



Proposal for EU Talent Pool by the European Commission
Observations and Proposals by the European Network of Migrant Women
February 2024

On 15 November 2023, the European Commission published a draft on establishing of an EU Talent Pool. The EU Talent Pool aims to be the first EU-wide platform facilitating international recruitment and providing opportunities for job seekers from third countries interested in and possessing the skills required to work in EU-wide shortage occupations. The online platform will support the matching of job vacancies of employers established in the Union with the profiles of job seekers from third countries residing outside the Union. The Talent Pool aims to encompass various levels of skills and qualifications – high, medium, and low-level jobs. The platform will complement the existing EURES IT platform and incorporate additional services to support international recruitment, including information provision on recruitment and immigration rules, recognition procedures, working and living conditions, and specific support by National Contact Points in the participating Member States.

Having analysed the proposal from the European Commission, we observed that the document lacks considerations of the specific situations of women. Overall, the approach adopted in the proposal does not consider the disparities in access to education and training in countries of origin, which negatively affect women. Furthermore, more concrete measures to safeguard third-country nationals recruits from discrimination and exploitation are missing, including special protection measures for women who constitute a high proportion of the migrants employed in some of the targeted sectors of the Talent Pool, such as health and care.

Additionally, it is not clear from the proposal how the EU Partnership will reach women in refugee camps and rural areas and how it will specifically target women for training and job opportunities within the EU.

European Union law makes it clear that the principle of equality between women and men should be respected in all Union's actions and policy areas, whereas positive measures are encouraged to be put in place with regards to an underrepresented sex. These two aspects are absent from the proposal.

Below is an overview of the European Network of Migrant Women's recommendations to the European Commission, European Parliament, and Council of the European Union regarding the Talent Pool regulation:

Recital 16 states that as “the EU Talent Pool should contribute to the objective of discouraging irregular migration (...) jobseekers from third countries who are subject to a judicial or administrative decisions refusing the entry or stay in a Member State or an entry ban in accordance with Directive 2008/115/EC of the European Parliament and the Council, should not be allowed to register their profiles in the EU Talent Pool IT platform”. This disposition should allow for more flexibility and distinguish between different situations. Third-country

nationals whose asylum claim was rejected, or work visa not extended should not preventing from using the Talent Pool platform.

A notable omission from the proposal is any mention of women. It is imperative to explicitly include the term women in the document. Specifically, in recitals 22 and 37, which address social rights and equal treatment concerning working conditions, minimum wages, access to social protection, and training (recital 22), as well as compliance with all EU Charter of Fundamental Rights and respect for fair and just working conditions (recital 37), the inclusion of women is crucial to ensure that the proposal is attentive to sex-specific considerations and fosters equal treatment and protection for women in various aspects outlined in these clauses.

In addition, measures related to qualification as well as skills recognition and enhancement shall also include special attention to the specific situations of women, notably ensuring that the qualifications and skills of the numerous women working in the informal sector, notably as domestic or care workers, are recognised. Opacity, lack of uniformity, heavy reliance on formal documentation and differentiation in pathways for qualification recognition in different job sectors should be avoided to make the process equally accessible for all.

It is also important to incorporate clear and specific provisions aimed at preventing exploitation of third-country nationals, both during the recruitment process and through the employment relationship. While there is mention of providing information on exploitation in recitals 27 and 30, this should be made more robust through specifying that the information shall be automatically provided (not upon request). In addition, a specific article within the proposal that explicitly addresses this issue would ensure better protection. Specific attention should be paid to natural persons acting as employers, as to ensure they are offering decent employment standards, especially concerning such sectors as care and domestic work, where the workplace is often a private household and a place of residence of employees. Working conditions shall be presented in writing and agreed upon recruitment and, at the start of the employment, a proper written agreement shall be signed by both parties. Ideally, such agreement should be drafted in two languages: the national language of the EU Member State where the employment takes place, and a language of the employee, to ensure informed consent. Importantly, private households recruiting care and domestic workers should not be exempt from labour inspections under privacy laws, as it is currently the case in many EU Member States, the standard of the ILO Convention on domestic work should be respected. Information about the legal pathways to remain the country after the duration of the contract shall be provided to the third-country employees in a language they can understand upon recruitment.

In article 9, a specific mention of the inclusion of Civil Society Organisations working on migration as observers in the meetings of the EU Talent Pool Steering Group should be included. If not, the need for consultations from the Steering Group with such organisations on a regular basis should be explicitly mentioned. Such consultations should have a substantive character and must ensure that women's rights organisations, migrant women groups in particular, are equally represented and meaningfully included.

Under article 10, it is important to mention that the EU Talent Pool National Contact Point shall be assigned the responsibility of observing and equality between women and men within the platform. This can be done through regular monitoring of the number of women utilising the platform, as well as the ongoing assessment of its accessibility and the provision of regular reports and recommendations promoting equitable access by all job seekers from third countries and address any imbalances in this regard.

Article 12 should specify that the Talent Pool National Contact Points job vacancies transfer to the EU Talent Pool IT platform should overall ensure equal opportunities for women and men.

In Article 13(3), it is explicitly stated that employers in the EU are prohibited from requesting any fees for registration. However, except for the mention of a complaint mechanism for jobseekers, the proposal does not clarify how such prohibition will be monitored, or the sanctions that may be imposed on the mediators / job agencies in cases of non-compliance with the prohibition. There is also a gap regarding the potential abuses of agencies and private actors acting as mediators in third countries which may include restricting access to the platform based on jobseekers' personal characteristics such as opinion, belief, belonging to a particular ethnic or religious group, or sex, by State authorities, or unlawful interference or mediation in access to the platform by profit-making entities and individuals. Inadequate monitoring of this aspect could expose many individuals to the risks of corruption and exploitation. Therefore, it is crucial to include another paragraph in article 13 to ensure the monitoring and reporting by the National Contact Points of such abusive / fraudulent use of the platform.