanent population (persons in categories such as top specialists, the employees of startups, ICT and other fields are exempt).

² The changes in regulations since 2015 are described based on national reports on migration and asylum without using any of the following references next to each sentence: (Migration and... 2015; Lauren 2016; Pajumets 2017; Jakobson 2018; Jakobson 2019; Lauren 2020; Vollmer 2021).

Quota exemptions have been added gradually. In 2016, foreign ICT professionals and major investors as well as startup entrepreneurs and employees were exempted; in 2018, highly qualified specialists who are paid at least two times the average wages in Estonia were added to the exemptions. In 2020, the quota also does not apply to scientists and university lecturers. Family migration, study migration or the prolonging of residence permits have not been included in the quota, nor have EU citizens and their family members as well as citizens of the USA or Japan. In 2017, the salary requirements for foreign workers from third countries were lowered to meet the Estonian average gross wage.

Since 2020, a regulation of the Ministry of the Interior has set out how many jobs in the quota are reserved for creative workers, sportspersons and foreign nationals who settle in Estonia under an international agreement. The remainder of the quota remains free of specific conditions; however, due to exemptions, the quota mainly regulates the migration of workers with low and middle level skills.

International students from third countries do not need any additional work permit if they are studying full time, and any additional work they take on does not interfere with their studies (Study in Estonia, 2021), though there have been discussions about limiting the working hours for such individuals to 16 hours per week. All non-EU students can also stay in Estonia for an additional 9 months following their graduation (with the permission of the university) to look for a job in Estonia. Since summer 2020, a student or researcher with a short-term visa can apply for a long-term visa at a PPA service office based on Directive 2016/801/EU.

In 2020, a draft proposal for an amendment to the law was prepared, with the objective of organising the rules for working in Estonia as well as for the granting of a D-visa or residence permit for study purposes. Limiting the opportunities of international students to bring family members with them is also included in the proposal. The critique from different associations refers to the potential loss of competitiveness to Estonia's economy and higher education. In 2021, the amendments are still under discussion.

Due to the COVID-19 pandemic, there was a significant decrease of international students from third countries in 2020 (nearly 50%). Some higher education institutions decided not to accept students from third countries for the 2020/2021 academic year because the transport, accommodation and testing (first upon arrival, second 14 days later) of students from countries with high levels of infections were required to be organised by the higher education institutions.

- **Posted workers.** Working Conditions of Employees Posted to Estonia Act: Employers shall ensure that the following working conditions established in Estonia are applied

to a posted employee: 1) working time; 2) rest time; 3) minimum wage and compensation for overtime work; 4) duration of annual holiday; 5) equal treatment and equal opportunities; 6) conditions of temporary agency work. Exceptions are granted to skilled workers remaining for up to 8 days. According to an expert interview, there are three ways in which how posted workers can come to Estonia. 'One option is that a Bulgarian company, for example, wins a tender in Estonia and sends its employees to work for its client in Estonia. Another option is that they come to Estonia as recruited workers through a temporary employment agency operating in Bulgaria. In this case, the employment contract is concluded between the employee and the Bulgarian temporary employment agency. The third option is that this Bulgarian employer has its subsidiary in Estonia and sends its employees to work here. These three cases are specifically elaborated on in posted workers directive.' (EX2EE052521)

The number of workers using a short-term employment scheme has been increasing (from only 8,376 in 2017 to 21,757 in 2018). It is usually a quicker and simpler way for employers to recruit TCNs, as short-term employment is not considered when calculating Estonia's annual immigration quota (0.1% of the population). (Kall et al., 2020) However, these short-term employees of third countries must be paid at least the Estonian national average wage, though there are some exceptions, such as with seasonal work. Thus, in some cases hiring TCNs as posted workers might be preferred due to the fact that Estonian law stipulates that such workers have to at least receive minimum wage rather than the Estonian national average wage. (Kall 2018) In Estonia, a TCN who is a posted worker should be registered in two different employment registers: with the Police and Border Guard Board (PBGB) before the commencement of employment and with the Labour Inspectorate. In practice, it seems that there are discrepancies between these numbers, suggesting that not all relevant registrations are made. (Kall et al., 2020)

The following initiatives and measures can be mentioned in terms of the targeted integration and labour market policies:

- The Settle in Estonia programme (first offered in August 2015) had a total of 8,423 participants by the end of 2020. In 2020, about 83% of the participants were third-country nationals. The programme includes a basic Estonian language course and seven thematic modules (including, for example, work, self-employment, studying, science). They are organised in Tallinn, Tartu and Narva, in most cases in English and Russian. (Rändestatistika... 2021)
- In Tallinn, International House of Estonia (since 2018) and Tartu Welcome Centre (since 2019) provide local advisers with information and guidance for international newcomers settling in Estonia.
- Since 2019, citizen agreements (kodakondsuslepingud) are signed with immigrants, which aim to facilitate access to naturalisation and the learning of the Estonian language. (Luik, 2020)

- Since 2018, the Work in Estonia programme has been operational. The programme offers services that aim, on the one hand, to make Estonia more attractive for foreign workers, while, on the other hand, offering information and services to employers who are interested in hiring foreign talents e.g., distributes employers job offers. Initially, the programme was meant for ICT workers only, though STEM (science, technology, engineering, mathematics) professionals were later included. Employers can apply for one-time financial support from the state to cover the cost of hiring the foreign specialist.
- At the beginning of 2017, the Estonian Startup Visa was introduced (under the Startup Estonia initiative). Since 2016, startup founders have facilitated the conditions for entering Estonia and are also exempted from the investment requirements. Startups are exempt from salary requirements and there is no need for authorisation from the Unemployment Insurance Fund. To benefit from this assistance, an expert committee must recognise the firm as a startup.
- In 2017, a new intra-corporate transferee category was created for foreign employees who have already been granted a residence permit from another EU Member State.
- Since 2017, it has been possible to issue temporary residence permits for foreign investors who have made investments in Estonia exceeding 1 million euros.
- In summer 2020, the Digital Nomad Visa was introduced in Estonia. The visa allows remote workers to enter Estonia as a tourist and live in the country, while legally working for their employer or their own company registered abroad. A total of 37 of such long-term visas were granted in 2020 for citizens from the USA, Canada, Australia, South Africa and Japan. (Vollmer, 2021)

In 2015-2020, some procedures were simplified; for example, since 2017 decisions with regard to the registration of short-term work are made locally in the Police and Border Guard Board (PBGB) Prefectures, and since 2019 short-term employment can be registered via the e-service. Additionally, there is no need to notify the PBGB of absences of more than 183 days per calendar year. Since 2017, PBGB has provided consultations to immigrants on administrative issues as well as to the Estonian employers hiring them.

Since June 2020, employment regulations in Estonia have paid more attention to the misuse of employment regulations. The Estonian employers actually benefiting from the work of third-country nationals are responsible for the lawfulness of their employment relationship. The right to pay lower wages and to use a more favourable EU scheme have to be proven in order for the employment relationship to continue. The income tax in Estonia has to be paid in Estonia by the firm that hired the third-country national.

Although short-term employment requires paying at least the Estonian average gross salary to a third-country national, exceptions to the rule (e.g., seasonal employment) make it a rather widely used avenue for hiring TCNs. There are also categories of workers who are exempt from the quota (of 0.1% of Estonia's permanent position) in the case of long-term

employment. Thus, the strict policies are rather lenient for certain categories of workers and ultimately do not allow for effective monitoring of the real number of immigrants due to the permitted exceptions. There does not seem to be any integration programme designed specifically for third-country nationals, though, much like all other immigrants, they can avail of Estonian language courses, other thematic courses and (more recently) ask information and guidance from the welcome centres in the two biggest cities in Estonia.

III. Statistical data and their availability – the prevalence of migrant workers and labour market outcomes



1. Main data and datasets

- **Quantitative data.** Most of the available statistics come from the following Statistics Estonia databases.
- **Labour Force Survey.** Since 1995. Migration status can be identified by longitudinal information (individuals followed for 2 quarters, not followed 2 quarters, followed 2 quarters). Past study: Masso et al., (2017).
- **Estonian Household and Population Census 2011.** Migration – country of birth (2011).
- **Estonian Tax and Customs Office payroll tax payments data.** Population of employees, linked with companies, since 2016.
- **Estonian Employment Registry (since 2019).** 4-digit occupational codes; information on those with work visas.
- **Population Registry:** country of birth, ethnicity (currently applied for by the team members)
- **Firm-level datasets:** the previous data can be linked with firm-level data, e.g., in order to obtain sectoral data.
- **Job-search portal data – CV-Keskus.** Information on 5 most recent jobs. Studies on the effects of return migration on wages and occupational mobility: (Masso et al., 2014; Tverdostup, Masso 2016).
- **Collective agreements.** The texts of the collective agreements are available in the Kollektiivlepingute andmekogu registry. The data describes the topics regulated (e.g., wages, working time etc.) and whether the agreement is more favourable than what has been stipulated in law.

2. Recent worker migration from third countries

Migration statistics has been produced in Estonia since 2000, and no data is available for the transition period in the 1990s. In 2015, Statistics Estonia adopted a new methodology; for this reason, the numbers from previous years are not comparable. The new methodology allows Statistics Estonia to decide whether the person has emigrated or immigrated based on certain procedures that are performed in connection with an individual documented in

the Estonian registers. The old methodology was based on residence notifications submitted to the Population Register. Independent of the methodology change, all the statistics below have to be treated with the caveat that emigration is under-registered. Studying, working and other procedures in a new country require registration with authorities, but this does not apply when leaving a country. Estimates based on the balance-sheet method indicate that approximately 30% of the emigration cases were not registered in Estonia in the census interval of 2000-2011. (Tammur et al., 2017)

In Estonia, the net external migration has increased since 2016 (see Figure 1 below) and the number of immigrants had increased to slightly over 18,000 by 2019. The slight decrease in 2020 may be related to COVID-19. One of the experts in the field who became involved in the topic in 2012 explained that the discussions then revolved mainly around outward migration from Estonia; five years later, however, the situation was different. ‘I was temporarily away and returned in 2017; the labour market had suddenly changed to inward migration accompanied by the matter of migrant workers from third countries.’ (EX3EE052621)

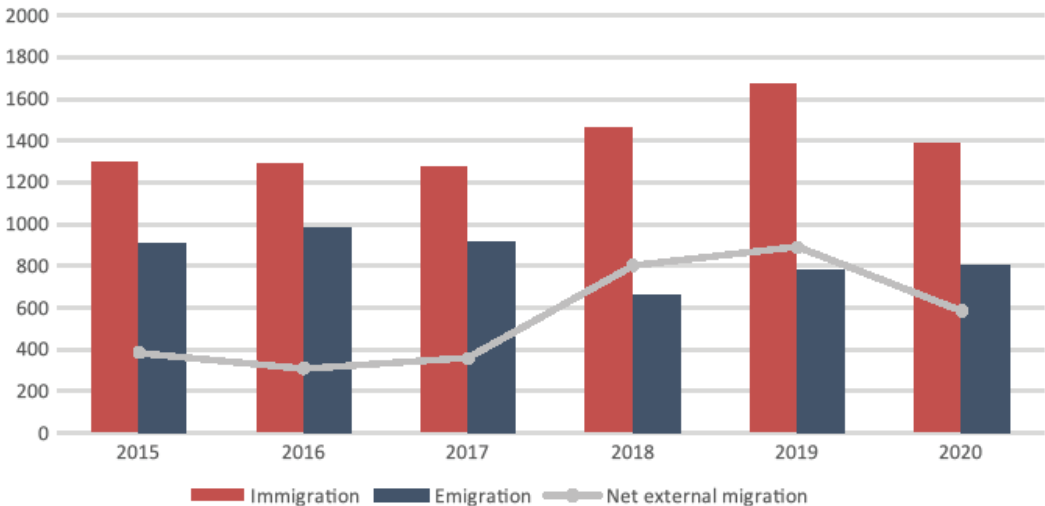


Figure 1. Immigration, emigration and net external migration in Estonia.

Source: Statistics Estonia, RVR08

The immigrants mainly have Estonian citizenship (see Figure 2), which is explained by the high share of return migrants. The two non-EU third countries with a considerable number of workers immigrating to Estonia are Russia and Ukraine. In 2017-2019, the number of immigrants increased, but it was not related to more Estonians returning back to their home country because the number of Estonians decreased in the last two years among immigrants.

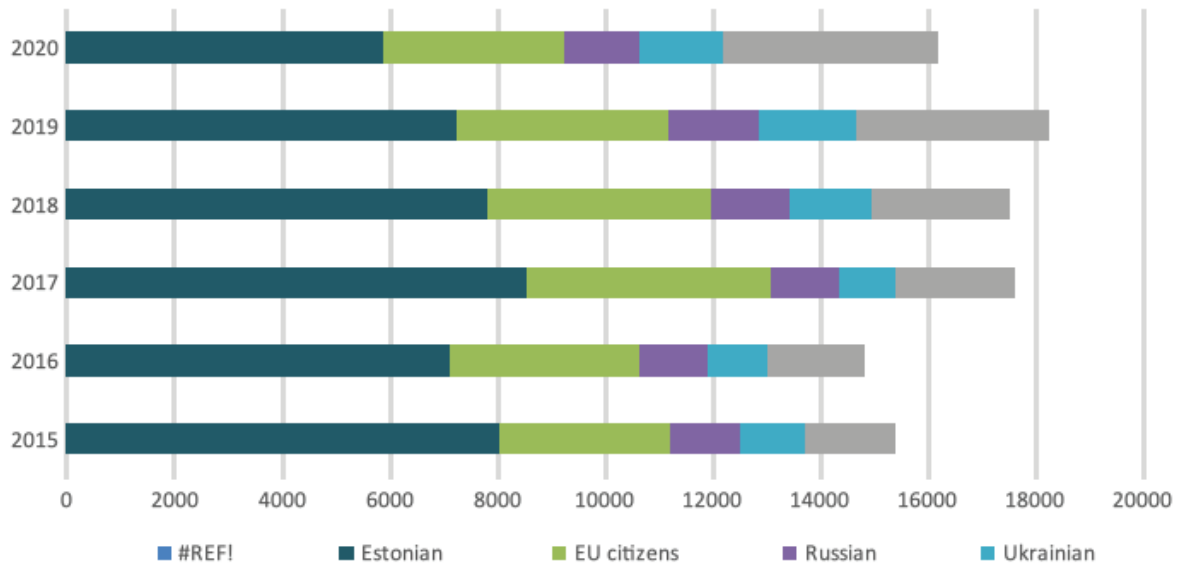


Figure 2. Citizenship of immigrants in Estonia.

Source: Statistics Estonia, RVR08

Visually, there seems to be an increase in the number of immigrants with Ukrainian citizenship and immigration numbers seem rather similar for individuals with Russian and Ukrainian citizenship. Comparative graphs for migration from both countries separately (Figure 3 and Figure 4) indicate that the immigration numbers were higher for Ukrainians than for Russians in 2018 and 2019. However, the net external migration was higher for Ukrainians compared to Russians throughout these years.

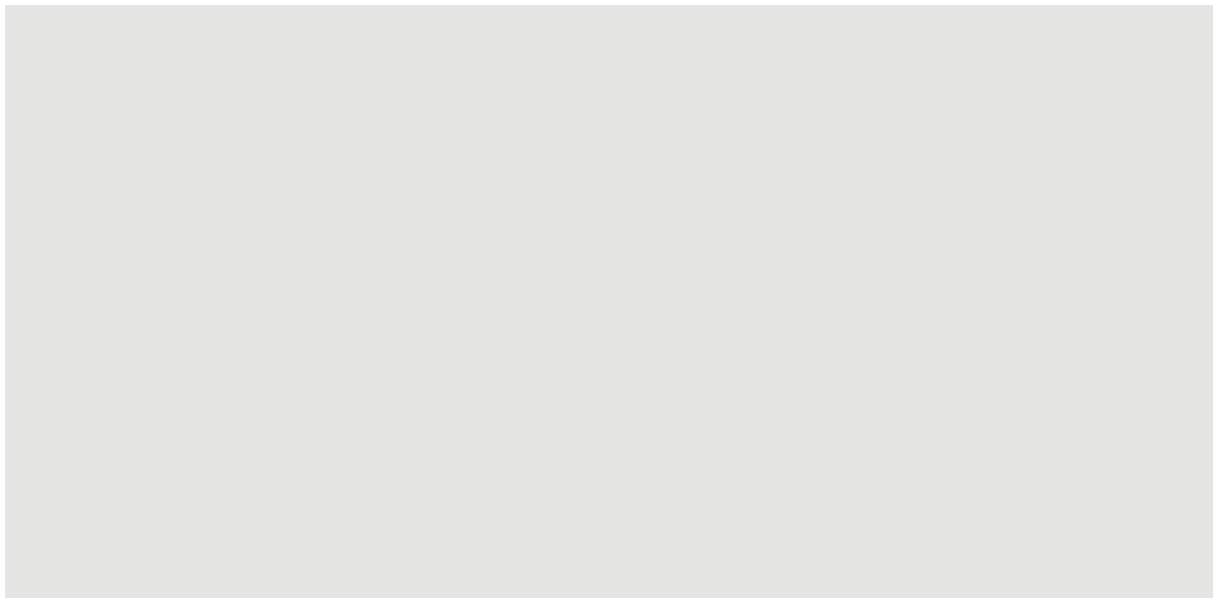


Figure 3. Migration of individuals with Russian citizenship.

Source: Statistics Estonia, RVR08

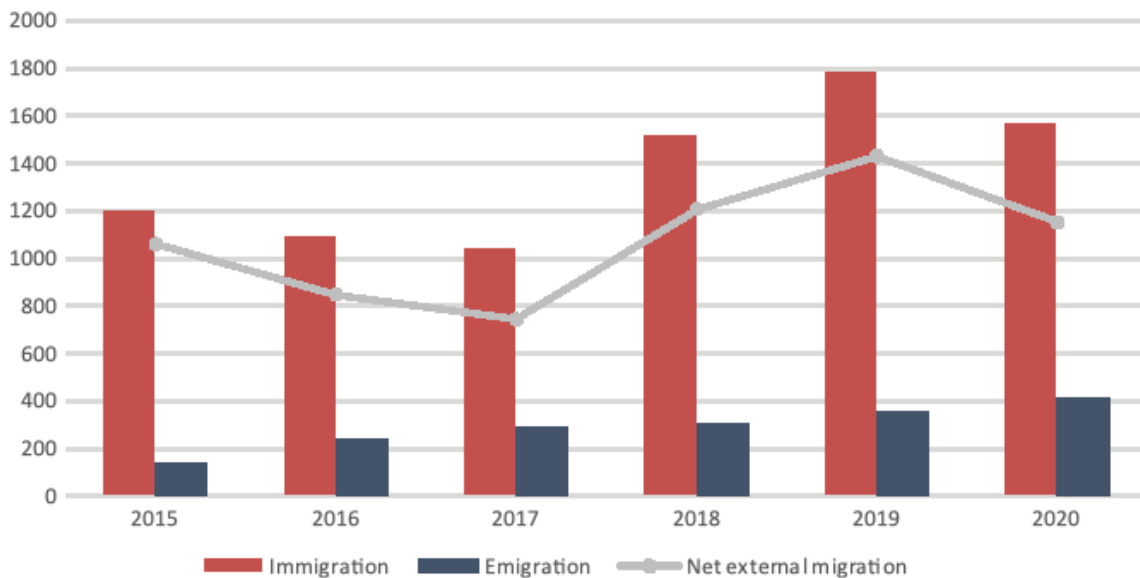


Figure 4. Migration of individuals with Ukrainian citizenship.

Source: Statistics Estonia, RVR08

In 2019, short-term employment accounted for almost 84% of overall immigration; therefore, the shares of other types of immigration decreased. (Luik, 2019) Figure 5 below shows that the short-term employment of immigrants had increased about 4.25 times by 2019 compared to 2017. At the same time, the number of first-time residence permits also increased (by 44.5%). In 2019, two thirds of the registered short-term employed were Ukrainians. (Lauren 2020) The next most popular countries were Belarus, Russia, the Republic of Moldova and Uzbekistan. (Rändestatistika... 2020)

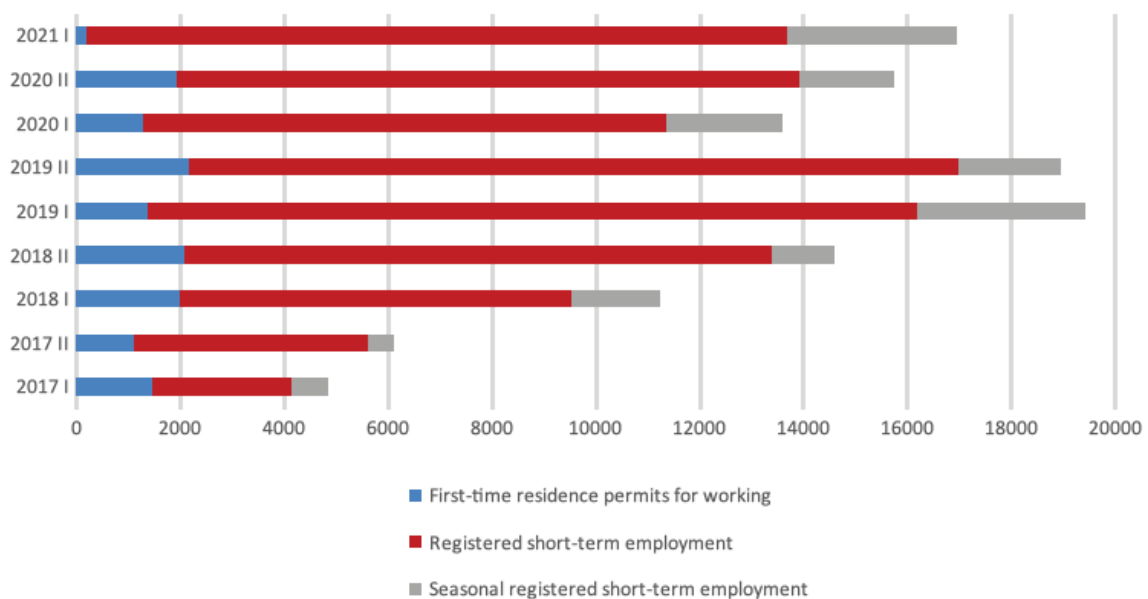


Figure 5. First-time residence permits for working, registration of short-term employment.

Source: PPA open data, 2021

Ukraine, Russia and Belarus are the countries from which most of the third-country nationals (TCN) migrants come (Table 1). Similar to temporary residence permits, Ukrainians are the most prevalent of all nationalities when it comes to migration for employment reasons. Individuals who migrate for family reasons or entrepreneurship are most likely to come from Russia; unlike other categories, academic migrants are most often from Nigeria. (Rändestatistika... 2021) In 2018-2020, the most popular activities for short-term work permits were construction (with a share of over 30%), manufacturing industry (about 20%) and agriculture forestry and fishing (almost 10%).

Table 1. First-time residence permits by type of migration and nationality, 2017-2020

Basis	No 1 nationality	No 2 nationality
First-time temporary residence permit	Ukraine	Russia
Family migration*	Russia	Ukraine
Studying**	Nigeria or Russia	Ukraine
Employment ***	Ukraine	Russia
Entrepreneurship	Russia	

* Belarus was always the third-country, except in 2019. ** Nigeria was first only in 2017, in other years usually in top 3. *** Belarus always the third-country, in 2017 and 2018 more than 60% from Ukraine, since 2019 the share decreased below 50%. Source: PPA open data, 2021

In the years 2018-2020, nearly 90% of first-time temporary permits were obtained on general grounds, by top specialists or in order to work in a startup (Table 2). Since the second half of 2020, hiring from third countries has increased; for instance, in 2021 the level of new short-term employment in manufacturing was higher than before the COVID-19 related crisis. (Eesti Pank 2021)

Table 2. First-time temporary residence permits for employment, by profession 2018-2019.

Reason	2018	2019	2020
On general grounds	1 224	1 283	1 254
Top specialist	228	390	384
To work in startup	186	315	232
Expert/advisor/consultant	58	78	53
Researcher	40	42	36
Supervisory functions of a legal person	37	26	33
Sport activities	21	10	18
EU Blue card	19	19	9
Nun or monk	18	16	22
A person engaged in creative activities	11	7	12
Teacher	7	15	12
Other	2	17	22
Total	1 851	2 218	2 089

Source: Rändestatistika ülevaade 2016-2020 (2021)

There have been many Russian nationals living in Estonia since the time of the Soviet Union; therefore, the term ‘newly arrived immigrant’ is sometimes used in reference to an immigrant who has resided in Estonia for less than five years. Third-country nationals are not usually considered as a separate category. Obtaining Estonian citizenship seems to be more important for third-country nationals than for other immigrants. Integration depends on the nationality: the least integrated are from Russia, while the most integrated are those from the continent of Africa. Most of the discrimination stems from language skills, but improvement has been noted in this regard over time. In general, fewer immigrants attain high positions than Estonians and immigrants also earn less on average. A comparison of the older and younger generations of Russian speakers shows the heterogeneity of the younger group leads to a larger disadvantage in the younger cohort. Immigrants from third countries often have tertiary education, but their occupation is not likely to match their education. Foreign students are more likely to stay and work in Estonia if they have studied in technical fields, and they are also more likely to work during their studies, compared to students in other fields. The largest and most recent applied research project on migration in Estonia advises to use elements of the points-based system, but it stresses the importance of not permitting migration without there being a specific vacancy for the immigrant.

In short, net external migration in Estonia has been positive since 2016, and it increased until the COVID-19 pandemic struck in 2020. However, the method used most probably underestimates emigration. Russian and Ukrainian nationalities comprise the most frequent third-country nationalities of immigrants (net external migration is higher for Ukrainians). In regard to migration for employment reasons as well as migration on a temporary residence permit, Ukrainian national are the most prevalent. In most cases, the short-term work they perform is in the construction and manufacturing sectors.

3. Migrants in Estonian registry data

Below we present the results of a relatively small-scale study that investigated the feasibility of the above-mentioned Estonian registry and census data for the analysis of migration, in particular immigration from the third countries since 2010. To infer the migrant status, we use the variable on the country of birth from the Statistical Registry of Population (available since 2012). The Housing and Population Census of 2011 also includes additional variables such as the year of arrival to Estonia, the last place of foreign residence and the country of birth of the parents. The sources of the wage data and the employment status have been taken from the Estonian Tax and Customs Office payroll tax declarations (TSD form), which have been on a monthly basis since 2006. In the declarations, the paid payroll taxes are distinguished by employer; thus, the time of first legal work relationship in Estonia can be followed as well as the number of jobs held or mobility across different employers. The numbers should be interpreted with the caveat that Estonia was a relatively mono-ethnic country up until the end of the Second World War. Thereafter, it became a country with 30%

non-Estonians by the time it regained its independence in 1991, largely due to migration from the rest of the Soviet Union. Therefore, while the arrival of significant numbers of migrants is a relatively recent phenomenon, in general the share of migrants in Estonia is in fact one of the highest in the European Union (Eurostat, tables migr_pop1ctz, migr_pop3ctb).

Table 3 presents the share of employees by country of birth in 2010-2019. The share of employees born in Estonia has increased from 82% to 87%, despite the influx of migrants from third countries (especially since 2015). The share of employees born in any of the EU countries (including employees born in Estonia) comprises about 1 percentage point higher, showing that the flow of work-related migration from other EU countries has been fairly limited, and within-EU migration flows are mostly related to the return migration of Estonian residents. In 2019, 11% of employees (about 60 000) were born outside of EU countries. The total number of migrants that had arrived since 2010 constituted 2.4% of total employees in 2019 (12 600). These numbers, though not negligible, greatly underestimate the actual use of the migrant workforce, as they include only those working with an employment (or other type of) contract in Estonia and exclude those working via widely used temporary work agencies. It also undermines the ability of official statistics to describe the number of migrant workers and their working conditions adequately (see the information from the interviews on further details). As to the particular countries of birth, the share of Russian nationals has declined from 9.2% to 7.5% and the share of Ukrainian-born employees has increased from 1.7% to 1.9%. The share of countries of birth outside of Europe was negligible in 2010 and had increased to 0.4% by 2019.

Table 3. The number of employees in Estonia by country of birth

Year	Employee	Country of birth Estonia	Country of birth not Estonia	Country of birth EU	Country of birth non-EU	Country of birth Ukraine	Migrant arrived since 2010
2010	467 356	380 943	63 557	384 401	60 099	8 080	175
2015	513 120	444 760	67 487	449 285	62 962	8 865	5 331
2019	526 439	455 815	65 665	461 286	60 194	9 760	12 663

Source: own calculations using Estonian population registry, tax registry and 2010 Population and Housing Census data

Concerning the work that migrants perform in Estonia, we looked at the sectoral composition of the employment by first using the taxonomies of the industries based on the technology intensity (following the Eurostat classification, as a broad proxy for skills requirements) and thereafter also the sectors further analysed within the BARMIG project in terms of interviews, namely metal industry, construction, services (hotels and restaurants) and health. At least for the time being, we omitted the digital sector, as defining the sector is more difficult based on industrial taxonomies. Furthermore, tracking platform workers is more difficult as no social taxes are paid for them. Generally, we can see (Table 4) that em-

employees not born in Estonia work more often in less knowledge intensive services (in 2019, 44% and 38%) and less so in knowledge intensive services (34% and 28%).

Table 4. The sectors of employment in Estonia by employees' country of birth

Industry	Employee	Country of birth Estonia	Country of birth not Estonia	Country of birth EU	Country of birth non-EU	Country of birth Ukraine	Migrant arrived since 2010
Technology intensity							
Less knowledge intensive services	38.6%	38.0%	43.8%	38.0%	44.3%	43.8%	41.3%
Knowledge-intensive services	32.8%	33.6%	28.0%	33.7%	27.1%	23.5%	35.3%
Construction	6.1%	6.2%	5.2%	6.1%	5.2%	6.3%	4.5%
Utilities	1.7%	1.6%	2.5%	1.6%	2.6%	1.9%	0.8%
Low-tech manufacturing	8.0%	8.0%	7.7%	8.0%	7.8%	8.0%	4.9%
Medium low-tech manufacturing	4.3%	4.0%	5.9%	4.0%	6.1%	9.1%	6.3%
Medium high-tech manufacturing	2.2%	2.1%	2.8%	2.1%	2.8%	3.2%	2.5%
High-tech manufacturing	0.6%	0.6%	0.6%	0.6%	0.6%	0.4%	0.8%
Primary sector	5.7%	5.9%	3.5%	5.9%	3.5%	3.8%	3.7%
Industry categories used in the BARMIG project							
Other	82.0%	82.2%	81.6%	82.2%	81.3%	78.5%	81.7%
Health	5.5%	5.5%	5.8%	5.5%	6.0%	5.5%	2.6%
Food service	3.8%	3.8%	3.9%	3.8%	4.0%	3.5%	6.3%
Construction	6.1%	6.2%	5.2%	6.1%	5.2%	6.3%	4.5%
Metal industry	2.5%	2.4%	3.4%	2.4%	3.5%	6.2%	4.9%

Source: own calculations using Estonian population registry, tax registry and 2010 Population and Housing Census data

However, in manufacturing, such differences across the technology intensity (cf. pharmaceutical products versus textiles) are not as striking. The shares of Estonian and migrant employment across the four industries analysed in the BARMIG project are rather similar, yet migrants have a somewhat lower share in construction (5.2% versus 6.2%) and a higher share in the metal industry (3.4 versus 2.4%) in employment. As to the migrants that have arrived since 2010, we see an even lower share of construction (4.5%, indicating the inability of such registry-based statistics to capture temporary construction workers) but a higher share in the metal industry (4.9%) and the food service sector (6.3%). Technology intensity and knowledge-intensive services (35%) were significantly related to ICT.

Another key indicator of the type of employment is occupation. For any groups of migrants, there is a lower share of managers (e.g., 10% among Estonian-born employees and 6%

among those born outside the EU, Figure 6). As to professionals, a lower share can be seen among employees born in Ukraine (18%), while recently arrived migrants work even more frequently as professionals than employees born in Estonia (29% versus 21%). The share of technicians and associated professionals is generally also lower among migrants (9% among migrants born outside the EU, 14% among employees born in Estonia). Generally, migrant workers have much higher shares of blue-collar occupations (ISCO 1-digit codes 6-9), particularly low-skilled blue-collar occupations (plant and machine operators, elementary occupations). As to the level of education, the previous numbers on occupations are somewhat at odds with the educational attainment, in particular with the share of higher educated individuals: in 2019, this constituted 41% among those born in Estonia, but 53% among those born outside of EU and 62% among those migrants that arrived after 2010. Yet, such evidence on working at occupations not necessarily corresponding to one’s education among migrants is not unexpected and has been found in earlier studies.

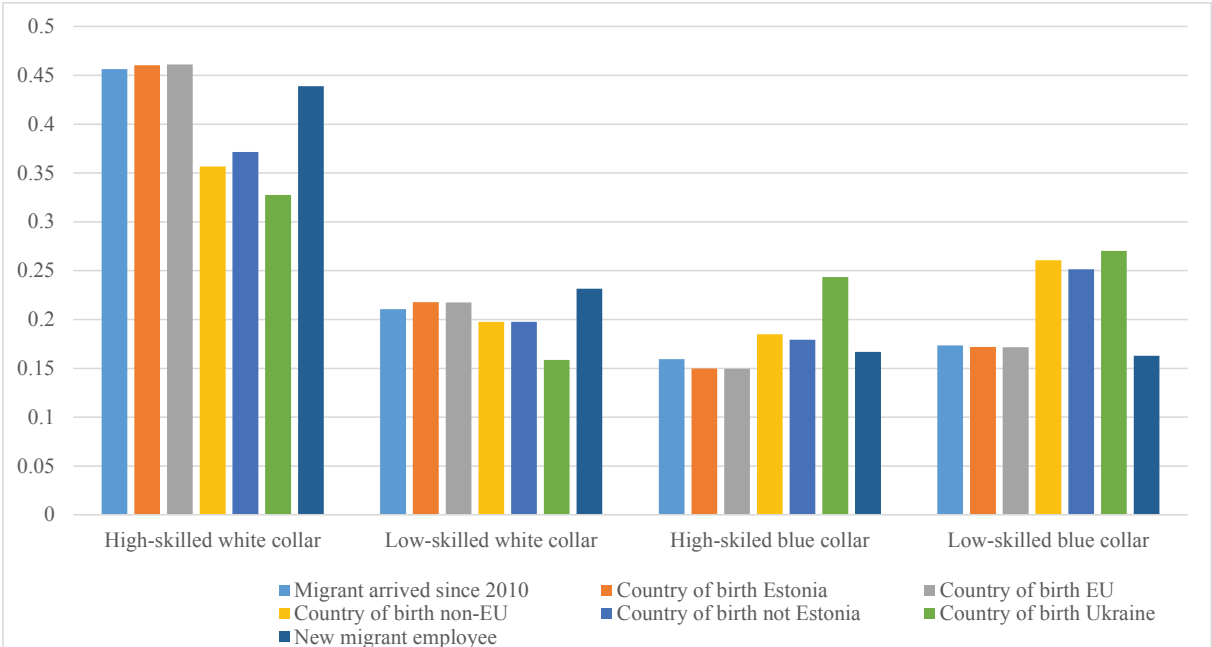


Figure 6 The employment shares of different 1-digit ISCO occupations by country of birth

Source: own calculations using Estonian population registry, tax registry and 2010 Population and Housing Census data

Among different personal and employment-related variables, occupation is probably the one that is most closely related to wages. Over the last 10 years, for all groups of employees we can see very strong nominal (inflation unadjusted) wage growth for all groups of employees (from about EUR 781 in 2010 to EUR 1 385 in 2019, Table 3)³. Perhaps surprisingly, the wages are at any year the highest for migrants that have arrived since 2010, corresponding to their most frequent 1-digit occupation being professionals. That evidence confirms that the registry-based data mostly covers highly skilled migrants, such as those in the ICT

³ After adjusting for outliers, these wages calculated from the tax registry data closely follow the official wage statistics (the absolute difference being in most years around 2%).

sector, for instance, and less those working in low-skilled occupations, e.g., in construction, who are working via temporary work agencies. In general, in 2019 those employees born outside the EU earned on average 10% lower wages (in 2010, 15%) compared to employees born in Estonia, cf. those born in Ukraine earned 8.7% lower wages (in 2010, 14%). Thus, wage inequalities are declining based on registry data. The migrants that arrived since 2010 earn 10% more than the locals (9.3% in 2010). As to the newly arrived migrants, their wages in the 1st year after arrival were in 2010 9% below those born in Estonia, but in 2019 were 2.5% higher. While all these numbers are based on the study of average wages, similar tendencies appear when looking at whole wage distributions in terms of the Kernel densities of wages (Figure 7), i.e. the wage distribution of employees born in Estonia is situated to the right as compared to those born outside the EU and migrants who have arrived since 2010 have more frequently compared to Estonians wages above EUR 3 000, but also wages below EUR 1 000, indicating higher diversity in that group. While there are a host of factors that may cause the latter (e.g., migrant workers including both high skilled and low skilled employees, different arrival times of migrant workers to Estonia etc.), this may also indicate their lower bargaining position and skills, emphasising the importance of the working conditions of migrant workers.

Table 5. The average wages of employees in Estonia by country of birth

Year	Employee	Country of birth wEstonia	Migrant arrived since 2010	Country of birth EU	Country of birth non-EU	Country of birth not Estonia	Country of birth Ukraine	New migrant employee
2010	781.1	802.6	974.8	803.3	673.2	684.7	688.6	724.3
2015	1 072.8	1 086.0	1 186.7	1 087.3	956.4	975.4	984.4	1 124.6
2019	1 385.2	1 400.5	1 547.2	1 402.6	1 258.2	1 287.1	1 277.5	1 436.4

Source: own calculations using Estonian population registry, tax registry and 2010 Population and Housing Census data

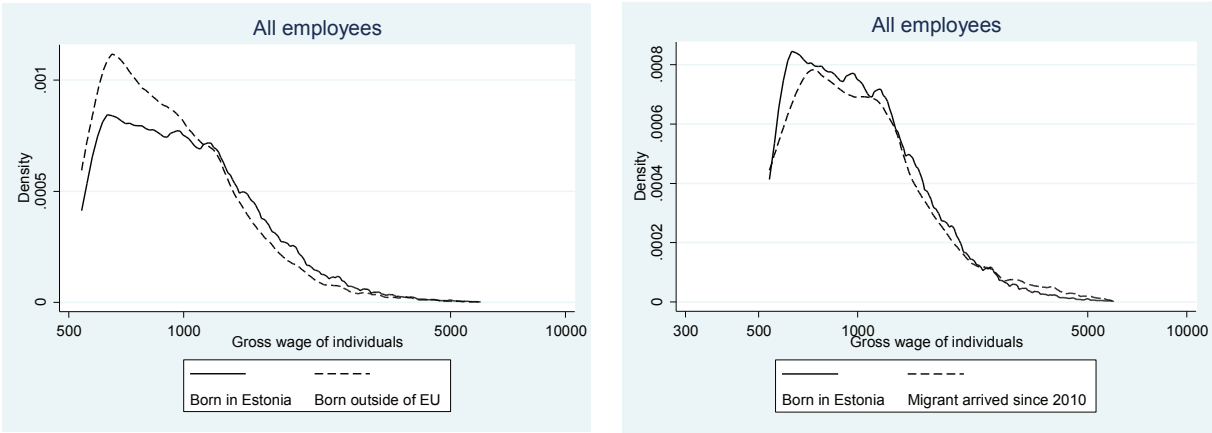


Figure 7 The Kernel densities of the wage distributions in Estonia by migration status

Source: own calculations using Estonian population registry, tax registry and 2010 Population and Housing Census data

4. Discussion

The quality of data is rather good: Statistics Estonia reports information from the registry data and migration reports refer to data from Estonian Police and Border Guard Board (Politsei ja Piirivalveamet PPA). The problem with the underestimation of emigration data cannot be solved by Statistics Estonia. There are no incentives for people to notify the authorities of their (temporary) emigration. There are many Ukrainians employed under short-term contracts who have not studied in Estonia. At the same time, there are foreign students from the African continent who study in Estonia and may remain in Estonia to work. The potential issues of interest concern whether the migrant workforce complements or substitutes the local labour force; for instance, employers have raised the argument that the former is the case and that labour shortages have persisted in several sectors irrespective of the COVID-19 induced crisis. The integration of migrants into Estonian society is a valid research question given the concerns raised in regard to the growing influx of third-country nationals.

IV. Secondary sources related to labour migration



1. Studies of (local) migration specialists

There are many studies by local migration specialists on various aspects of migration issues; however, this research concerns outward migration, return migration and the Estonian versus Russian-speaking populations (resulting from the Soviet-era inward migration).

A general study comparing the costs and benefits of immigration indicates that the effect of immigration on the Estonian state budget has been positive, and the higher the education of the employee who immigrated the greater the benefit. On the one hand, the benefits are related to labour taxes, while on the other hand immigrants also participate in the accumulation of revenue from consumption taxes. Therefore, the revenues depend on the economic sector in which the immigrants work. However, immigration for employment is accompanied by immigration for family reasons, where the relationship between costs and benefits for the state budget is more difficult to calculate. The main costs lie in providing social protection (including pension and health services). In addition to migration reasons, the costs and benefits for the receiving country also depend on education, gender, age and the length of migration. (Rändesõltuvus... 2021)

To our knowledge, there are not many studies available on the employment of the recent influx of third-country nationals. In some surveys, the concept of ‘newly arrived immigrants’ is used. According to a regulation of the Estonian Ministry of the Interior, a newly arrived immigrant is a person who has resided legally in Estonia for less than five years. However, third-country nationals still cannot be separated from newly arrived other aliens with the help of this concept.

One of the first studies to analyse newly arrived immigrants separately from other immigrants on a large scale and quantitatively was the latest integration monitoring survey. The integration of immigrants in Estonia has already been analysed in seven consecutive surveys. The latest survey is based on data collected in 2017. A separate online survey was completed by 2 850 newly arrived immigrants aged 15 and over, who had registered their residency in Estonia for the first time in the period between 2012 and 2016. The results revealed that immigrants and Estonians mostly interact actively in the work and school environments, and very little interaction takes place in other environments. 81% of respondents

consider their overall experience of settling in Estonia to be 6-10 on the scale of 1-10, where 10 means 'I have adapted very well'. Altogether, 32% of new immigrants were planning to obtain Estonian citizenship in the future, more often so if they came from third countries. (Integration of Estonian... 2017)

In 2019, a qualitative survey on newly arrived immigrants was conducted, which investigated how newly arrived immigrants are adapting in Estonia. The level of adaption and integration was found to be negatively related to the number of children younger than 16 years in the families of newly arrived immigrants. The least adapted/integrated were the newly arrived immigrants from Russia, while the newly arrived immigrants from the continent of Africa were the most adapted/integrated. (Kaldur et al., 2019)

According to an expert interview, the relations between migration and integration have become more complicated. It used to be common knowledge that the integration of migrants is key to their long-term stay to the country. However, several studies indicate that well integrated migrants leave after achieving their aims and less integrated migrants remain. 'We are emphasising integration from an economic perspective, such as high wages, good occupations and good performance in the labour market. These people come to accomplish something or fulfil their ambitions and then go, while others stay.' (EX1EE050721) The trade union representative expressed interest in developing better knowledge on the integration of migrants and on collective bargaining issues. As examples, knowledge on cultural differences and negotiation skills were mentioned. Regarding cultural knowledge, one interesting aspect is that people are using different information sources and their level of informativeness varies. (TU4EE040121)

All the other surveys analyse immigrants in general. Earlier research on equal treatment in Estonia conducted in 2013 indicated that people in Estonia had heard about equal treatment and the respective law but they did not understand the concept well. The researchers explained it through theoretical media coverage, and it did not include easily understandable personal examples. It was also claimed that most of the discrimination on grounds of ethnic origin (at work as well as in other situations) was related to language skills. (Kallas et al., 2013)

As a positive development in the next research on the same topic in 2015, researchers noted that discrimination on grounds of language or ethnic origin decreased from 66% in 2008 to 13% in 2015 (as experienced by foreign nationals). At the same time, the foreign nationals interviewed still found opportunities to study the Estonian language scarce and searching for information about Estonian language courses difficult. (Eesti ühiskonna... 2015) Results from other research suggests that in providing information to migrants it might be important to also consider the reason for migration because the migrants who come to Estonia to

study have different needs than workers or migrants who have been granted international protection. (Kaldur et al., 2019)

In general, compared to Estonians there are fewer foreign employees who have reached high level positions in their careers. This has not notably changed in the past ten years. The income levels of foreign employees are also lower than those of native Estonians. 23% of Estonians were represented in the highest quantile of income, while the respective share was 12% among other nations. (Kaldur et al., 2019) Usually, in statistical reports the older and younger generations of immigrants are not separated. However, the comparison of these immigrant groups can add new angles to the integration problems related to immigration. Based on the Estonian Labour Force Survey data 2011-2013 and comparing younger and older groups of Russian-speaking immigrants with Estonians, Saar et al. (2017) indicate that the disadvantage for the younger cohort was even more pronounced than the net disadvantage for older immigrants relative to their Estonian peers in terms of risks of unemployment. However, the group of younger immigrants is heterogenous because, in terms of self-assessed over-education, there is less of a gap between the younger highly-educated Russian-speaking immigrants and their Estonian counterparts compared with the gap between the first generation with the older group of Estonians.

The most recent analysis of immigration (of newly arrived immigrants) to Estonia for the years 2015-2019 shows that most of the newly immigrated people do not remain in Estonia. For example, 47% of immigrants (people from EU included) who moved to Estonia in 2015 still lived in Estonia in 2020, while 53% of migrants who immigrated in 2016 still lived in Estonia in 2020. The main result of the analysis is that changes in the migration policies are soon apparent in migration statistics. The noticeable increase in immigrants from Ukraine in 2018 and 2019 can be related to the implementation of visa exemption for Ukrainians in 2017, which removed several groups of employees from the restrictive quota and allowed short-term migration from third countries. (Kalm, Tammaru, 2021). During 2015-2019, more men than women arrived in Estonia and most of the migrants were young. On the one hand, the share of immigrants with tertiary education was the highest for third-country nationals compared to immigrants from other countries. On the other hand, the match between education and occupation was worst for Ukrainians, and in general compared to other countries worse in case of immigrants from other former Soviet republics. The study also revealed the differences between Ukrainian and Russian immigrants. Russians have a better socio-economic status and more often women from Russia immigrate to Estonia. Most of the newly arrived migrants lived in the capital city of Tallinn and most often in the centre of the city. (Kalm, Tammaru, 2021)

An earlier survey conducted in 2015 indicated that in 2009-2014 a total of 16 878 immigrants came to Estonia from third countries based on temporary residence permits (60% men and 40% women). Family migration was the most frequent reason for the issuing of a temporary

residence permit (39%). Employment was next (37%), followed by study (21%) and business (3%). In 2009-2014, 50% of men immigrated from third countries for employment, but 56% of the women immigrated from third countries for family reasons. Similar to 2015-2019, the share of immigrants from Ukraine and Russia was the highest (comprising 64% of all immigrants from third countries in 2009-2014). Immigrants with tertiary education formed 46% of the total, while 21% of immigrants had vocational education; thus, the share of people with tertiary education was higher among immigrants than among the local working age population of Estonia. (Asari et al., 2015)

Among other studies, surveys on the alumni of universities have described the situation for foreign students in Estonia. In 2005-2016, the average share of foreign students (in higher education) who stayed in Estonia to work post-graduation was 21%, while in 2016 the share was 26%. In most cases, that respective share during the eleven-year period was higher in technical learning fields (41%), ICT (38%), production and processing (35%) and in social and behavioural sciences (24%). In general, local graduates earn 26% more than foreign graduates after graduation from each level of education. The difference in wages is larger for graduates at the level of master studies (18%) and smallest at the level of doctoral studies (2%). (Leppik, 2019)

Statistics Estonia has analysed the university students and alumni of universities coming from abroad. In 2018/2019, 11% of Estonian university students came from foreign countries; in the following academic year the share of foreign students was slightly higher, at 12%. 56% of foreign students who completed a degree at master's or doctoral level worked in Estonia one year after their graduation in the 2016/17 academic year, while the respective percentage the following year was 58%. Foreign students are more often employed in foreign-owned firms than local students. The probability to work while studying is higher for foreign students who come from the continent of Africa, in 2019/2020 also those from Asia. 80% of alumni from the African continent also stay in Estonia after graduation to work. International students of information and communication technologies; engineering, manufacturing and construction; and business, administration and law are most likely to work during their studies in Estonia. About two thirds of international students of ICT worked while studying in the 2019/2020 academic year. Graduates of ICT and engineering, manufacturing and construction were also more likely to stay and work in Estonia after graduation. In the different surveys analysed in the three academic years, no notable changes could be detected. (Rootalu, 2019, Rootalu et al., 2021)

In 2018-2020, the substantial applied research project entitled RITA-RÄNNE⁴ was conducted in Estonia with the participation of many local scientists. The project aimed to answer the two following research questions:

- 1) How to relieve the decrease in the working age population in Estonia in the future by acting in the best interest of both employers and the state.

4 All information and reports are available at <https://ranne.ut.ee/avaleht>

- 2) How can we best achieve the integration of immigrants considering, on the one hand, the requirement of new employees and, on the other hand, the integration capacities of immigrants, the educational system and local communities.

According to the project results, the low birth rate in the future could be compensated with a combination of active employment policies and moderate immigration instead of massive immigration. The re-immigration of Estonians from Finland could help to reduce the immigration of third-country nationals. Thus, it is important to educate employers who compete with Finland for employment (e.g., in the construction sector, healthcare etc.). It is advised to create immigration policies that take note of the high qualification and integration level of immigrants. The researchers suggested reforming migration policy through incorporating elements of the points-based system. Alongside qualifications (that is already considered) and integration capacity, the immigrant should be required to have a vacancy waiting in Estonia. It is also important to monitor the integration of immigrants and their success in the labour market; for this reason, an innovative system has been created to facilitate longitudinal data gathering. (Rändesõltuvus... 2021)

The aim of Estonian integration policy should be the integration of minorities through increasing their intersection with the dominant local ethnicity. This means that immigrants speak the Estonian language well and have acquired Estonian language and culture next to their own cultural identity. The successful integration of new immigrants also requires social contacts and a sense of community, but developing these two in turn requires conscious attention and support by local communities. Employers and schools as contact points can play an important role in this, and the multinational relationships of immigrants could be used as a valuable resource. To prevent possible ethnic conflicts and radicalisation, it is important to note the first signs of the two, consciously monitor them and react in time. (Rändesõltuvus... 2021)

To sum up the evidence from existing studies, there have been many Russian nationals living in Estonia since the time of the Soviet Union; therefore, the term 'newly arrived immigrant' is sometimes used in reference to an immigrant who has resided in Estonia for less than five years. Third-country nationals are not usually considered as a separate category. Obtaining Estonian citizenship seems to be more important for third-country nationals than for other immigrants. Integration depends on the nationality: the least integrated are from Russia, while the most integrated are those from the continent of Africa. Most of the discrimination stems from language skills, but improvement has been noted in this regard over time. In general, fewer immigrants attain high positions than Estonians and immigrants also earn less on average. A comparison of the older and younger generations of Russian speakers shows the heterogeneity of the younger group leads to a larger disadvantage in the younger cohort. Immigrants from third countries often have tertiary education, but their

occupation is not likely to match their education. Foreign students are more likely to stay and work in Estonia if they have studied in technical fields, and they are also more likely to work during their studies, compared to students in other fields. The largest and most recent applied research project on migration in Estonia advises to use elements of the points-based system, but it stresses the importance of not permitting migration without there being a specific vacancy for the immigrant.

2. Economic – sectoral assessment of employment of migrant work.

In 2013, the share of migrant workers in the ICT sector was rather marginal, as only 6% of employees (of the total of 18 827) did not have Estonian citizenship (3% of employees had citizenship of the EU and 1.6% of employees held the citizenship of a third country. In the ICT sector in Estonia, most of employers were not interested in hiring migrant workers from third countries. The difference in working language, the absence of a need or the small size of the firm were given as reasons why not to use migrant workers. Those employers who have hired TCN employees (e.g., because English language is prevalent in their firm) appreciate the cultural experience and see the increased internationalisation of the firm as the main advantage. In qualitative interviews, the employers explained that the initial smaller wage of migrant employees would gradually increase to the level of other employees, while they bring additional costs to the employer through documentation, integration and help in settling in. (Jürgenson et al., 2013)

Kall et al. (2020) studied the Ukrainian construction workers posted from Poland to Estonia and Finland. Several regulatory challenges were highlighted related to worse working conditions: the lack of occupational safety and health training and having no accident insurance coverage; not receiving wages and other employment conditions the workers should be entitled to; not asking for help from authorities/unions and falling through the cracks of social security systems. Arguably, some companies use this avenue in order to gain a competitive advantage. Yet, the problems may also originate from the employment agencies in Poland. (Keryk, 2018) Posting has been studied little in Estonia, and mostly from the legal perspective. In 2017-2018, trade unions and labour inspectorates saw challenges such as the exploitation as workers (who do not speak the local language) as being more dependent on the specific employer. (Kall, 2018) The interviews have indicated that the largest number of issues with TCNs in Estonia are related to posted workers, especially in the construction sector, who are working in Estonia on temporary basis.

According to Labour Dispute Committee, 297 claims were related to alien workers in 2020, which is 9% of all resolved claims. The majority of the claims were related to workers from Ukraine but they also included individuals from Georgia, Russia, Turkmenistan, Latvia, Lithuania and a few cases from India. The claims were mainly about monetary incentives such as unreceived salary and unreceived final payment, as well as employment relationship

identification. The biggest problems were related to aliens working on construction sites and the construction of solar parks. (EX3EE052621)

‘90% of the claims have been about monetary incentives – salary, holiday pay, compensation such as contract termination compensation – a wider spectrum of monetary issues. Pay is the main issue of interest for workers (both local and migrant workers). Problems mainly arise with those who come to Estonia on the basis of short-term employment. They are usually not specialists or trained workers but instead are unskilled workers, in my understanding. They come for a higher salary to work in construction, agriculture and in seasonal work. Aliens coming with a residence permit for a year, five years or longer are mainly specialists and have higher salary levels. I have not heard of problems arising among this latter group.’ (EX2EE052521)

There are different ways TCNs can arrive to the Labour Dispute Committee – the Social Insurance Board helps aliens by advising them and compiling labour disputes, but they also turn to the Labour Dispute Committee’s legal counselling Infoline or email. However, the main problem seems to be a lack of trust among TCNs towards state institutions, as TCNs don’t have this trust in these institutions in their home countries. (EX3EE052621)

3. Labour market integration specialists on the position of migrant workers in the country.

No relevant studies by labour market integration specialists could be identified. Some evidence was still revealed by the interviews, arguing that one should be more cautious in the case of long-term migration compared to short-term migration. ‘Employers can always benefit from bringing permanent workers, but several problems also appear that need to be addressed in society. I believe problems related to labour shortage can be better addressed with short term rather than permanent migration. When a person arrives for a short period, he/she still needs certain training and then must leave. It is understandable that employers would like this period not to be too short. Maybe there could be a mechanism that those who have been earning a good salary, learning the language and so on could secure permanent resident status.’ (EX1EE050721)

4. Publications on the role of industrial relations and social dialogue related to migrant work.

Migration issues have been on the agenda of trade unions and employers in Estonia and the other Baltic states since the early 2000s, but they have been more focused on outward migration from Estonia to the old EU member states (in the Estonian case, especially Finland) and return migration (which has also gained momentum in the past 10 years, see e.g., Tverdostup and Masso, 2016), while the inward migration of third-country nationals is a

more recent phenomenon, especially since the middle of the 2010s. According to an expert interview, ‘The need for additional workers is growing. It is clearly seen in migration quota discussions – 5 years ago, there was no discussion around quotas while recently it has become a hot topic. Today, the importance of migration quotas is clearly seen. If we look at the sectors, migration policy also determines that newer jobs and workers in fields such as IT etc., can come without a quota. In that sense, it is relatively easy to come. Therefore, the focus inevitably turns to simpler, more manual work, such as construction and seasonal agricultural work, where the labour shortages are most acute. In any case, it can also be seen that since this acute need is there, the nature of labour migration has changed quite significantly. It is not so much in permanent migration; rather, the number of temporary work permits has exploded. Labour migration has become more temporary.’ (EX1EE050721)

Still, it has to be considered that there was large-scale inward migration to Estonia from the other Soviet republics before the regaining of the independence in 1991, so the share of the migrant population according to the most common definition (born abroad) is one of the highest in the EU, at 14.9% in 2019. (Eurostat table TPS00176) The latter has also had some effect on public discussions towards migration from third countries. For instance, Alho (2013) argued that the particular migration history of Estonia has affected the attitudes of unions towards labour mobility: in investigating the responses of the Finnish and Estonian trade unions to labour mobility between Estonia and Finland, it can be seen that Finnish trade unions take a more active role in that respect while Estonian trade unions remain mostly quite passive. In another aspect that affects the attitudes of unions towards migration, Alho (2013) stressed the national model of industrial relations (e.g., explaining the restrictive attitude towards migration in Finland), but he stressed that despite the Estonian liberal model (in terms of the varieties of capitalism typology, cf. coordinated market economy), Estonian unions had in the analysed period displayed a restrictive attitude towards immigration due precisely to such migration history. Alho (2013) claimed that the restrictive attitude is also explained by the general weakness of the Estonian trade union movement. While, the above has not lost relevance, our interviews indicated a shift towards more positive views on migration among the unions.

As to the ability of the unions to shape the working conditions of the migrant workforce in Estonia, it can be noted that in relative terms trade union membership is in fact fairly high among the non-Estonian population: Kranendonk and de Beer (2016) noted from the European Social Survey data that Estonia was one of the few countries where union membership was not lower among the migrants compared to natives, or both at 6.9%, though the low value of the union density indicator for both groups would reduce the relevance of that finding.

There have been a number of academic studies that have discussed the effect of the trade unions and collective bargaining on labour market outcomes, in particular wages: Eamets

and Kallaste (2005) showed that union membership did not have a statistically significant effect on wages after researching the various socio-demographic characteristics of the employees; Masso et al. (2018) showed that trade union membership has some role in reducing the largest wage inequality in the Estonian labour market, the gender pay gap; Masso et al. (2019a) studied, among other topics, the role of multinational companies in industrial relations. Yet, these studies have barely mentioned anything at all or to a significant extent on immigrants from third countries, as the onward labour migration from third countries is still a relatively new phenomenon in the Estonian labour market.

V. Media analysis



1. Case selection

There are three daily newspapers in Estonia. In 2020, two of them had a print-run of nearly 40,000 papers per month (Postimees and Õhtuleht) and the third one about 12,000 papers per month (Eesti Päevaleht). We left out Õhtuleht as a tabloid. In addition to Postimees and Eesti Päevaleht, the online portal DELFI was chosen as a representative source of media articles. DELFI is the biggest news portal in Estonia (with over 800,000 visitors per week in the Estonian language and over 170,000 visitors per week in the Russian language⁵).

In choosing the most relevant keywords in the Estonian language, the following principles were used:

- 1) If there was a choice between a one-word keyword and a short phrase of two words, the one-word keyword was chosen. For example, the keyword 'ukrainians' ['ukrainlased'] was preferred to the phrase 'Ukrainian workers', because the search engines did not seem to be sophisticated enough to search for both words and they did not seem to allow the setting of conditions for such a search. Moreover, in the Estonian language the journalists could use different synonyms (e.g., 'töölised' or 'töötajad' or 'tööjõud', respectively in English 'workers', 'employees', 'work force'), move the order of words (e.g., 'töötajad Ukrainast') or use different forms/cases of the same words.
- 2) The 14 cases of nouns in Estonia generated another difficulty because even the one-word keyword can be used in 14 different cases in newspaper articles. A test search was conducted with the keyword 'Ukrainians' in all 14 cases in the search engine of Eesti Päevaleht. This search engine is the only one of the three that showed how many hits exactly were found and it also allowed the articles to be arranged by relevance. The test search indicated that the greatest number of hits resulted from searching the first three cases (Nominative, Genitive, Partitive). Most of the hits in other cases were repetitive or irrelevant.
- 3) In the choice between two synonyms, the foreign words were left out because Estonian versions are mostly preferred in the newspapers, e.g., Estonian 'sisseränne' vs foreign 'immigratsioon' (in English 'immigration').

The four keywords used were as follows:

Ukrainians ['ukrainlased'],

⁵ <https://meedialiit.ee/statistika/>
<https://www.delfi.ee/teemalehed/delfi-portaal>

foreign labour [‘välistööjõud’],
immigration [‘sisseränne’],
seasonal workers [‘hooajatöölised’].

Only the following articles were chosen as relevant:

- 1) articles published between 1 January 2015 and 15 November 2020;
- 2) articles where the topic was immigration to Estonia or migrant workers in Estonia.
- 3) longer interviews where employers explained their experience or concerns related to migrant workers, opinion pieces related to immigration to Estonia, migrant workers in Estonia or relevant laws in this respect.

In 2015, in the view of the European migrant crisis, some opinion pieces were discussing whether migrants could become a problem in Estonia, but there was no serious concern expressed in these articles. At the end of 2016, the quota of immigrants was not enough to cover all the foreign nationals who were interested in working in Estonia. The quota was not increased, but the labour shortage conditions gradually worsened; therefore, the numbers of discussions about quotas and the need for foreign employees gradually increased.

2. Main findings and discussion

Articles related to migrant workers reflect public opinion, but they might also direct readers' attitudes towards immigrants and immigration in general. The following analysis is based on 46 articles from Eesti Päevaleht, 32 articles from Postimees and 24 articles from DELFI. As articles that are published in Eesti Päevaleht also appear in DELFI and only unique texts were copied to the corpus, the number of articles is the smallest for DELFI. The most effective keywords in Estonian were ‘immigration’ and ‘foreign labour’. Figure 8 below indicates the most frequent words in the selected articles. The most general and obvious words are Estonia and government, and employer and immigrants/immigration. However, the words ‘July’ (juuli), and ‘field’ (põld) in the picture show that one of the main issues discussed was the shortage of seasonal workers in agriculture during the COVID-19 pandemic. Foreign labour could not enter Estonia at all or had to quarantine upon their arrival. Some articles were written about why Estonians themselves are not interested in working in fields e.g., picking strawberries despite unemployment caused by the pandemic. There were also articles about employers' experiences with hiring Estonians or Ukrainians. ‘Ukraine’ (Ukraina) is the main country from where most of the workers come.

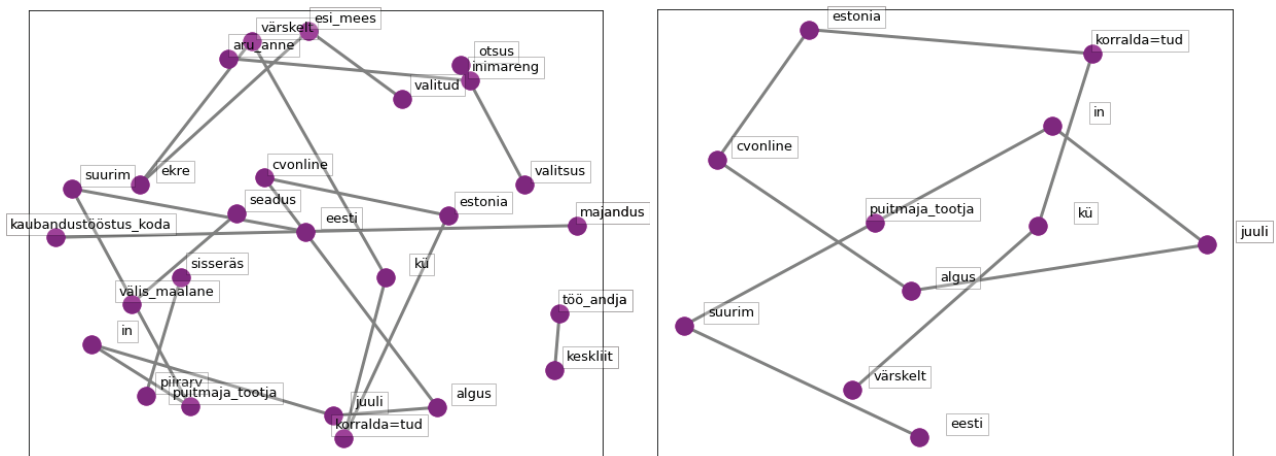


Figure 9 Bigrams and trigrams

Source: by the authors based on the selected media sources

The LDA (Latent Dirichlet Allocation) algorithm was used to extract topics hidden in sample articles (Table 1 below). Words are matched based on their probability with a certain number of topics. All articles have been analysed together for all topics.

Table 6 LDA topics

Topic no	Word 0	Word 1	Word 2	Word 3	Word 4	Word 5	Topic
Topic 0	tööandja	rääkima	eestine	inimareng	Sise-min- isterium	aruanne	tööandja rääkima ees- tine inimareng sisem- inist...
Topic 1	otsus	juuli	aeg	helm	vajama	sisemin- isterium	otsus juuli aeg helm vajama siseministee- rium
Topic 2	sisseräs	töötaja	keskliit	Kaubandus- koda	riigi_kogu	kü	sisseräs töötaja keskliit kaubandus_koda riig...
Topic 3	tud	probleem	keskliit	tulev	plahvatuslik	võ	tud probleem keskliit tulev plahvatuslik võ
Topic 4	aasta	hinnang	Kauban- dustöös- tuskoda	suur	põllumajan- dus	muutma	aasta hinnang kauban- dustööstuskoda suur põllu...
Topic 5	Põllu-ma- jandu- settevõte	piirarv	hoiatama	Maasika- kasvataja	tö	kokkulepe	põllumajandusettevõte piirarv hoiatama maasika...
Topic 6	ettevõtja	põld	Välis- maalane	suurim	seadus	sõna	ettevõtja põld välis- maalane suurim sea- dus sõna
Topic 7	inimene	ukraina	tooma	registreer- ima	täna	Ettevõtlus- minister	inimene ukraina tooma registreerima täna ettev...
Topic 8	valitsus	ütleva	Rände- poliitika	postimees	ajal	üha	valitsus ütleva rän- depoliitika postimees ajal üha
Topic 9	eesti	Välis-töö- jõud	avatus	majandus	mar	karin	eesti välistööjõud avatus majandus mar karin

- The Estonian Human Development Report 2016-2017 was dedicated to migration issues and the demographic situation was explained. In Estonia, immigration is increasing but the report explains that it necessary due to low birth rates. (Topic 0)
- Mart Helme, the Minister of Interior at that time, did not believe that agriculture could not survive without foreign seasonal workers during summer of 2020. The Estonian Employers' Confederation had to draw attention to the problems of all employers. (Topic 1)
- Problems in Estonia from the point of view of employers are (1) the lack of employees and (2) overly strict rules for immigration. From the point of view of the government, high numbers of immigrants bring problems of integration to Estonia, the nation-state will be in danger and social problems related to low-waged foreign immigrants cannot be solved (Topic 3).
- COVID-19 confronted the government with employers in agriculture who needed to pick strawberries fast, but seasonal workers from Ukraine were not allowed to enter Estonia (Topic 5)
- The need to increase quotas for foreign labour or to removing the quotas entirely from the Aliens Act was the topic of many articles. (Topic 6).
- Most often compared to other nations, Ukrainians are mentioned regularly in the articles. Usually in these articles the employers describe Ukrainians as being very hardworking and fast, and their culture is more compatible with Estonian culture (Topic 7).

In the media, migration was the most prevalent topic in times of additional restrictions related to the pandemic, but the general scarcity of news in the summer months may have partially played a role in this. Longer articles are written about the results of new research reports on migration, and these articles also mention employers in one way or another. All of this results in employers and their problems being especially visible in the media. There does not seem to be a strong counterbalance in the form of the view of trade unions. This may be partly related to low trade union coverage in Estonia and the lack of resources. In most cases, politicians explain why Estonia has chosen to follow conservative migration policies and outline the threats and problems related to policies that are too lenient.

VI. Industrial relations and social dialogue tackling migrant work



1. Relevant institutions of social dialogue and collective bargaining

Estonia (similar to the two other Baltic states of Latvia and Lithuania) is characterised by a rather liberal social model that also includes less active social dialogue. That is also driven by historical reasons: (1) at the time of the golden age of collective bargaining in Western Europe, Eastern European countries were under communist rule, and trade unions fulfilled a role different from that in the market economy, (2) the period after regaining independence characterised by globalisation and restructuring was not favourable for building up social dialogue from scratch. (Feldmann, Kallaste 2020) A lack of competence and limited resources still hamper social dialogue – a lack of competence from both unions and employers. (Peterson 2018) On the positive side, the role of social partners has increased in the past 10 years – the involvement of social partners in the development of legislation has been the norm; regular tripartite meetings with the prime minister; the positive effect of EU membership; the range of questions discussed at national level pertaining to social dialogue has widened and the administrative capacity has increased thanks to the help of EU structural funds. (Masso, Themmas, Aksen 2019) The above may also affect the prospective working conditions of migrant workers, e.g., not fulfilling the conditions of collective agreements cannot be as frequent as in countries with a higher density of collective agreements. It is said that the tripartite institutions of social dialogue at national level are weak and largely ignored by government, while the sectoral level between the state and companies is largely absent. (Kallaste and Woolfson 2009) A clear positive development in the tripartite national dialogue was the restoration of tripartite talks in 2018 (Masso, Themmas, Aksen 2019), though social partners say it is not always clear what happens following tripartite talks. It has been mentioned that the effectiveness of social dialogue is conditional on whether the ruling coalition parties value social dialogue and on informal ties and discussions. (Masso, Themmas, Aksen 2019) On the positive side, it is said that the attitude towards social dialogue is generally not negative but indifferent; however, from the side of institutions, it is not realistic to introduce tripartite cooperation modes seen elsewhere in Europe, and developments should be gradual in order to be successful. (Feldmann, Kallaste 2020)

The main trade union and employers' organisations have been relatively stable over the years. The largest organisation representing employees is the Estonian Trade Union Confederation (Eesti Ametiühingute Keskliit, EAKL), which had up to 21,000 members in 2016. (Kadarik and Masso, 2018) Estonian Employees' Unions' Confederation (Teenistujate Ametiühingute Keskorganisatsioon, TALO) has about 3,000 members. The Estonian Employers' Confederation (Eesti Töandjate Keskliit, ETKL) is recognised as the only national-level social partner and represents about 25 percent of all employers in Estonia. (Kaldmäe 2017) The Collective Agreements Act has been in force since 1993 and designates the official social dialogue partners (EAKL, ETKL and ministries). Trade union confederations have regular meetings with employers, where they have reached some agreements (e.g., minimum wage, teleworking) and communication with employers have recently become better, more meaningful and more effective. (Masso, Themmas, Aksen 2019)

The issues of migration are important for social partners. To give some examples on the positions of the social partners in migration related matters, employers have suggested that the very strict migration quota to date should be increased (Masso et al., 2018) or that the current quota system is outdated and the widespread use of temporary labour (though its exact extent is uncertain – the development of IT systems should help in that respect) is merely an emergency solution. (Masso et al. 2021) According to expert opinions, quotas help to administer migration flows. The idea is that integration is a complicated process and if many migrants arrive at the same time, the quantity always creates problems as was seen during Europe's refugee crises in 2015. (EX1EE050721)

The trade union confederation, however, has explained that employers could use opportunities such as the 1+1 year possibility to bring workers, and after that posted workers' regulations make it possible to deal with migration issues. (Peterson, 2018) As to working conditions, the issues of wages have received attention in regulations. The issue of unreported earnings ('envelope wages') has received attention – while they have been low and decreasing (see e.g., the study by Meriküll and Staehr, 2010), the cost pressure from high wage growth during the tight labour market brought that into the agenda in construction as a sector that relies heavily on migrant workers.

2. Collective bargaining data

Estonia is characterised by stable and low representativeness: trade union density is less than 10%, notably 4.5% in 2015 according to the Estonian LFS data, and 7.2% according to the Estonian Working Life Survey data. (Kaldmäe 2017⁶) Trade union density has been among the lowest of the new EU member states. (Feldmann, Kallaste 2020) This represents a problem in preventing employers from concluding agreements (Masso et al. 2021 based on informa-

⁶ The lower union density in the LFS data might have been explained by different sampling, e.g., working life survey data excluded organisations with less than 5 employees, where union membership is typically much lower.

tion with an interview with an employers' representative); the situation can also be characterised as a vicious circle of low representativeness and the limited role of social partners. Concerning employers' organisations, 18% of employers in 2015 belonged to the representative organisations. (Kaldmäe 2017⁷) Sectoral collective agreements are limited to a handful of sectors in Estonia (health, transport, Põldis and Proos, 2013). There is certain opposition to collective agreements from some employers, but social partners see them as a means to address the needs of specific sectors, to ensure a level playing field and to reduce over-regulation by the state, especially at sectoral level. There are some positive developments in the membership of trade union and employer organisation, such as: 1) young people are free of the old Soviet-style attitude towards unions (Peterson 2018); though union membership is very low in the younger age group, at just 2%, (Feldmann, Kallaste 2020), the attitude towards the unions in that age group is the most positive (Kaldmäe 2017); 2) IT firms, small firms and new industrial companies are willing to join employer organisations. (Masso et al. 2021). The national minimum wage is fixed by an agreement between the social partners, the Estonian Trade Union Confederation and the Estonian Employers Confederation, and that is the only national level collective agreement. (Põldis, Proos, 2013)

No positive time development in the aggregate unionisation rate has been observed – the sharp decline in the unionisation rate in the 1990s also continued subsequently despite some positive expectation on EU enlargement (Masso, Tverdostup, Mierina, Espenberg 2018 summarise various reasons for this). According to Visser (2019), in the ICTWSS (Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts) database, collective agreement coverage decreased in Estonia from 31% to 18.5% in 2015 (the most recent data available. Such a decline is not always reflected in the share of organisations with a trade union (9% in both 2009 and 2015), because it results from the decline of the share of union members in an organisation with trade unions. (Kaldmäe 2017) The business cycles seemingly drive some of the developments, e.g., union membership increased slightly during the Great Recession and declined thereafter, and during 2009-2015 the share of those who deemed unions necessary to represent the interests of the employees increased both among union members and non-members. (Kaldmäe 2017)

The role of social dialogue and collective bargaining is especially low in the smaller companies that dominate the Estonian economy (Feldmann, Kallaste 2020), and their growing importance in the economy may also explain some of the decline in union membership. (Kaldmäe 2017) In 2015, unions were present in 39% of organisations employing 250 or more employees (Statistics Estonia, table tku96), but over the period of 2009-2015 the decline in trade union membership was especially visible in the organisations with more than 50 employees (from 22% to 11%). (Kaldmäe 2017) In the absence of a union, employees may designate an authorised person to represent their interests (töötajate usaldusisik), and in

⁷ Collective agreements can be extended regarding the conditions of wages, and working and rest time. (Põldis, Proos 2013)

2015 20% of employees claimed to have such an employee representative in their organisation. (Kaldmäe 2017) Similar to unions, collective agreements are also less frequent in smaller organisations, e.g., among the agreements concluded in 1997-2011 in the private sector, about 75% were concluded in organisations with more than 50 employees and only 5% in companies with fewer than 10 employees (Põldis, Proos, 2013 based on the registry of collective agreements). At organisational level, although in the majority of the companies (52%) collective agreements cover more than 90% of employees of that particular company, large groups of employees in many companies (e.g., those not in a union) remain uncovered. (Põldis, Proos, 2013)

Data on the extent of collective bargaining coverage by sectors is relatively scarce, but information on trade union membership can be relatively helpful. While trade union membership and union coverage internationally have been shown to be weakly related, in the Estonian case trade union membership generally predicts collective agreement coverage: 52% of union members and only 16% of non-members reported that they are covered by collective agreement. (Kaldmäe 2017) Kaldmäe (2017), using Estonian Working Life survey data from 2009 and 2015, showed that union density was 28% in mining, 19% in energy production, 19% in health and social care, 15% in transports, 15% in education, but only 2% in the primary sector and 6% the secondary sector⁸. Membership of employers' organisations is more common in the secondary sector (24%) compared to the tertiary (16%) and primary (7%) sectors, but it is especially high in manufacturing (34%) and telecommunications (46%). (Kaldmäe 2017) A similar picture emerges when looking at the database of collective agreements, whereby at the end of 2011 in the primary and secondary sectors only 1.6% and 17.8% of collective agreements, respectively, were concluded. (Põldis and Proos, 2013)

Detailed information on the collective agreements is provided at the registry of the collective agreements kept at the Republic of Estonia Ministry of Social Affairs (Kollektiivlepingute andmekogu, 2020; for earlier analysis of these, see Põldis and Proos, 2013). The data describes the topics regulated: 1) agreements on the aspects of the individual work conditions (e.g., wages, working time etc.); 2) aspects of the collective agreements (regarding the rights of the employees' representatives), 3) agreements on work health and security. Indicator variables (yes/no) indicate whether the particular issue is regulated in the collective agreement and for a subset of other contract aspects it is indicated as to whether the agreement is more favourable than what has been agreed in law. The length of the validity of the collective agreement is registered as well as the number of employees covered. According to that data source, the number of collective agreements concluded declined from 98 in 2002 to 57 in 2009 and to 40 in 2015. (Kaldmäe 2017) At the end of 2011, there were

⁸ The information on trade union membership is also available in the Estonian Labour Force Survey, but the relatively small sample size of the latter (currently about 4 000 in each quarter) limits the possibilities for conducting analysis at small sectoral aggregates. The Estonian Labour Force survey is run as a rotating panel where a worker is included in a survey for two quarters, then is out of the survey for two quarters and is then again sampled for two quarters.

309 valid collective agreements in Estonia (Põldis, Proos, 2013)⁹. In 2011, the most common conditions in the collective agreements related to individual working conditions regarding wages (93%) and working time (92%), while only 4% had clauses regarding equal treatment and the avoidance of discrimination. (Põldis, Proos, 2013)

⁹ Põldis and Proos (2013) argued that not all valid collective agreements might be present in the registry given that according to the registry less than 25% of employees are covered by the collective agreements while the survey evidence for 2009 showed that 33% of employees indicated they were covered by collective agreement.

VII. Working conditions of migrant workers based on expert interviews

The next-subsections present the findings on the migrant workers working conditions by the five studied sectors. For that purpose, 16 interviews were conducted as part of the study (Table 7). Among the interviewees were 4 trade union representatives, 8 employer or employer organisation representatives (1 supervisory board member, 2 board chairpersons, 1 board member, 2 CEOs, 1 HR manager, 2 advisers, with both representing one employer’s organisation), 3 experts and 1 temporary agency representative. Additionally, an unofficial interview with an employee was carried out. The variation in the number of the interviews across the sectors was not always intended and reflects the difficulties in conducting interviews in some of the studied sectors, for instance digital economy. The lower number of trade union representatives interviewed reflects also the rather low unionisation in Estonia. Where the information from sectoral interviews was scarce, we used additionally the relevant sectoral information from the interviews with experts. For conducting interviews, we used common methodology across all the countries participating in the BARMIG project, incl. asking the interviewees to sign informed consents, using the same semi-structured questionnaires adjusted for the particular kinds of interviewees (trade union representative, employer representative, expert) et cetera. The interviews were recorded and transcribed. For transcriptions Tallinn University of Technology (Taltech) speech transcription system was used (Alumäe, Tilk, Asadullah, 2018).

Table 7. Overview of the number of interviews conducted by sectors

Sector	Number of interviews	Interviewee categories
Digital economy	1 (+1 unofficial)	1 Temporary agency representative (+1 worker)
Services: tourism-hospitality sectors	3	1 Trade union, 2 Employers
Metal industry	3	1 Trade union, 2 Representatives of employer organisations (one of them in a twofold role, as an Employer Organisation representative and as a Recruiter)
Healthcare	3	1 Trade union, 2 Employers
Construction	1	1 Representative of an employer organisation
Experts	5	1 Trade Union, 1 Representative of an employer organisation, 3 General experts

Source: own elaboration

Digital economy

1. Introduction

There are not many extant studies on social dialogue and industrial relations in the Estonian platform sector. However, such new working forms and sectors need to be studied, as the emergence of these may change industrial relations because of these workers being less likely to be unionised (though there are some positive examples of platform workers being represented, e.g., in Spain). The Estonian sharing economy in the context of industrial relations has been reviewed in the past studies of Estonian industrial relations by Masso et al. (2019a, 2021), with the latter of the two focusing more on crowd work platforms. The first sharing economy enterprises were established at the end of the 2000s and thereafter the sector demonstrated rapid growth, e.g., the turnover of sharing platforms increased 7.5 times during 2012-2015 and the number of companies 6 times during 2012-2015. (Masso et al., 2019a) Among the major companies, one notable example is Bolt (formerly Taxify), which was established in 2013 and in 2020 operated in more than 200 cities in 40 countries, had 1 million drivers and 50 million customers. (Browne, 2020) Wolt, a Finnish food delivery platform began activities in Estonia in 2016. GoWorkaBit (founded in 2013) is an Estonian crowd work platform focused on service work provided in person. The exact size of the platform economy sector is hard to estimate, as the platforms are not always ready to share data on the number of people working on platforms. (Proos, 2019) A survey of about 2 000 workers reported that 8.1 per cent of the surveyed respondents had worked via online platforms at least once a week, 10.2 per cent at least once a month and 20 per cent had undertaken such work at one time or another. (Digital Footprint, 2019) As to the characteristics of the platform workers, platform work is more frequent among younger age groups, males and the capital region of Estonia. While the statistical data is hard to get, the anecdotal evidence indicates that the share of migrants is quite high in at least certain sectors of platform work.

Estonia has also been at the forefront of drafting some of the associated legislation, cf. the passing of the Public Transport Act (the so-called Uber Act) in 2017. Platform work poses challenges for social security, as the Estonian social security system is still mainly designed for traditional employment; however, it has not been an urgent issue yet, as most platform workers have so far been doing this as a side job. Some solutions such as business accounts (ettevõtlushkonto) have been developed for this purpose with the active participation of the trade unions. Some platforms provide social security coverage for workers, while platform workers on others have to make the arrangements themselves (e.g., to register as self-employed). (Masso et al., 2021) Working conditions, safety at work and occupational health issues have also been recognised as very acute for the sharing economy sector – as they are for individuals working for platforms like Uber and Bolt – in terms of whether they follow the working time rules. One peculiarity of platform work in Estonia has been that many plat-

form workers try to earn income from several sources. (Digital Footprint, 2019) Ultimately, the interviews with the various stakeholders seem to indicate that though platform work has opportunities such as reconciling work and family life, the list of risks and challenges is longer. (Pall, 2018)

As to the organisations of industrial relations, there is no specific trade union (TU) representing the sharing economy, and there is just a single employer organisation, Estonian Sharing Economy Association (EJL, Eesti Jagamismajanduse Liit). The association was established in 2016. Several of its founders were listed in top 10 highest turnover sharing economy companies in Estonia in 2015, including Bondora, GoWorkaBit, Taxify and CrowdEstate. (Eljas-Taal et al., 2016) On the employees' side, the organisation of platform workers has been neither present nor actively debated by the social partners or the Ministry of Social Affairs, and the Estonian Trade Union Confederation sees no role in representing platform economy workers. (Masso et al., 2021)

Platform work has not been researched in Estonia in relation to TCNs and employers try to avoid statistical categories that count TCNs separately. There is only Estonian language skill used as an indicator as to whether a potential worker is native or not; there is no marker used other than an Estonian ID code, which is allocated and does not discriminate between permanent or temporary resident or TCN. (EM7EE031121) It needs to be considered that Estonia is a country with approximately 25% native Russian minority, nearly 15% of Estonian residents are foreign born (2/3 of them are born in Russia) and 14% of the total population are TCNs. (Tiit, 2014) TCN designation can be used in Estonia to immigrants who arrived here during the Soviet occupation as well as new arrivals from outside of the European Union. The naturalisation process in Estonia is not simple and includes an Estonian language and citizenship exam in Estonian. (Eesti kodakondsus, 2021) Estonian Foresight Centre research into the platform economy does indicate that the share of native Russian-speakers in weekly platform work is higher than Estonian speakers at 8.5% vs 6.3%, respectively, and the share of Russian language respondents in the platform work of ride sharing was 9.5%, compared to 4.1% of Estonian language respondents. (Vallistu, Piirits, 2021)

In an interview, the crowd work platform founder did acknowledge that ambiguity might exist in practice: for example, 'if a person speaks Estonian but is from India, is he a TCN or should they be treated as a permanent resident? And what if one has a work permit related to studies or has arrived with a family member or someone else. We do not check this today [...] as we do not differentiate between native Estonian and native Russian speakers.' (RT2EE040621)

One crowd work platform mediates about 800-1 000 employees monthly and 5 000-6 000 employees yearly. 50% of platform users are changing in a monthly comparison but the

ones leaving may again return the month after. 60-70% of short-term work is mediated in wholesale and retail, logistics and food service (mainly hotels and less restaurants). The majority, about 90%, of the jobs require only short training and are doable for almost everybody. There is no differentiation between applicants based on their nationality, country of origin or any other factor; everybody applies on an equal basis. However, employers can add Estonian language as a skill in the job requirements if needed (in customer service for example). There is no special staff related to migrant workers, but customer support is available in both Estonian and English. (RT2EE040621)

2. Information, data and assessment of the situation

In Estonia, it has been difficult to arrange interviews with representatives of the digital economy, especially platform service/taxi service providers. At association level, it was noted that their members do employ third-country nationals but mainly those who study in Estonia, and none of the employees is actively inviting migrant workers to come to Estonia for platform work. That said, short-term platform work is a good option for TCN students to merge their studies and working in Estonia and to earn some extra money. (RT2EE040621) Attempts to acquire interviews from TCN taxi drivers has been difficult as they generally refuse to participate in the study. Their fellow countryman has indicated the low prestige and possible shame of working as a taxi driver/courier while studying here. However, it was possible to conduct an unofficial interview with a TCN driver while using his services via the platform.

Platform work can be considered part of economic restructuring in a broader sense and not directly related to migration topic, though it is possible to draw connections. Platform work indicates the direction in which our labour market and labour relations are heading, with the latter becoming more unstable in nature. It can partially be agreed that platform work has its part in lowering wage levels and in other ways, but it is important to understand the broader context. (EX1EE050721)

There has been a labour shortage in the sectors in which crowd work platform has mainly been operating (wholesale and retail, logistics, food service) since 2014 to 2016, with high labour turnover rates and difficulties in recruiting permanent staff. The focus of crowd work platforms was in offering flexible, short term working possibilities. The flexibility in this context refers to employers' attitudes towards employees and the capability of employers in job organisation – the rearrangement of working processes so that more complicated and fewer routine tasks are divided between full-time employees, and easier tasks are approached in a more flexible way. This focus has since evolved, but the main concept is still that people can choose when and where they want to work, and companies can hire workers based on their actual need. The keywords for the near future are automatisation and flexibility. Thus, after the crisis, companies must start thinking of planning their labour and production. (RT2EE040621)

According to an expert interview, there are no employees for platform work but there are service providers (and they do not have regular work contracts). Therefore, TCNs must report to the Tax and Customs Board in relation to taxes and the police regarding whether the legal basis on which the foreign national has entered Estonia allows him/her to work here. Such cases remain outside of the remit of the Labour Inspectorate. (EX3EE052621) In the crowd work platform, contracts under the law of obligation (võlaõiguslik leping) are made between a client and a gig worker. Both sides delegate certain rights to the platform – the client delegates the right to list the person in the Employment Register and the gig worker delegates the right for a tax deduction (income tax, social tax and other), which is then directly paid to the Tax and Customs Board. This is done by the platform to ensure that all the taxes are paid. Furthermore, if gig workers do a certain number of gigs monthly, they also receive health insurance coverage. (RT2EE040621)

In the crowd work platform, the majority of the gig work comes from three sectors: wholesale and retail, logistics and food service. Food service is represented more by hotels and less by restaurants, as restaurants in Estonia seem to be more sensitive to their expenses. Restaurants only use platforms in extreme situations when clients would otherwise remain unserved (service attendant or dishwasher not present). (RT2EE040621) One food service employer representative confirms using the crowd work platform once in a while to overcome peak times. This can become necessary in the high season period when there is a shortage of labour. (EM7EE031121)

In the collaboration drive, sharing platforms and taxi drivers become partners. To become a driver, an applicant needs a driver's licence, a service provider card, a vehicle card, at least two years of driver experience and a suitable car (according to the listed requirements). When these demands are met, one may register as a driver. It takes 1-4 days to activate a Bolt driver account. After that, one can download an app and start driving. (Bolt Blog, 2021)

In an unofficial interview with a TCN taxi service provider, he acknowledged that it is relatively easy to become a driver. He came to Estonia with his family several years ago and got a living permit because his wife studies here. He decided to become a Bolt partner since the call for applicants is also active when using the Bolt platform as a client and it is easy to apply. However, alongside this, he has also started studies in the IT field (online courses). He is hoping to start working in the IT field at some point and only sees working for Bolt as a temporary option.

From the TCN perspective, the workers are not organised in any way. The service is platform based and there is no direct communication or meetings with other drivers. When problems arise, the driver can either turn to Bolt customer support (service-related questions) or otherwise to the police (in case of aggressive clients or similar). (Unofficial interview with a TCN taxi driver)

COVID-19 has affected crowd work platform in that people have become more stable in working on their current positions to preserve their income and not lose their job. This also means less supply from the employers' side. (RT2EE040621)

3. Regulation

Locals and TCNs apply for platform work on equal basis. What short-term work platform can do is inform its clients – that those who come to them are appropriately supervised, including notified of the risks and dangers related to the specific jobs. The same is done with gig work applicants; they are informed (automated letters upon gig work confirmation) that if they are given a job not initially agreed upon or a task that they don't feel capable of doing or are not supervised for, then according to the law of obligations, they do not have to perform those tasks. (RT2EE040621)

There is a state level regulation on working time, rest periods and overtime. Crowd work platform also prevents their applicants from working continuously with no rest periods. Their system has certain limitations so that people cannot register continuous gigs for 24 hours a day. However, this limitation has not yet been required in practice. People are using the crowd work platform in a flexible manner and with lower rather than high workloads. (RT2EE040621)

International students do not have any limitations for working during their studies in Estonia. However, there was a discussion in 2020 on limiting the working time of foreign students to up to 16 hours per week (and not automatically issuing living and working visas to the family members of foreign students), which received public opposition (for example, by the Estonian Employers' Confederation (Tööandjate Keskliit) and the Estonian Chamber of Commerce and Industry (Kaubandus- ja Tööstuskoda) and did not enter into force. The crowd work platform representative (RT2EE040621) emphasises that students should be personally responsible in managing their studies and work. The prerequisite for free studies is staying within the nominal time, and it is not prescribed by law how much and what can be done besides studies.

Furthermore, according to the Aliens Act, if an alien has been admitted to study in Estonia, the spouse of an alien, a minor child and an adult child thereof who due to his or her health status or disability is unable to cope independently may be issued with a short-term or long-term visa. As mentioned previously, in the case of platform work, it is mainly TCNs who study in Estonia (and their spouses) who are involved. According to an unofficial interview with the taxi platform worker, it was easy to come to Estonia as his spouse studies here. However, as there was no Estonian embassy in his country of origin, he had to travel to a neighbouring country to obtain a visa. Otherwise, the application procedure was easy and fast, as he managed to become a driver in Estonia. He spoke English and said that Estonian

language fluency was not needed in order to become a driver, as the only required communication with clients is their pick-up address and destination. The taxi app also allows one to add extra stops to the ride and the payments are organised through the app as well. In his experience, there has been no difficulty due to the language barrier, as all the necessary information is mediated by the app.

Many TCNs who seem to be students work as couriers. In these cases, they do not have work contracts but instead are entrepreneurs. This is an important aspect of platform work, and there have been no disputes about this in Estonia to date. In other countries, couriers and ride sharers are primarily considered to be employees. A non-contractual working relationship may leave them without any employment-related guarantees. (EX2EE052521)

4. Strategies and practices

There are no differences to be tackled in regard to TCNs using short term work platform compared to locals. The problems are the same; as a new user, it is difficult to onboard, for example, but this is particular to platform work in general. Also, an Estonian language skill can be a limitation in some cases.

An ideal situation would be that a TCN could be as much an active member in society as a local and have career prospects in Estonia since they have come to study here. Language fluency is a prerequisite for that, but there are enough possibilities available if TCNs have an interest and desire to study the language. TCN university students are intelligent people, and it would be good to harness their potential for the good of the country. For this to happen, society needs to be open to TCNs. This again is a two-sided game; if there is good will from the TCN side, society will also become more welcoming, and vice versa.

5. Social dialogue and collective bargaining

Indirectly, TUs are also looking to the benefits of TCNs, via requiring that permanent and temporary workers/platform workers have equal working conditions and rights. (TU4EE010421) In practice, there is no social dialogue between TUs and platform operators, and the latter do not consider service providers as their workers.

6. Concluding remarks, recommendations

According to the crowd work platform representative, there is no distinctive pattern between local and migrant workers. Platform work is potentially a good possibility for TCNs to earn some extra money while studying in Estonia. On applying, there is no differentiation based on nationality, race or other such characteristics. The only basis for differentiation between locals and TCNs is local language fluency, which in some cases can be a prerequisite for candidates. (RT2EE040621)

In ideal circumstances, TCNs could be active members of society just as much as locals, and also have subsequent career prospects in Estonia if they have come to study here. University studies indicate that they are clever and smart people and while they attain their degrees here, their knowledge can be harnessed for the benefit of Estonia. Knowledge of the local language enhances their opportunities in Estonia, and it is important for them to have an interest in and ambition to study it. (RT2EE040621)

Services: tourism and hospitality sector

1. Introduction

According to the data from Statistics Estonia, services and retail trade in 2019 accounted for about 12.8% of total employment in Estonia, incl. 2.2% in the sale and repair of motor vehicles, 3% in wholesale and 7.6% in retail. There are two sector-level unions that retail workers can join. The Estonian Trade Union of Commercial and Servicing Employees (Eesti Teenindus- ja Kaubandustöötajate Ametiühing, ETKA) unites all people working in the commercial sector and their associations and students who obtain their qualifications in the commercial sector. (Masso, Themás, Aksén 2019) The Estonian Communication and Service Workers' Trade Union (ESTAL) has a narrower coverage. (Mrozowicki et al., 2018) In 2015, on an occupational basis, about 6.7% of services and sales workers belonged to a trade union, which is close to the national average of 7.2%. (Masso, Themás, Aksén 2019) Naturally, there are major differences across various sub-branches of the services and sales sector, e.g., according to Mrozowicki et al. (2018) union density was only about 1% among retail workers, The main social partner on the part of employers is the Estonian Traders' Association (Eesti Kaupmeeste Liit) with members including various wholesale and retail trade organisations (58 as of 2019), mostly big retail employers Mrozowicki et al. (2018) and representing about one third of the workforce in the sector. As to coverage by collective bargaining, in 2015 about 25% of service and sales workers reported being covered by collective bargaining if we exclude those who reported 'Do not know' (18% of total; Working Life Survey Data; Kaldmäe 2017). Similar to most other sectors, the sectoral bargaining is mostly absent and there have been examples of employers refusing to cooperate with sectoral union to sign a collective agreement. Furthermore, the lack of sectoral level collective agreements has also been mentioned as a problem by employers, as individual agreements would undermine the level playing field in the sector. (Masso, Themás, Aksén 2019) Similar to the national level, some improvement has also been seen in the social dialogue at sectoral level in recent years in the commercial sector. (Masso, Themás, Aksén 2019) The topics covered in the social dialogue largely overlap with those at the sectoral level (flexibility, health, working hours, working and rest time, education and skills), while there are also sector-specific issues such as those related to high female labour, unattractive wages and the specific issues of working time. (Masso, Themás, Aksén 2019) In the current study, the service sector is rep-

resented by foodservice (hotels, restaurants, catering), which employs about 30 000 people as of March 2020. (Rootalu, 2021)

There are three trade unions representing service sector employees:

- Estonian Trade Union of Commercial and Servicing Employees (ETKA, *Eesti Teenindus- ja Kaubandustöötajate Ametiühing*). ETKA members are employees working in the service sector, mainly in the retail sector. Also, people whose studies are related to services are welcome to join the trade union. ETKA has 1,200-1,300 members from about 70-80 enterprises. Many of the trade union members are bigger enterprises and their employees, but they also have many individual members from smaller enterprises.
- Trade Union Pro (PRO, former ESTAL, Estonian Communications and Service Workers Trade Union). PRO represents employees from postal, telecommunication, logistics, media, IT, finance, services and other fields. The name PRO comes from Estonian's long-term cooperation partner in Finland, which is one of the largest trade unions in Finland and represents the same fields of activities.
- Estonian Seamen's Independent Union (EMSA, *Eesti Meremeeste Sõltumatu Ametiühing*). EMSA represents over 2,900 workers across the maritime industry, seafarers, port workers, pilots, maritime professionals and hotel personnel.

There are two employer organisations:

- Estonian Traders' Association (EKL, *Eesti Kaupmeeste Liit*) in the retail and wholesale sectors. 60 companies belong to the association.
- Estonian Hotel and Restaurant Association (EHRL, *Eesti Hotellide ja Restoranide Liit*) in the hospitality sector. 200 companies or associations of companies, including schools that teach hotel and catering specialties, belong to the association. Among them are more than 70 hotels, which represents 1/3 of all Estonian hotels, while in the capital city of Tallinn the association covers 70% of the hotels, and more than 50 restaurants.

Trade unions have low exposure among migrant workers in Estonia; while appreciating their problems in general they have no members among them. The importance of involving TCNs is understood, but many of them only come for brief time periods and it is therefore even more difficult for them to be involved in a trade union. The problem for trade unions is that the service sector is large but it has high labour turnover, which affects trade union membership. The data on foreign employees is not counted on a trade union level, but statistical overviews provided by public institutions are followed. The number of foreign workers in the service sector is estimated to be around 500, which is a small number. (TU4EE010421)

The employer organisation does not deal specifically with issues of concern to migrant workers. The topic has been actively discussed in their working groups in the last 3 to 5 years. The number of migrant workers is based on an estimation, but seasonally it can be

up to 20-30% in some departments (household department in hospitality). Seasonal workers mainly come from Ukraine. (EM8EE070921)

From the service employers' perspective, any statistical counting of TCNs is avoided, and their nationality or citizenship is not saved anywhere. The requirement is that they have permission to work in Estonia. When reviewing job applicants for unskilled positions, 25 out of the 30 received CVs might be in English. At least this was the case in 2019, before COVID. (EM7EE110321)

None of the organisations has any designated staff related to the employment of migrant workers. In the case of employer associations, there is only one main person responsible for each association's work and the topic of migrant workers is discussed in their working groups. From the employers' perspective, the person responsible for migrant workers is the personnel manager. However, company level practice exists of assigning a local mentor/personal assistant to each migrant worker who is willing to aid in different matters besides work. (EM8EE070921) This is a good practice and indicates that a society is open to migrant workers. This is part of a two-sided coin – if local jobs are not taken away, salaries are not reduced, no integration problems manifest and society is more open to labour migration. If the opposite is true, resistance to labour migration in society is greater. It is also so that the bigger the company, the more resources are available for such activities. And the smaller the company, the more difficult it is to take on any additional tasks. (EX1EE050721)

2. Information, data and assessment of the situation

Based on the interviewees, the reason for employing migrant workers in the service sector is mainly the shortage of the local workforce who want to perform and are physically able for hard work. According to trade unions, another reason is the higher salary level of local workers. (TU4EE010421)

Examples are that even if local workers take on jobs such as room cleaning, they often leave within a few weeks, and such labour turnover becomes complicated for employers. Students search for seasonal work opportunities, but the need for seasonal workers begins earlier than the examination period ends at school. Therefore, it has been important to involve new groups of people and TCNs represent one of the solutions. (EM7EE110321)

The most common way for TCNs to enter the service sector is to come to Estonia for seasonal work. They mainly contact local companies to request a job, accommodation possibilities etc. In many cases, hiring TCNs has functioned in an organic way; word has spread among the community when there are job vacancies and a personal contact is created. This works better than mediated employment, and TCNs also receive better salary conditions this way, as they are paid equal to locals. (EM7EE110321, EM8EE070921)

Another group of TCNs are students or the family members of students. One employer mentioned several experiences with migrants who have come to Estonia to join their spouse, who is studying here, and have started working here.

TU representative points out an issue with the unemployment rate in Estonia – whether migrant workers are needed or could currently unemployed people be involved in a better way. Based on statistics from February 2021, 20% of unemployed workers represent the services and sales sector and this is a large amount. (TU4EE010421) According to the Bank of Estonia Labour Market overview, the unemployment rate in Estonia in the first half of 2021 was higher than before the COVID-19 crisis, while employers are facing increasing labour shortage and the involvement of migrant workers is at the same level as before the crisis. However, while many of the unemployed represent sectors that were hit most in the crisis, such as hotels and restaurants, new jobs have been created in other sectors and there is a mismatch between the skills of jobseekers and the requirements of the vacant jobs. (Matšulevits and Soosaar, 2021)

According to a representative from an employer organisation, one solution for labour shortage problems in hotels and restaurants could be in offering more flexible work contracts for locals. For example, local young people have no interest in regular employment contracts, which by the rules of Labour Inspectorate, are an expected norm in the service sector. Only the platform economy is allowed to provide flexible working conditions such as gig work in accordance with the younger generation's needs. Therefore, it is of importance to make relevant changes in the Employment Contracts Act in order to involve young people who are available and want to work but have no interest in the old type of employment contracts. (EM8EE070921) The same has been confirmed by trade unions in that there is a need from both employers and employees to make working conditions more flexible, and there are already principal agreements on how this can be achieved. (TU4EE010421)

An interesting side effect of the labour shortage was mentioned by one employer representative; he suggested that it has led to the constant search for innovative solutions such as job restructuring – dividing a job into smaller pieces and giving easier tasks to people who can manage them. (EM7EE110321) In this case, the tasks that are more knowledge extensive are performed by permanent workers while easier jobs are done by temporary workers, seasonal workers etc. Thus, the drawbacks can be the carriers of novel solutions, which would not happen in stable conditions.

Migrant workers are most used in Tallinn and their numbers vary. In household departments, it can be up to 20% or 30%, but most people are local and employed by regular contracts. When hotels face a high seasonal need for additional workers, migrant workers help to fill these positions from spring to autumn. (EM8EE070921) The season starts before the

examination period of local students ends; therefore, it is difficult to involve students who might be interested in finding summer jobs. Otherwise, local people prefer to have a holiday during the summer instead of working.

TCNs are typically employed by regular fixed-term employment contracts; otherwise, they don't get permission to remain in Estonia. (EM7EE110321, EM8EE070921) If mediated by recruitment companies, they might have wide-ranging contract types. When hiring foreign students, fixed term contracts are generally used, but such workers are often interested in regular contracts after graduation (no fixed term). The latter is additional pressure for employers as they automatically become responsible for their foreign employees (like those who bring in foreign labour) – the state needs to be notified when the worker leaves this job, and the employer becomes responsible for certain amount of travel expenses etc. if there is a need to send the worker out of the country (ex. if they violate visa rules). (EM7EE110321) The trade unions also admit that there are many platform workers in the service sector and in catering services. The problem is that companies mediating workers to Estonia are often registered to some other country and are not abiding by the working condition requirements. (TU4EE010421)

The administration related to migrant workers is more complicated than with locals, but the bonuses (motivated, loyal employees) outweigh the additional work. There are some nuances that could indeed be improved to make it easier. For example, some forms used by the Police and Border Guard could be in English; currently, personnel managers need to individually translate these papers at the notary office. (EM8EE070921)

Mediated employment is a well-known in-service sector, but the use of recruitment agencies for migrant workers has been decreasing. One reason is that labour taxes are not paid locally since the service providers are incorporated abroad. Another reason is that employees receive better working conditions without such intermediaries. It seems that direct contacts and contracts with migrant workers are preferred over intermediary agencies. (EM8EE070921)

COVID-19 affected the sector in a negative way. In hotels, for example, about 1/3 of the workers were laid off and bigger hotels in Tallinn still haven't filled their staffing needs. During the COVID-19 crisis, the topic of migrant workers has remained in the background. However, when the situation recovers, hopefully for 2022, the labour shortage problems will become evident again. Employers fear that it might be difficult to restart employing TCNs, as they may not be available anymore. Some of the previously employed TCNs still remain in contact with their former employer and show an interest in returning. (EM8EE070921)

3. Regulation

Regulations have been simplified since 2018-2019 in employing TCNs, allowing seasonal workers to enter under simplified conditions. Positive changes have also taken place in the quality of public service, with guidance in helping employers navigate through regulations and documentation pertaining to migrant workers. This has made it easier to employ migrant workers for the jobs that have been difficult to fill with local workers. (EM7EE110321, EM8EE070921)

The Estonian yearly migration quota (1,315 in 2021) is not sufficient and is already filled by February. There is strong competition to employ people in the framework of this quota. All in all, it is better to have less regulations and to make the existing regulations more flexible. (EM7EE110321)

On a state level, there is a Wages Act to be followed, according to which people doing the same job should get the same or equal pay. At a workplace level, when speaking about international chain hospitality institutions, diverse rules and regulations are established and followed on a chain level – equal treatment, no discrimination based on nationality, skin colour, religion etc. The rules are the same, no matter whether the individual is a local or migrant worker. (EM7EE110321) Kindness in welcoming strangers or guests is coded in the DNA of the hospitality sector. There can be exceptions, but in general, equal rights, good internal relationships, caring and acceptance are practiced in the sector. On the other side, work collectives also have fears towards migrant workers, but those fears disappear in the case of personal contacts. On employer association level, the general experience related to migrant workers is very positive: they are like the rest of us, with their unique problems. (EM8EE070921)

Regarding public services/state provided services, it is agreed that several services for social integration are available, such as language courses, but information about it is disseminated in Estonian. Another aspect is that most of the language courses teach the Estonian language through Russian and only a few provide courses through English. Thus, still the possibilities seem minimal for the study of the local language. A practical approach is taken at employer level – they have compiled a few pages of a dictionary for the daily expressions required in certain encounters, they are willing to lend books on language studies to their employees etc. It is noted that the motivation of migrant workers to study the local language is often not that high and they are not sure for how long they want to stay in Estonia. It is difficult to integrate people who don't want to do so. (EM7EE110321)

The language issue forms one aspect of the regulations that affect migrant workers, as a certain degree of language fluency is required by law for customer service positions. This

makes it difficult to employ migrant workers. For example, in a hotel breakfast service only those migrant workers can be employed who are able to communicate in Estonian. For example, the breakfast service staff (assembling breakfast buffet, taking orders, cleaning tables) consists of attendants (doing also table service) and assistants (cleaning tables); in principle, the assistants could be non-fluent in Estonian but, this does not work well. Even if in principle employer primarily needs helping hands in buffet preparation and cleaning tables, there is always the possibility that a client might ask something in Estonian; therefore, those positions also have a language requirement. (EM7EE110321)

Employers do understand the importance of migration quotas and limitations for the sake of state security. But it is also of importance to understand that employers face labour shortages in certain positions and this needs to be resolved somehow. Migrant workers are one possible solution. Another is the possible flexibility of work contracts that would help to attract local young people to do these jobs. And there might be other good options to consider too.

4. Strategies and practices

In the past 4 to 5 years, the labour shortage in the service sector has become critical, and local people are unwilling to perform certain jobs such as cleaning, room service, chefs, assistant chefs and other assistant work. In these cases, migrant workers are a necessary help. In general, employers have a positive experience with migrant workers, and they are willing to employ them. In many cases, labour shortages can be eased by seasonal workers from third countries.

The benefits of having full-time TCN workers were articulated by employers and employer organisations, as TCNs are dedicated and they like doing their job. With such an attitude, they bring along a very positive working culture that also encourages local workers to perform better. Otherwise, in the case of local workers, employers sometimes must put up with a great deal in order to not give them any reason to leave – their moods, non-appearance to work and other situations. There can be a loss of competitiveness in the sector when not employing migrant workers, since there is nobody else to do the work. For example, hotel accommodation can only be sold if the rooms are cleaned. (EM7EE110321, EM8EE070921)

There are obstacles in employing migrant workers. Employing migrant workers is more complicated (knowledge of legislation, filling up relevant documentation etc.) but the bonuses (having motivated, loyal employees) outweigh the drawbacks. It is also good to be aware of cultural differences in the case of migrant workers. These might be small issues at first glance, but they need the special attention of employers, be it special dietary needs or something else.

The challenge is that seasonal workers from Ukraine want to work more than is permitted by Estonian legislation. They would prefer to work and earn money instead of spending free days while they have only come for a short period, and they do not have any social life here. It is even difficult to explain to them that work overload is not permitted. (EM7EE110321)

In the view of trade unions, the key issues related to TCN are to ensure their safety and security while living and working in Estonia, including reasonable living conditions and social guarantees. The understanding is that the working conditions and wages do differ for TCNs compared to local workers. According to trade unions, employees try to pay TCNs less no matter what the existing criteria. These issues could be improved by more effective monitoring activities, and TUs could improve their information sharing activities.

Few recommendations for improving regulations, are (EM8EE070921):

- To extend the list of specialists who can come from third countries to Estonia to work. Currently, only positions listed by the Estonian Unemployment Fund (TK, *Eesti Töötukassa*) can be filled by foreign workers, but the list does not reflect real needs. There is a constant lack of employees for household work, kitchen assistants etc. Those positions are not perhaps top specialists, but there is a serious need for people in these positions that TK is not able to alleviate.
- The period for seasonal work could be extended – seasonal workers who are needed and willing to stay longer but legislation does not support it. For some employers, seasonal work resolves their labour shortages but, in some cases (for example spa hotels), not. The latter would like to keep TCNs for a longer period than permitted by seasonal work conditions; instead, they need to be sent home and new people need to be found for their jobs.

For the association, the main cooperation partner is Estonian Employers Confederation (ETKL, *Eesti Tööandjate Keskkliit*) on the topic of migrant worker – the need and options for employing migrant workers and simplifying the relevant procedures. (EM8EE070921)

5. Social dialogue and collective bargaining

Social dialogue in Estonia is in the development stage, both locally and related to migrant worker issues. The social dialogue initiation depends on the ruling government. It has been in the shade for quite a long time but has been revived by our former prime minister. (TU4EE010421)

There is no social dialogue forum, but the topic of migrant workers has been discussed in association-level work groups – exchanging experiences on where to find migrant workers, what documentation is needed, how to resolve any issues that have come up and other very practical information. (EM8EE070921)

At a national-sectoral level, there is good dialogue with the Ministry of Economic Affairs and Communication, but this cooperation is dependent on the ruling political powers. Ministry level is aware of the sectoral needs of migrant workers. During the COVID-19 crises, the focus of problems has shifted on how to deal with the crises. Currently, the priority is on changing the Employment Contract Act in order to involve local young people in the labour market. (EM8EE070921)

The first steps have been taken in initiating dialogue with the Trade Unions Confederation (*Eesti Ametiühingute Keskliit*, EAKL). In general, TUs are underrepresented in the sector. Only a microscopic number of sector employees belong to TUs, though there are a few hotels whose Finnish owner has a similar structure in Estonian as there is in the home country. A notable case relates to the Estonian Seamen's Independent Union half of whose members are connected to Tallink Group, the international shipping company. (EM8EE070921) Social dialogue features are present in, for example, and international hotel group that involves representatives of workers at European level discussion. (EM7EE110321)

The need for a trade union is not felt in the sector, as it has a labour shortage and employees are voting with their feet if they don't like their employers. TUs are required if employees are somehow in a weak position; currently, however, employers are doing everything to keep their employees happy, almost to the point that it is comparable to the IT sector. (EM8EE070921) However, it is the case that many contracts in the sector come under the law of obligations (*võlaõiguslik leping*), which does not have the same social guarantees as an employment contract, such as healthcare and unemployment insurance. The trade union prefers migrant workers to have a regular employment contract. It does not have any third-country specific collective agreement but it did mention a platform work related agreement – an employer must assure equal conditions for both platform workers and permanent workers. In an ideal world, working conditions would be the same no matter the contract type. (TU4EE010421)

There have been attempts by international TUs to convince service sector employees to join them, but they have not been successful. Their tactics have even been viewed as rude by locals, and they have turned to employers for protection. (EM7EE110321)

From a TU perspective, there are several issues of concern related to migrant workers. For example, occupational health and safety, employment contracts and whether they have social guarantees, accommodation and other matters. Severe injuries have occurred where occupational safety standards have not been met. And there are also cases of poor living conditions where 10-20 people have been accommodated in one room. Thus, it is important to ensure the safety and wellbeing of TCNs here. (TU4EE010421)

Thus, there seem to be discrepancies between how TUs and employers perceive the situation related to migrant workers. Employers see that employees have the upper hand due to the labour shortage while TUs stress issues related to health and working conditions.

6. Concluding remarks, recommendations

The main challenge for employers in employing TCNs is related to administrative tasks, but the benefits of having motivated and loyal workers outweigh these issues. Another challenge is to rebuild the alien's community or network, since many of them have left during the COVID-19 crisis. Before COVID-19, the involvement of TCNs evolved organically. However, since the crisis the need for additional employees has been higher, as many employees have left to work in other sectors, while the number of previously established TCN networks has reduced. An employer organisation representative emphasises their positive experiences with TCNs and highlights their loyalty, helpfulness and cooperativeness. (EM8EE090721) An association representative was interested in developing the capacities related to migrant worker integration; however, he mentioned that time was a very limited resource for any such additional activities, since there is mainly one person performing all the necessary tasks. (EM8EE090721)

Metal industry

1. Introduction

There might be some ambiguity as to the exact definition of the metal industry (especially in comparison to some other sectors considered in this report); for this reason, we use the one used in the OSKA (2017) report on the skills needed in the Estonian metal and machine industry. The metal industry within the narrow definition would include both the manufacturing of basic metals (NACE 2-digit code 24) and fabricated metal products (NACE Rev. 2 2-digit codes 25). However, the definition used in the BARMIG project is wider than that, and also includes the machine building industries (e.g., automotive industry)¹⁰.

The Estonian metal and machine building industry is one of the leading branches of the Estonian manufacturing industry and employs approximately one third of the total man-

¹⁰ The machine building industry would include the following NACE 2-digit industry classifications:

- 1) Manufacture of instruments and appliances for measuring, testing and navigation; watches and clocks (Mõõte-, katse- ja navigatsiooniseadmete tootmine; ajanäitajate tootmine, 265).
- 2) Manufacture of irradiation, electro-medical and electrotherapeutic equipment (Kiiritus-, elektromediitsiini ja elektroterapeutiliseadmete tootmine, 266)
- 3) Manufacture of optical instruments and photographic equipment (Optikainstrumentide ja fotoseadmete tootmine, 267)
- 4) Manufacture of electrical equipment (elektriseadmete tootmine, 27)
- 5) Manufacture of machinery and equipment n.e.c. (Mujal liigitamata masinate ja seadmete tootmine, 28)
- 6) Manufacture of motor vehicles, trailers and semi-trailers (Mootorsõidukite, haagiste ja poolhaagiste tootmine, 29)
- 7) Manufacture of other transport equipment (Muude transpordivahendite tootmine, 30)
- 8) Manufacture of medical and dental instruments and supplies (Meditsiini- ja hambaraviinstrumentide ning materjalide tootmine, 325).
- 9) Repair and installation of machinery and equipment (Masinate ja seadmete remont ja paigaldus, 33)

ufacturing employment and 6% of total national employment. (OSKA, 2017) Among these, 56% worked in machine building and 44% metal industry (average of the years 2012-2014). In the 1st one, the largest sub-branches were the production of transport equipment (4,300 in 2019) and the manufacturing of electrical equipment (7,400 in 2019). In the metal industry, the bulk of the employment falls on the manufacture of fabricated metal products (15,200 in 2019). The companies in the sector constitute about 3% of all active Estonian companies, with most of these being micro companies with fewer than 10 employees. The number of companies with more than 10 employees has remained fairly stable at around 540 companies. (OSKA, 2017)

As in most other sectors in Estonia, sectoral collective bargaining is not seen as being important and most collective bargaining takes place at firm-level. For union density, it is difficult to provide numbers on the metal industry according to the precise definition provided above. In 2015, according to the broad industrial classifications of primary, secondary and tertiary (with manufacturing and metal industry belonging to the secondary sector), the share of trade union members was respectively 1.8%, 5.8% and 8.0%. (Statistics Estonia, table TKU96) Within the secondary sector, mining and energy production are the more unionised fields. Thus, it can be concluded that the manufacturing sector broadly and the metal industry more narrowly are less unionised than the workforce in Estonia on average. According to the database of collective agreements in 2011, only 7.8% of all collective agreements had been concluded in manufacturing. (Põldis, Proos, 2013)

Among the employers' associations, the following two can be mentioned:

- 1) Estonian Electronics Industries Association (Eesti Elektroonikatööstuse Liit, EETL), with approximately 60 member companies as well as universities. It is a voluntary non-profit organisation, whose primary objective is to promote cooperation between member companies, schools and the public sector to increase the competitiveness of the Estonian electronics industry.
- 2) Federation of Estonian Engineering Industry (Eesti Masinatööstuse Liit, EML) with about 118 members) is a professional network of Estonian metal, machinery and equipment industries. The federation's priorities are young and progeny, the disclosure of relevant information, and lobbying and development of businesses. Both organisations are concerned about the lack of skilled employees at all levels in the sector, and the topic of third-country employees is a pressing issue for both. (EM3EE030221, EM5EE100221)

The Estonian Association of Mechanical Engineers (Eesti Mehaanikainseneride Liit) operates as a guild and does not participate in sectoral collective bargaining. There are two trade unions representing metal industry employees. The Association of Estonian Light Industry Workers' Trade Union (Tööstustöötajate Ametiühingute Föderatsioon) and the Federation of Estonian Industrial and Metal Workers' Unions (IMTAL - Industriaal ja Metallitöötajate Ametiühingute Liit).

Employees from about 20 enterprises belong to the IMTAL trade union and there are altogether 800 members in the trade union. Next to physical persons as members (mostly employees and from the metal industry), there are legal persons as members in the smaller branches of the trade union. The union is not engaged with many activities related to migrant workers because migrant workers usually do not join the union, despite invitations. (TU3EE280121)

Employers in the metal industry indicate that the federation can only convince with arguments, speak about their experiences, talk to government officials at different levels and clarify why migrant workers are needed. Specialised associations are relatively new in Estonia and they are not quite used to the cooperation process yet. It also seems that although the officials are formally involving the associations, their advice is not always being considered yet. (EM5EE100221) In electronics, employers expect organisations with more expertise, such as the Estonian Staffing Association (Eesti Personalirendiettevõtete Liit) and the Ministry of Social Affairs, to disseminate information related to problems regarding the fair and just employment of migrant workers. (EM3EE030221)

2. Information, data and assessment of the situation

According to the opinion of the trade union, the lack of highly-skilled specialists (e.g., engineers in the metal industry) in the Estonian labour market may only motivate the hiring of third-country nationals at the higher end of the wage scale, while the motivator at the lower end may be the lower price of labour (e.g., in the sewing industry). (TU3EE280121)

The metal industry as an economic activity is not attractive, and the very small number of people with the skills necessary for the job can choose where they want to work. In some cases, it leads to upward pressure on wages in the sector. Due to the deep demographic crisis, the labour shortage is reaching more and more sectors. Thus, in the future, many investments in the sector will aim to digitalise business processes, or to use more robots and machines. The purpose is to produce more with fewer employees, with the retained employees having higher skills. The number of migrant workers has increased in the sector lately, and it will increase even more in the future due to the very high average age of employees in the sector. The lack of establishments able to offer maintenance or services for machinery, the high price of electricity and the lack of labour are all important hindrances to foreign direct investment flows to Estonia. Migrant workers have given Estonia flexible opportunities to compete in the world market. In order to avoid hiring migrant employees, Estonia should have a long-term plan for the technology sector and state-commissioned education for the occupations required in the labour market. The curricula of technology would need to be developed at all levels of education. (EM5EE100221)

From the employers' point of view, trends in the industry are affected by the average wage restriction, which confines hired migrant workers to jobs that pay less than the average wage. This has led to migrant workers with labour contracts from Poland or Ukraine being temporarily relocated (posted) to Estonia. They are not registered in Estonia and their exact working conditions are not known. There may be more employees not registered in Estonia than those who are registered with the total number of migrant workers of over 30,000. (EM3EE030221)

The trade union also follows official statistics concerning third-country employees, but this proved difficult during the second half of 2020. Employees with a residence permit move from one company to another. Official numbers show how many employees immigrated, but they may also change their field of activity. The number of migrant workers is only known by the trade union in those companies where they have a trade union presence. (TU3EE280121) Based on the estimations from engineering, 10-15% of employees are migrant workers in this sector. In the sector, 132 organisations of the total of 2 200 enterprises are members of EML. Usually, the number of migrant workers is not discussed openly out of fear of arousing the curiosity of certain authorities (e.g., Estonian Tax and Customs Board). (EM5EE100221)

The typical employment forms of third-country citizens are temporary agency work and project-based or fixed-term (e.g., for one full year) contracts because production is also project-based. Some firms themselves search for employees in Ukraine. From the union's point of view, the form of employment depends on whether the employee has a residence permit. Some employers may apply for a residence permit for their migrant workers; however, this does not always guarantee that working conditions for their migrant employees are more favourable than for migrants in other companies who apply for the residence permit themselves. (TU3EE280121)

The varying workload in the industry means that employers may choose to hire agency workers. For example, at the beginning of the month there may not be enough work for all employees, but at the end of the month, there may be a need for all employees to work overtime. Local employees prefer not to work on weekends, but agency workers may agree to do so. Local employees can complain to the trade union and the labour dispute committee, while migrant workers may not be willing to contact such organisations. (TU3EE280121)

3. Regulation

The union would like to have stricter control over third-country employees. They believe that migrant workers are needed, but the movement of labour should be controlled more. Knowledge about how often they move, what exactly they do and their actual wage is needed. It is essential that migrant employees have the same working conditions as local employees. The union believes that despite the extensive knowledge of discrimination, it

is still accepted because some migrants are in Estonia only temporarily to earn money and shortly go back to their home country. Additionally, some workers use Estonia as a country where they can work before they leave for Finland and Sweden or some other country with better working conditions than Estonia. A significant number of the workers look to remain in Estonia, but if courses in the local language are only offered in the evening time, third-country workers may not be able to participate. Their employers may ask them to work overtime. (TU3EE280121)

For the members of EETL, regulation of the employment of third-country migrant workers is an important issue. In the electronics industry, the wage is lower than average for many jobs; therefore, the average wage requirement makes it very difficult to hire migrant workers for these jobs. No-one wants to come to Estonia from EU countries if the wage level is the same; for this reason, the migrant workers only come from countries with a lower wage level, such as Ukraine for instance. (EM3EE030221) EETL finds it positive that the process of issuing a short-term work permit takes only 2 weeks in Estonia compared to 3-4 months in Finland. On the negative side of regulations, exactly the same rules apply to temporary work agencies as for any other enterprises. To some extent, it would be more convenient if temporary work agencies (hereinafter TWAs) could use zero-hour contracts that do not oblige an employer to pay anything if there is no work. If the project ends or other difficulties appear related to the project-based work, laying off is very expensive because of the compensation that has to be paid. Thus, the TWA tries to reach agreement with their clients whereby they try to find an alternative job as fast as possible and there are no layoffs without prior notice. (EM3EE030221)

Employers in the electronics industry are not aware of any regulations and measures that help foster the social integration of third-country migrant workers. The employees whose work is registered in Estonia also have medical insurance (from the Estonian Health Insurance Fund), but most of the employees who are not registered in Estonia do not have any social insurance, which is a serious problem. (EM3EE030221)

EETL has been involved in different workgroups for regulations and measures (it has become more frequent recently), but the association's small size and deficiency of resources makes lobbying difficult. Also, lobbying is less useful in a political environment that opposes migrant workers in Estonia to begin with. Nevertheless, entrepreneurs have started to communicate more with state-level organisations, many of which have joined the specialised associations. They understand that cooperation is important, but state-level coordination is needed in this communication. (EM3EE030221)

In engineering, employers question the usefulness of the quota for migrant workers (1 315 migrants in 2021 does not seem to be a fair number). Administrating the quota is difficult

and not very effective, resulting in the growth of the black market. If Estonia does not allow it, offices are established in Latvia and Lithuania, and Estonia loses tax income as well as control over (and knowledge of) the number of migrant workers in the Estonian labour market. If there are no quotas in Latvia and Lithuania, then Estonian firms are not competitive, and 90% of the products are exported. Even increasing the quota could be a helpful solution. The education system could also be reformed in a way that employees can be sourced from Estonia. Additionally, it is not clear why temporary work agencies are required a bank deposit of 10% of their wage fund. If the agency does not have enough funds, it may cease to operate or may need to borrow the money from a bank. At the same time, the companies need skilled workers for certain jobs. (EM5EE100221)

In electronics, employers find that the requirement of the average wage only increases illegal employment; even high-skilled labour may start to pass illegally through the same scheme because it is cheaper. All employees in Estonia should be treated equally, independent of their nationality. There should be an Estonian labour contract and taxes should be paid in Estonia. The average wage requirement is unnecessary; a minimum wage requirement is sufficient together with the principle of equal treatment. Also, the responsibilities of user establishments should be increased. Currently, in the event of any incident with migrant workers, the user establishment is not held responsible, and it may act as an additional incentive to hire a cheaper employee. Employees should have all the necessary insurances, and the agency should be required to provide these. (EM3EE030221)

4. Strategies and practices

The general position of the trade union is that in the case of skills that are not taught in Estonia, there is a real need for migrant workers. In some cases, however, employers may use the lack of skilled employees as an excuse to hire cheaper workers from third countries. (TU3EE280121) At the same time, employers do not understand why the problems in the sector are not being dealt with, if Estonia actually needs manufacturing. Large volumes of exports in the industry should indicate the importance of the sector to the whole economy. It is not clear what is the alternative plan for current employees who will lose their jobs when certain political decisions force foreign firms to move away from Estonia. (EM5EE100221) Employers see that the legislation in Estonia needs to be simplified, as companies are afraid to invest and new enterprises do not come to Estonia because of the shortage of labour and fast wage increases. The potential newcomers have to think ten years ahead and decide in which country their establishment could be profitable. In a similar manner to that in Western European countries, migrant workers have to be used in the sector. (EM3EE030221)

The union has given some advice and information to migrant workers, but usually they do not offer services to non-members. Membership fees are used to paying legal advisers, and migrant workers do not generally reach out to Labour Dispute Committees. In companies

where the collective bargaining agreements are in force, the working conditions are better because the agreement automatically covers migrant workers too; usually, they do not involve specific conditions for migrant workers. (TU3EE280121)

The questionnaires sent out by trade union indicate that the most frequent problem is the longer workdays for migrant workers for a salary that is the same as that of Estonian employees (who thus work less for the same amount of money). (TU3EE280121) The main problems employers face in the employment of third-country national employees are related to opening a bank account and finding a family doctor. (EM5EE100221) Living away from one's family in relatively poor conditions and solitude can generate problems related to homesickness and alcohol. There are many Russians working in industry in Estonia, and due to the conflict in Ukraine, relationships in workplaces between migrants from the two nations had to be dealt with. (EM3EE030221)

For those who come without any agency, the same working conditions and agreements usually apply as for a local employee. For migrant workers who are agency workers (the popularity of this option has increased lately in Estonia), working conditions are unknown. The employee has a contract with the agency, and the agency has a contract with the employer. The salary can be different compared to local employees, there may be need to work overtime for the same salary and the living conditions may be worse compared to local employees (e.g., six employees have to share a three-bedroom flat). (TU3EE280121)

There are no organisations that deal with migrant workers. Different trade unions communicate with each other and their main interest is to defend the workplace and to ensure that the migrant workers have a decent salary, workplace and social guarantees from the employer. EML and the trade union have been cooperating, but not specifically on third-country employees, (EM5EE100221) EML sees a lot of possibilities in cooperation with the trade union (e.g., joint training sessions) that have not yet been used during the hitherto short period of mutual communication. (EM5EE100221) Both organisations of employers have been participating in workgroups that have also discussed the topic of migrant workers.

5. Social dialogue and collective bargaining

According to employers in engineering, substantial discussions have not taken place, and only the potential partners of social dialogue have only published their opinions in the media. (EM5EE100221) Collective agreements at employer level are signed between the trade union in the establishment and employer. In the electronics and metal industries, the enterprises are not large enough and EETL is not aware of any collective agreements. There is no sectoral collective agreement due to difficulties related to signing it (for example, the agreement has to cover about 30% of employees in the biggest companies of the sector), but trade union coverage is very low in Estonia. There are about 12,000 employees

in the sector and only about 830 are members of the trade union (approximately 7%¹¹). (EM3EE030221)

The trade union has a partnership agreement signed with the Federation of Estonian Engineering Industry (Eesti Masinatööstuse Liit, EML) for social dialogue. Usually, the trustees of the trade unions participate in the dialogue with the employers, even in establishments without collective agreements. The trade union does not have an influence over the company-establishment level special measures that deal with the employment of third-country nationals. Large establishments organise it in an acceptable way themselves and the union is informed, but nothing is known about the establishments without the trade union. The trustee of the trade union usually keeps an eye on compliance with the collective agreement. Going to court has only been needed in rare cases. (TU3EE280121)

6. Concluding remarks, recommendations

The biggest challenge for the trade union is migrant workers gradually replacing Estonian workers in the labour market. Sometimes, the employers seem to generate the shortage of workers artificially and refer to the low salary level in the labour market. (TU3EE280121) From the employers' perspective, the challenges are political stability, coherent messaging and initiative to resolve the labour shortage problem. If the technological capacity of Estonia is to be developed, the state borders cannot be closed. (EM5EE100221) For employers in electronics, it is a challenge to find out whether the migrant workers (from agencies) are remunerated lawfully, although it is never a problem to find a migrant worker when needed. (EM3EE030221)

All three organisations are interested in developing their capacities related to migrant worker integration, but with somewhat different expectations. The trade union, for example, would like to communicate better with migrant workers, understand better their reasons for coming to Estonia and convince them to join the trade union. (TU3EE280121) EETL would like merely to fulfil a helping role in these activities and expects that the Ministry of Social Affairs or the Estonian Staffing Association would take the lead as organisations that set the rules. (EM3EE030221)

Box 1

Case study of FINESTA

More than 90% of the revenue of the firm comes from temporary agency work and 10% of the workers are migrant workers. The largest clients in manufacturing are from the metal and electronic sectors and logistics. Most of the migrant workers they provide are quite high-skilled employees, including welders and trouble-shooters in the electronics industry whose wage equals the average Estonian wage or is higher. Temporary work agencies are usually utilised in activities where the output varies and where additional workers are needed at times, more often in large or medium sized enterprises. Aside the metal industry, seasonal workers are present in the foodservice sector and in agriculture. In the regulatory framework for immigrants working seasonally, the average wage requirement does not apply (e.g., for strawberry pickers, the only requirement is minimum wage).

11 All the trade unions of all the different sectors across Estonia have a total of approximately 20 000 members.

Finesta is soon opening its office in Ukraine to search for local employees who are interested in working in Estonia. To date, they have used advertisements in Ukrainian local media, and work interviews have taken place over Skype. The firm applies for a work permit, a short-term visa and living places (dormitory-type dwellings/shared dwellings are available). Sometimes, the migrant workers are paid in advance so that they can afford to take a bus to Estonia. For the employees with higher skill level (like managers or IT-specialist), relocation services are also offered e.g., a flat or schools for children are searched for etc. Another option is to use local Ukrainian brokers, though this is not the preferred choice due to the lower quality.

A temporary work agency has the duties of an employer (paying wages, hiring and laying off employees). The client is responsible for work-related training, work results, security and processes. Local work-related regulations are generally introduced by the agency and the employee signs the form confirming that s/he understands what the employment contract means; however, the minute details of the laws are not explained. Employer-specific rules are expected to be clarified by the client enterprise.

Source: RT1EE030221

Healthcare

1. Introduction

The healthcare sector was one of the sectors recently covered in the social dialogue study by Masso, Themás, Aksen (2019). Among the different sectors in Estonia, it has been one of a very few characterised by active social dialogue and functioning sector-level collective bargaining – for instance, in 2011 of the valid collective agreements, 11% were concluded in the health and social insurance sector. (Põldis, Proos, 2013) The main employers' organisation is the Estonian Hospitals' Association (Eesti Haiglate Liit, EHL), with about 25 members including the largest employers in the sector. EHL participates in collective bargaining, represents common interests in healthcare matters and arranges the cooperation of hospitals. State level is represented by the Ministry of the Social Affairs and Estonian Health Insurance Fund (Eesti Haigekassa, EHK), which is responsible for the funding decisions.

There are three main union organisations: the Estonian Nurses' Union (Eesti Õdede Liit, EÕL), which acts as both a professional organisation and trade union and has about 4,000 members. As a trade union, EÕL represent nurses in collective agreement negotiations. Both nurses and other healthcare professionals (e.g., care workers) are invited to join the union. The Estonian Medical Association (Eesti Arstide Liit, EAL) has about 3,000 members (about 60% of doctors in Estonia) and acts autonomously without being a member of the Estonian Trade Union Confederation. The Estonian Healthcare Professionals has approximately 3,500 members. In terms of total membership, of all the persons working in the Estonian healthcare sector this represents more than 40%. Given that the mentioned unions have specialised in representing particular occupational groups or professions, they have competitive inter-union relationships.

EHL and the unions sign sectoral collective agreements every two years and all employers with a service contract with the EHIF are compelled to abide by the terms of the contract. Similar to the construction sector, social partners have seen improvement in social dialogue

at national level since 2015, but they mentioned similar issues that have inhibited its effectiveness from the state (such as the state representatives changing too often). Trade union members argued that the efficiency of the social dialogue is hampered by state representatives not sufficiently considering the limited resources of the trade unions, and greater consistency in the state representatives and better communication skills would also be helpful.

2. Information, data and assessment of the situation

The issue of third-country migrant workers became more noticeable in the healthcare sector in 2005 when hospitals in Ida-Viru county began to hire them because of the shortage of local doctors. In March 2015, there were 77 doctors from third countries working in Estonia, and in June 2019, their number had increased to 117 (1.7% of all registered doctors in Estonia). Based on OECD data (OECD, 2021), in 2020, 0.18% of nurses were foreign trained, but this number also includes nurses trained in the EU. In 2009-2020, only a total of 15 nurses came from third countries. Compared to the rather small total number of dentists in Estonia, the 124 dentists who came in 2008-2021 form 6.6% of all the registered dentists in 2021. (TAI, 2021) Figure 10 below indicates how many doctors and dentists have been registered in the Estonian Health Board in Estonia in 2008-2021. In 2015-2017, the absolute number of dentists from third countries was slightly higher than for doctors. Most often, the migrant healthcare workers have come from Russia and Ukraine among doctors and dentists and similarly among nurses and pharmacists.

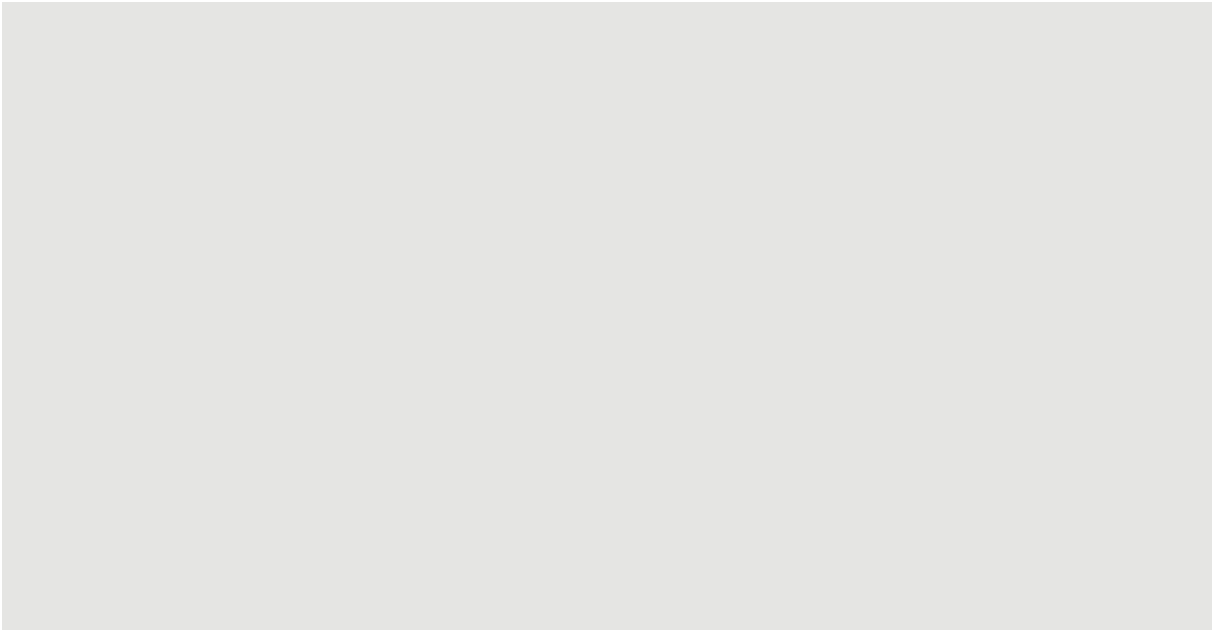


Figure 10. The number of TCN doctors and dentists registered in Estonia, 2008-2021. Working and not working indicate the status as of September 2021.

Source: Data from the Estonian Health Board

Until 2008, the Health Board could require migrant doctors to work for an adaptation period or (alternatively and also after 2008) take an aptitude test if their qualifications were not

fully compatible with the curricula in Estonia. The Health Board had full responsibility in this matter. In 2015, the Ministry of Social Affairs announced a plan to change the legislation for TCN healthcare professionals in order to treat them equally, independent of the country they come from.

EAL had two main concerns regarding the change in the law: (1) the qualification of specialist medical practitioners and (2) the Estonian language skills of migrants. EAL understood that the Health Board had registered migrant doctors of TCN whose studies did not give the equivalent qualification as in Estonia. However, considering their work experience, they were assumed to be sufficiently qualified. There was no proof of such cases, but the legislation was indeed concluded to be confusing in this specific topic by the Chancellor of Justice. Moreover, registering TCNs in Estonia based on requirements that are more lenient than in other EU countries may create a situation where they register in Estonia in order to go to other EU countries to work. The concern about the Estonian language skills of healthcare specialists does not relate to TCNs alone. In 2012, 80% of 226 healthcare workers who were inspected did not know the Estonian language to the required level, and only about 30% of them started to take courses after inspection. (Tomusk, 2016) The following years resulted in roughly similar statistics. The majority of such healthcare workers have studied in Estonia, but their native language is Russian. Before the change of law, knowledge of the Estonian language was not a prerequisite for registering TCN healthcare specialists. The employer was entirely responsible for the employee's language skills and disobedience did not involve any consequences.

According to the new law, all the nurses and doctors of TCN first have to undertake work placement (usually 1-6 months but up to 12 months) and then have to take a theoretical exam (with both theoretical as well as practical parts). University of Tartu has been given the right to determine in which hospital work placement has to take place. (EM4EE030221) New laws do not allow for replacing the shorter schooling period with work experience. The question of Estonian language skills has been solved by the requirement to pass the work placement as well as exams in the Estonian language. The exams are actually residency exams for specialist medical practitioners in the University of Tartu. (Trisberg, 2019)

The wages of doctors are not usually higher in Estonia than in the home country of TCNs, although there may be migrant doctors who come to Estonia for monetary reasons. In Ida-Viru hospital, some migrant doctors have commented that the whole arrangement of the system is different. Also, it is possible to use diagnostic tools and medicines in Western countries independent of the income of the patient. (Trisberg, 2019)

Only a few nurses and caregivers are migrant workers. Nurses do not come to Estonia from other EU countries because there is a lack of local nurses in other countries too. Second, the

working conditions in the healthcare sector in Estonia are worse than in other EU countries. For nurses to come from Russia or Ukraine or other countries that do not belong to the EU, there are two problems: (1) their education must comply with the EU rules and (2) their language skills have to enable them to work with Estonians. The Estonian language is usually not learned just to come to work in Estonia. (TU2EE200121)

Theoretically, care workers could come to Estonia more easily because the EU directive does not set any conditions on their education. However, compared to strawberry picking, it is not seasonal and knowledge of the Estonian language is important. Moreover, vocational education might be needed in the future for care work too, and Finland is a neighbouring country of Estonia that welcomes migrant healthcare workers. The emigration of Estonian healthcare workers to Finland is a recurring problem that is currently gaining importance again. (TU2EE200121)

There are two hospitals in Estonia that are more involved in hiring migrant healthcare specialists in Estonia. Thus, the employer's view in the current overview is represented by those hospitals. In Ida-Viru hospital, for example, in 2019, over 40 doctors were TCNs, forming about 25% of all doctors. (Trisberg, 2019) In EHL, migrant labour has been one of the topics of discussion, but the association does not have one common position related to the presence of migrant workers in the sector. Different organisations and institutions have very different views due to the opposite situations regionally. Only in the two largest cities (Tallinn and Tartu) are there plenty of doctors, but there is a deficiency in the number of nurses and mid-level health workers. In other towns, there is a deficiency in the number of doctors and fewer problems with hiring nurses and mid-level health workers. Rakvere and Ida-Viru hospitals have discussed their situation in the association and there has been no opposition to these views. (EM4EE030221) Ida-Viru and Rakvere hospitals feel that there is a need to have more TCNs in the sector. (EM6EE150221, EM4EE030221) Some migrant doctors are shared by three hospitals in the area, their diplomas have been approved by ENIC/NARIC and this has given them registration in the Health Board. Some migrant doctors who came during the 2008-2018 period have an important role in the functioning of Ida-Viru Hospital. (EM4EE030221)

EÕL does not have an agreed position related to the presence of migrant workers in the sector. The union just does not deal with migrant workers. There is a significant shortage of nurses and the union is considering all options to resolve this problem, including the re-organisation of nurses' work in a way that leaves them more time to engage with patients. The third development plan of Estonian nurses for 2021-2030 was published on 24.11.2020. The total number of nurses needed in the healthcare sector in Estonia was also discussed and compared with averages from the OECD, WHO and European Union. 4,000 nurses are needed, but Estonia could not afford this, though 500 positions are free with resources

available. With 500 additional nurses, the shortage in labour would be less severe. Actually 200-250 nurses finish training every year, and COVID-19 has added a workload and created the need for additional nurses. (TU2EE200121)

3. Regulation

In 2015-2018, the Estonian Medical Association was actively lobbying for complicating the process of qualification assessment. Their initiative was the main factor behind changes in regulation and their motivation came from comparing the qualifications and language skills of TCNs with specialists graduated from the University of Tartu. (EM6EE150221)

At the same time, hospitals concentrated on the shortage of skilled workers in healthcare (e.g., mid-level health workers like radiologists, psychologists, physiotherapists) in other areas outside of the two biggest cities. Rakvere and Ida-Viru hospitals had some discussions with legislators and they lobbied actively against the changes while the new law was prepared. Hospitals are primarily concerned with the need to cure Estonian patients using qualified medical workers; the country from where these employees come is not important, but their competence is. Currently, future TCN employees should learn Estonian language in their home country and take the exam in Estonia, but to reach the required level they should learn Estonian while working in an Estonian hospital. In different countries, the culture and internal rules in the healthcare sector can be very different. Thus, they should learn the Estonian language in a practical working experience. (EM4EE030221)

The representatives of two hospitals participated in the process of preparing the 2020-2030 public health development plan (Rahvastiku Tervise Arengukava). In accordance with the Estonian Hospitals' Association, they forwarded several proposals to the ministry. For example, they proposed that geographical involvement should be defined in the development plan. If the north-eastern part of Estonia will need to integrate TCNs, they need help at country level. If theoretically a nurse or a doctor comes from an EU country, then work placement is not needed and s/he could start working in any of the hospitals; in this case, the hospital will be responsible for the language skills. There have been long discussions about when exactly the Health Board should allow migrant workers to start working. Migrants cannot be hired without knowing that the workers are competent; however, if they cannot be hired, it is difficult to learn the language. (EM4EE030221)

4. Strategies and practices

EÕL has also discussed the possibility of bringing workers into the healthcare sector from other countries through the cooperation of the Ministry of Social Affairs and the Health Insurance Fund. If a group of migrants were to be brought to Estonia, the state could provide language courses and further professional training. To date, the discussions have not

achieved sufficient motivation for such migrants to stay in Estonia. Finland, Norway and Sweden are situated near Estonia and the conditions in the Scandinavian countries are better in terms of work load, work-life balance and working hours. Estonia is not interested in having the image of a transit country registering healthcare specialists who only use it to move to other EU countries. (TU2EE200121)

One possible solution that has also been discussed by EÕL is the creation of study groups of migrants whose tuition is paid and living place is provided on the condition that they will work in Estonia after completing their studies. However, it is not believed to be efficient because of the example of the mandatory relocation of workers during the Soviet time. The ones who want to leave will find a way to leave. Migrants come to work and stay in Estonia if they have family or some other connection to this country. Another disadvantage with the idea of study groups is the workload. Estonia needs to give healthcare education to so many Estonians in the Estonian language that it is difficult to provide a sufficient number of apprentice positions for all of them. It's a vicious circle. Healthcare institutions do not have enough employees, yet to increase the number of employees, the potential new employees should be provided apprenticeship positions.

But there are not enough employees who have the time to supervise an apprentice. Poor language skills in the study group would be an additional factor that would increase the workload for the supervisor who do not be remunerated for supervising the apprentices. (TU2EE200121)

During the Soviet time, nurses were given a diploma of vocational education; if a nurse has left Estonia with this diploma and would like to work again in Estonia now, no hospital would like to hire such a nurse, even if s/he meanwhile has worked as a nurse in a foreign country. Currently, only nurses with a bachelor's degree are registered by the Estonian Health Board, and no retraining courses are provided to give tertiary education to nurses with vocational education. In the past 5-6 years, the Ministry of Social Affairs has funded the 'Nurses back to healthcare' project, which aims to help people with a nurse's bachelor's degree to start working in healthcare again if they do not have experience in the field or have worked in some other field for a period of time. In the third development plan of Estonian nurses for 2021-2030, the system of substitute nurses was added without the certainty that it is required in Estonia or how it can be implemented. Substitute nurses work as nurses part-time and, in case of demand, specific courses and training could be provided to such nurses. (TU2EE200121)

As a solution, EÕL proposes that state-provided first level Estonian language courses could be offered to migrant employees who would like to register themselves in the register of the Estonian Health Board. There could be a delay between applying and receiving the regis-

tration, time that allows them to take the first level language course and to understand how motivated the migrant is in remaining in Estonia. Nevertheless, hiring migrant workers in the healthcare sector requires significant investments into work placement, language courses, apprenticeships, remuneration for apprenticeships, registration in the Health Board, etc., and they may simply use Estonia as a transit country. At the same time, if admission numbers for doctors and nurses in the universities could be increased, it might be a better measure in terms of costs for the healthcare sector. (TU2EE200121) The representative of one of the hospitals in Ida-Viru also brought the latter up as a possible solution. (EM4EE030221)

5. Social dialogue and collective bargaining

There are national collective agreements that determine working conditions for all employees, independent of their citizenship or country of education. Thus, if the migrant worker is allowed to start working as a doctor, his/her working conditions are exactly the same as for any other employee in the healthcare sector. (EM6EE150221) However, during the period of work placement, doctors who instruct the migrant worker can already say 'no', if they feel that the occupational skills of the migrant are not good enough. This has happened in one of the hospitals in Ida-Viru. (EM4EE030221)

However, the process of reaching the national collective agreement is not always short and effective. In 2012, a 25-day-strike of healthcare workers was organised, and often the help from the Public Conciliator has been needed. In April 2021, EÕL did not join the national collective agreement that was signed by other relevant parties. EÕL was dissatisfied with the lack of discussions on the role and the wages of specialised nurses. In September 2021, the government promised to increase the admission numbers for nurses by 5% within two years.

6. Concluding remarks, recommendations

In the view of trade union, changes in working conditions have been considered in order to make the Estonian healthcare sector more attractive to migrant workers, but only employers and the government are actually able to improve the working conditions. As language and communication are very important in nurses' work, the Estonian government should first make the positive political decisions related to migrant workers and start with providing courses in Estonian language, culture and history. If after taking such courses the migrant is still interested in working in Estonia, only then specific training could be offered. The current workload and shortage of workers do not enable employers in the sector to contribute in this respect with additional resources. (TU2EE200121)

The most challenging aspect for employers in the healthcare sector is in finding solutions for the requirement of Estonian language skills for TCNs. There are different jobs in healthcare that require less or more communication with patients. Good occupational skills should

be the most important criterion, but the exam could be taken in more than one language, dependent on the specialist's exact position in the hospital. It is difficult to add such a differentiation into regulations, but there should be options for compromises. (EM4EE030221) Nevertheless, the law will not be changed before a few years have passed from enforcing the new law. There have also been discussions with the Health Board and the Ministry of Social Affairs, but not in a way that anyone would be ready to declare an intent to change the law. (EM6EE150221)

Construction

1. Introduction

In the first quarter of 2021, the number of employees working in the construction sector was about 47,000 (according to Statistics Estonia, table PAV011). The total number of employees in 2021 was about 579,000 (Statistics Estonia table, TT217) The social dialogue situation in the Estonian construction sector has been summarised recently by Masso, Themás, Aksén (2019). There is one employer organisation in the sector, the Estonian Association of Construction Entrepreneurs (EEEL, Eesti Ehitusettevõtjate Liit), which unites approximately 100 companies whose turnover covers roughly 50% of the sector. As there are in total about 7,000 companies in the sector, most small and medium sized companies are not members of EEEL. The organisation aims to support and co-ordinate its members' actions in the matter of industry-related economic issues and relations with employees and employee unions¹².

Among other sectoral organisations, the Estonian Association of Civil Engineers (Eesti Ehitusinseneride Liit, EEL) represents about 1 000 civil engineers and the Estonian Association of Architects (Eesti Arhitektide Liit, EAA) has about 400 members. Trade unions are largely absent, which explains the lack of any relevant social dialogue in the construction sector. It arguably also reduces the incentives of employers to join employers' organisations. As an exception to that rule, the Federation of the Estonian Industry and Metalworkers' Unions (IMTAL) began in recent years to represent some construction workers, but only to a limited extent¹³. Somewhat differently from that by Põldis and Proos (2013), in 2011 7.8% of all collective agreements were concluded in the construction sector (mostly in road construction). The state level representative in social dialogue in the construction sector is the Ministry of Economic Affairs and Communications. Despite the limited social dialogue and shortage of collective agreements in the sector, some positive developments were mentioned, such as the greater inclusion of the construction sector in state-level social dialogue. However, the

¹² <https://eeel.ee/english/>

¹³ IMTAL represents construction sector workers who work on construction sites, but the number of such workers in the union is very small. The workers pay for their membership themselves, but the employee turnover in this field is so high that often they change their field of work in the middle of the year. IMTAL does not represent employees in the social dialogue in the construction sector.

latter was still considered to be thin and more resources from the unions would be needed to make the social dialogue more efficient.

In construction sector in Estonia only the Estonian Association of Construction Entrepreneurs agreed to comment on TCN migrant workers. Trade union activity in construction is very scarce and in other professional/employer organisations the members do not have the topic of migrant workers on their agenda. The Estonian Association of Civil Engineers and the Estonian Association of Architectural and Consulting Engineering Companies (Eesti Ehituskonsultatsiooni Ettevõtete Liit) declined to give any comments on migrant workers, referring to non-existent contact with them.

2. Information, data and assessment of the situation

Using migrant labour in construction became widespread after last economic crisis in 2009-2010, when 45% of employed people lost their jobs (in 2007, there were about 87 000 employees and 2009 only 47 000). Many of them went to work to Finland, Sweden and Norway, but they did not come back to Estonia when employment in the construction sector in Estonia began to grow again. Due to the increased demand in Estonia, migrant workers were needed. (EM2EE010221)

Employers estimates that before the COVID-19 related crisis, there were about 4 500-5 500 migrant workers in the sector. Official statistics are inaccurate. The Police and Border Guard Board estimated the number to be 9 000, but it does not take into account that in the case of a 9-month visa holder, a person needs to leave Estonia at least once a year. Therefore, the number of entries overestimates the real number of migrant employees. In 2021, there might be about 2 000 Ukrainian employees in Estonia of the total of 20 000-25 000 construction workers working on building sites. Only a few of the migrant workers are white-collar employees. (EM2EE010221)

Some employers bring migrant workers with visas. Although it is rather a positive method of bringing migrant workers to Estonia, employers claim that 9-12 months is too short. Larger construction projects take 2 to 2.5 years to finish, and it is unreasonable to replace and retrain employees before the end of the project. In the construction sector, the most typical employment form in general is hiring through a temporary work agency. It creates a situation where many of the employees do not understand who exactly is their employer. The employees who come with D-visas through temporary work agencies are practically invisible because it is difficult to monitor whether all of the requirements have been fulfilled. The employer may indicate that 1.5 times the average wage was paid to the agency for each employee, but an agency that is registered in Poland does not have to explain in Estonia how much each employee earned. All of the accounting takes place in Poland and nothing can be monitored. (EM2EE010221) The short-term employment of immigrants in the construction

sector in Estonia requires paying at least the Estonian national average wage. Therefore, posting Ukrainian employees from Poland and paying only national minimum wage may be a cheaper option. An additional incentive in posting TCNs may lie in extending the posting chain to make it more difficult to track. (Kall et al., 2020)

There is also a difference between TWAs registered in Estonia and the ones registered in other countries. TWAs registered in Estonia have clearer contracts with their employees. In the case of a long-term relationship between the agency and employer (usually in manufacturing facilities), some positive examples of TWA contracts are very detailed with the margin of the agency clearly mentioned. TWAs registered in other countries reportedly tend to exploit their employees. A written contract between the agency and employee may not be signed. Different reclamations and fines may be transferred to migrant employees without too many explanations. Although the members of EEEL claim that they pay by law, agencies may find different reasons to reduce the wages of their employees and increase the agency's margin. The most problematic is the contract between the foreign agency and the migrant worker. Estonian employers can only indicate the costs that are covered e.g., accommodation, transport and hourly wage. If the migrant worker does not have enough knowledge to ask, the agency may not want to arrange everything in the contract. (EM2EE010221)

Although regulations applicable to posted workers can be considered satisfactory, inspection authorities lack sufficient competence and resources to enforce the regulations, cases cannot be solved fast and thoroughly enough, and more inspections should be conducted. Thus, TCNs are vulnerable. Proper OSH training could be missing (or not offered in a language the posted workers understand), conditions may be more dangerous than for local workers (posted workers may be accustomed to it due to similar conditions in their country of origin), and wages and social security coverage may be left unreceived (if posted by letter-box companies). There have been cases where injured posted employees are just paid compensation and sent away. Providing information to Ukrainians about Estonian rules and regulations may be challenging if they are sceptical and do not interact with locals or authorities. As a best practice in Estonia, an NGO has managed to outreach to Ukrainians and made them more willing to bring their problems to the labour inspectorate. (Kall et al., 2020)

Working conditions in general are rather similar for migrant and local employees, though it also depends on the terms of the contract e.g., if the temporary work agency is supposed to supply the workers with work clothes or not. It seems to EEEL that although employers do not ask migrant workers to work overtime, take shorter breaks etc, the migrants themselves would like to earn more and are therefore interested in longer working days and weekend work. In the construction sector, most of the migrants do not come with a residence permit, and social integration is not topical for visa holders. However, short-term workers who communicate with only their relatives and acquaintances in Estonia may actually be prone

to higher risks in security than workers with a residence permit. In the latter case, the employees need to fulfil all the requirements and become a resident first. (EM2EE010221)

3. Regulation

EEEL is mostly involved in TCN issues at political level. For example, EEEL thinks that the quota system should be eliminated to enable migrant workers to be hired when GDP in Estonia starts growing again. In a workgroup some years ago, EEEL proposed that if 5-year residence permit were not acceptable, there could be a 2-year residence permit for the construction sector. This is because the TCN migrant workers who come through foreign agencies are currently simply not visible. The quota is too low. Low-skilled employees are not necessarily the main interest for EEEL. They also suggested that a 2-year residence permit could be given to migrants who prove during their first half year in Estonia that they are qualified employees. In principle, employers prefer migrants with a residence permit to migrants with a visa, because residents come at their own risk, get better social guarantees and usually sign contracts directly with their employers. (EM2EE010221)

4. Strategies and practices

The general position of employers related to the presence of migrant workers in the sector is that migrant workers are needed (especially in the growth phase of the sector). If the employer is forced to pay the same wage to migrants and local employees, there might be positive competition in the labour market. Migrants with residence permits are preferred, but there could be some additional requirements for temporary work agency workers to ensure that they have all the social guarantees. (EM2EE010221)

Even if not employing migrants may have its disadvantages, having the grey economy constitute a rather large proportion (reportedly 25%) of the construction sector is even more detrimental to innovation and productivity growth. Innovation in an environment where some firms pay cash-in-hand wages (so-called envelope wages, in Estonian *ümbrikupalgad*) to gain a price advantage of 10% is not profitable. The government should motivate employers to act lawfully and use innovations instead of directives and prohibitions. Employers propose that the state should act more contra-cyclically and invest more during economic downturns. A different topic, but important in this context, is the education of employees in the construction sector. The vocational schools in Estonia only provide about 40% of the employees that are actually required for this sector. The need for quality improvement was also mentioned. Following the example of Finland, Estonia could plan some of its employees in construction sector to come from countries outside of the EU. The regulations related to TCN workers could depend on economic cycle phases. In the event of economic downturns, migrant workers are directed out of the Estonian labour market and during boom periods hiring migrant workers could be simplified. (EM2EE010221)

EEEL collaborates with the Estonian Employers' Confederation and the Estonian Chamber of Commerce and Industry. In Estonia, professional associations are very small; therefore, it is important to be involved. However, EEEL has not participated in the relevant social dialogue fora in Estonia that deal with the issue of migrant work. There are no sectoral collective agreements in the construction sector. If employees organise themselves into a trade union, then as a counterbalance, employers have to organise themselves better to negotiate more effectively. The lack of a trade union in the construction sector also explains the low level of organisation of employers. (EM2EE010221)

5. Social dialogue and collective bargaining

There is no knowledge about any establishment-level collective agreement. The number of micro-enterprises is constantly growing. About 13-14 years ago micro-enterprises represented 83% of all firms in the sector employing 2-4 employees and offering very specific services, but in 2021, they form 91%. Employees in micro-enterprises do not form a trade union. White-collar employees in large establishments also do not form a trade union. Employment in construction sector is the most problematic issue. Previous economic crises have taught employers to use the smallest number of employees possible. Therefore, all the risks have been moved to smaller enterprises. The main contractor may know all the regulations well, but the workers in micro-enterprises who actually work on construction sites are very vulnerable because they are not informed of all the legislative rules and requirements. (EM2EE010221)

6. Concluding remarks, recommendations

For EEEL, eliminating the quota is one of the main challenges related to using migrant workers in the sector. Another challenge is to eliminate cash-in-hand wages and poorly paid work. Employers would instead prefer to see the migration of qualified employees to Estonia. The association is ready to deal with the issue of qualification as the largest awarding body of partial occupational qualification in Estonia. Developing its capacities related to migrant worker integrations seems only to be worthwhile if migrants are able to use residence permits. There are not enough resources for integrating frequently rotating short-term employees, and it also would not have any effect at national level. (EM2EE010221)

7. Conclusions

The debates on migration-related issues in Estonia have shifted strongly in the past five years towards the issues related to TCN employees working in Estonia. Past studies on social dialogue and industrial relations have referred to migration issues as topical and of growing importance for the Estonian social partners. Thus, in all the five studied sectors – digital, services, metal industry, health, construction – Estonian social partners were

generally available for interviews related to social dialogue and migration issues. However, the views of employees are reflected less in the current report due to the limited trade union membership in Estonia. At the same time, the lack of trade unions naturally affects working conditions of native workers as well as those of third-country migrants. Somewhat unexpectedly, but similarly to the other CEE countries, mapping the situation in the digital economy was the greatest challenge.

The issues of TCN and migration are important in all the considered sectors, but in a distinctively different manner. In the digital economy, there are many platform workers who are TCNs, as it is rather easy for a TCN to become a platform worker; however, the platforms do not check their nationality or actively invite the TCN from abroad. In services, the total number of TCN employees is not very large, yet seemingly there is notable dependence on them in some segments. In the metal and construction sector, there are many TCN migrant workers, and often as temporary employees via temporary work agencies, which causes several issues related to working conditions. The health sector has the largest challenges for the use of TCN migrant workers related to requirements for Estonian language skills and the professional education-related issues of TCN employees. Despite the challenges related to the employment of TCN migrant workers, the benefits often outweigh the costs (services), yet the motives for hiring TCNs differ at the lower and higher end of the labour market (metal industry).

The interviews indicated many issues stemming from the way in which TCNs are currently employed in the Estonian labour market. Based on prior knowledge, we first expected that employers would consider the current migration regulations to be overly restrictive and second that trade unions would stress the importance of national labour standards being followed for migrant workers. Some issues related to working conditions seemingly follow from the preferences of the TCN, such as the preference of temporary employees in Estonia for working longer hours. The use of the temporary working schemes means that the employed TCN may have worse working conditions than the local employees; in the construction and healthcare sectors, however, the conditions were claimed to be rather similar. In addition to long working hours, in service sector occupational safety standards are not met sometimes and discrimination was noted in the metal industry. On the other hand, the exact working conditions of TCN employees in Estonia are often not known because they may work via temporary work agencies (construction, metal industry). This should be a cause of concern both for employees and employers due to the potential lack of a level playing field. Furthermore, the grey economy may also be detrimental to innovation and productivity growth (construction). The lack of knowledge of the working conditions of temporary workers is also part of a longer list of issues regarding migration statistics, such as the lack of some required registrations and quality being dependent on the presence of a trade union (mentioned in metal industry). However, at aggregate level at least, the situation on migra-

tion statistics overall is not bad, but the concerns were more pronounced at sector level (construction). Also, the expert interviews indicated that the largest number of complaints concerning TCNs are related to temporary workers, e.g., construction workers from Ukraine.

Many concrete proposals were made by the social partners and by the experts regarding the regulation of migration. Some of these are quite general and expected, such as arguing against the current strict migration quota in Estonia. This also relates to the reasons for the above-mentioned widespread use of temporary employees from third countries, and for allowing shorter-term residence permits (construction). Yet, many suggestions were also industry specific. For instance, in the construction sector, it was suggested to consider the typical length of projects in the sector for the duration of the period that temporary TCN employees are permitted to stay in Estonia. In the health sector, it was suggested to consider in which order to offer the needed training for TCNs to be employed in Estonia – first language training (indicating the motivation of the TCN to work in Estonia) followed by professional training. In services, it was suggested to extend the list of specialists who can come to work in Estonia from third countries. Given that the need for TCNs in the Estonian labour market is in response to local labour shortages, the recommendations should also be considered on how to target these shortages via means other than the migration of TCNs, such as allowing more flexible work that is suited to local young people (mentioned in services), how to address the bottlenecks created by the local vocational and professional education (health, construction), and to increase the attractiveness of the sector overall (metal industry). Experts suggested considering separately the issues of short-term and long-term migration and argued for seriously considering the challenges related to the latter. Surprisingly, the previous studies suggested that there are sometimes larger challenges related to the integration of migrants from culturally more distant countries (e.g., the continent of Africa versus the former Soviet Union).

Given the current development of the social dialogue in Estonia, the strongest potential for these sector-specific issues to be solved via social dialogue is in healthcare, while in other sectors relatively more input should also come from the state. The limited resources of social partners were mentioned e.g., as to restricting lobbying activities in the metal industry (but that was seemingly less of an issue in the health sector). Moreover, increasing the representativeness of social partners is often not easy as it is shaped by objective reasons (e.g., the growing share of micro-enterprises in construction since the Great Recession). Social partners argued that they are interested in developing their competencies regarding TCNs (at least in the metal industry). Thus, resolving the issues related to TCNs and adopting the documented recommendations should include different kinds of cooperation between the social partners and the state across the studied sectors. Despite the challenges, generally no overly negative attitudes towards TCNs were mentioned; instead, the issues mentioned should be addressed and the migration of TCNs should not be the only solution to the local challenges.

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