

INTERNATIONAL MOBILE WORKERS CAUGHT BETWEEN RESTRICTIVE MEASURES AND FREEDOM OF MOVEMENT DURING THE COVID-19 PANDEMIC: THE CASE OF SLOVENIA

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ABSTRACT

International Mobile Workers Caught Between Restrictive Measures and Freedom of Movement During the COVID-19 Pandemic: The Case of Slovenia

The COVID-19 pandemic and the government measures to curb it in the past two years have had a significant impact on the mobility of workers within the EU. In this article, we analyze the measures adopted by the Slovenian government and the governments of some neighboring countries in the first half of 2020 and examine how these have affected international mobile workers. We identified the economic and social risks to which workers have been exposed following their return to Slovenia or while working in neighboring countries. Such risks were largely due to inconsistently adopted measures on an international level and the adoption of measures at short notice.

KEYWORDS: COVID-19 pandemic, labor mobility, international mobile workers, cross-border workers, Slovenia

IZVLEČEK

Mednarodni mobilni delavci med omejevalnimi ukrepi in svobodo gibanja v času pandemije bolezni Covid-19: primer Slovenije

Pandemija bolezni Covid-19 in vladni ukrepi za njeno zaježitev so v zadnjih dveh letih močno zaznamovali mobilnost delavcev v EU. Avtorici v članku analizirata ukrepe, ki so jih v prvi polovici leta 2020 sprejele slovenska in vlade nekaterih sosednjih držav in so neposredno vplivali na mednarodne mobilne delavce. Identificirali sta ekonomska in socialna tveganja, ki so jim bili delavci izpostavljeni po vrnitvi v Slovenijo ali med delom v sosednjih državah in so bila v veliki meri posledica neusklajenosti ukrepov na mednarodni ravni ter sprejemanja ukrepov v kratkem časovnem obdobju.

KLJUČNE BESEDE: pandemija Covid-19, delovna mobilnost, mednarodni mobilni delavci, čezmejni delavci, Slovenija

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INTRODUCTION

International mobile workers in the European Union face various obstacles to mobility due to social, political, economic, or cultural constraints (Cresswell, 2006; Blitz, 2014; Salazar, 2017). In the last two years, the health constraints related to the SARS-CoV-19, or COVID-19, coronavirus disease outbreak have been added to the list. The COVID-19 pandemic is not only a health, political, and socioeconomic crisis but also a mobility crisis (IOM, 2020).

In early March 2020, many countries around the world, including Slovenia, took previously unthinkable measures to curb the spread of COVID-19. Some measures restricted movement and thus drastically impacted people's lives (Meier et al., 2020: 1436; Heller, 2021), especially those economically dependent on mobility. The pandemic and the measures taken to prevent its spread physically and, above all, symbolically restricted one of the fundamental freedoms of EU citizens—the right to free movement.

As soon as the pandemic was declared, international mobile workers, such as posted, cross-border, seasonal, and other mobile workers (Rasnača, 2020), found themselves restricted by the measures of the countries in which they were located and were forced to decide whether they would stay or return home. However, as most countries closed their borders, returning home was not always possible. With most of the European economy shutting down, posted workers suddenly found themselves without work. They later encountered increasingly significant obstacles preventing them from crossing borders on the way to carrying out services in the other EU Member States. In border areas, the movement restrictions made the transnational daily life of inhabitants more difficult or even impossible (Opilowska, 2021), as so-called cross-border activities related to areas such as work, education, creativity, leisure, and social contacts were restricted or even abolished for an extended time. Cross-border workers and their families faced economic, social, and health risks. They had to rely on the countries where they worked, which was not always without administrative obstacles. Mobile workers who lost their work due to restrictive health measures abroad and those who worked in the so-called critical infrastructure (healthcare, transport, food production, sales) found themselves in a challenging situation and often without sufficient social and healthcare protection (Rasnača, 2020; Fasani & Mazza, 2020a).

In this article, we present the results of a study on the impact of government strategies, measures, and policies to prevent the spread of COVID-19 on mobility. Specifically, we analyze the effects of measures on the international mobility of workers (posted workers, cross-border workers, and other mobile workers) who are Slovenian residents.

METHODOLOGY, RESEARCH APPROACHES

Consideration of various aspects of international labor mobility in the form of seasonal, cross-border (daily, weekly), or posted work in the COVID-19 period has stimulated discussion in various academic fields about the increased vulnerability of international mobile workers and migrants and the potential consequences of COVID-19 for them (Fasani and Mazza, 2020a; Geyer et al., 2020; Karaleka, 2021; Perocco, 2021). It triggered probes about the meaning and existence of borders, especially their renewed establishment or re-bordering within the EU (Heller, 2021; Medeiros et al., 2020; Novotný, 2021; Opiłowska, 2021).

We carried out the research into the impact of measures to prevent the spread of COVID-19 on international mobile workers with the aim of identifying the measures and strategies adopted in Slovenia (and neighboring countries) in the first “wave” of the pandemic (March 12–May 31, 2020). We wanted to find out which measures aimed at curbing the spread of COVID-19 affected international mobile workers most negatively and how they impacted their life and work.

In this article, we have focused on the measures that restrict mobility (e.g., closing borders, limiting free movement to the municipality of permanent residence, health checks at the border) and the society lockdowns. We have also identified the risks workers face when they return from abroad or engage in cross-border activity. In the first phase of the epidemic, we reviewed the restrictive measures adopted in the same period by the governments of neighboring countries, particularly Austria and Italy.¹ We have mainly used the official publications of decrees from the Official Gazette of the Republic of Slovenia and information on other countries’ decrees posted on the Slovenian government website (gov.si). We have also conducted special analyses of media coverage in all major Slovenian printed and online media, information on the Slovenian Union of Migrant Workers (SDMS) website, and comments by workers on Facebook. To verify the impact and consequences of measures in practice, we conducted semi-structured interviews with posted and cross-border workers (fourteen interviews with cross-border workers and their family members and two interviews with posted workers in total) who work in Austria, Switzerland, Germany, Italy, and elsewhere. All are inhabitants of Slovenia.² The interviewees described the everyday life of cross-border or poster workers and their itineraries. They spoke about changes due to the epidemic that they noticed on the way to work, in the workplace, and at home. They described how they perceived the measures that affected them and defined the sources of information they found helpful in connection with the epidemic and their mobility. The interviews have been rendered anonymous,

1 Most daily cross-border and posted workers living in Slovenia cross the borders between Slovenia and Austria or Italy (SDMS Union, 2020; De Wispelaere et al., 2021), so we decided to focus on them, and not so much on the less widespread movement of labor between Slovenia and Hungary or Croatia.

2 Interviews were conducted in Slovenian language and translated into English.

so we only use an abbreviation of the name of each interviewee. In order to acquire a broader perspective of what is going on, we carried out further discussions with representatives of trade unions who assisted workers (four interviews) and with a EURES network advisor at the Employment Service of Slovenia (ZRSZ).

THE BACKGROUND OF THE PHENOMENON

International labor mobility is the consequence of economic, legal, and social restrictions, which force individuals to leave their home countries for employment and affect their choice of future work and destination (Bastos et al., 2021: 157). Thus, in addition to opportunities, mobility can be full of uncertainties, and the COVID-19 pandemic restrictions have only added new challenges to the existing obstacles (see Fasani and Mazza, 2020a; Rasnača, 2020).

The pandemic has explicitly highlighted the differences and inequalities in the (im)mobility, citizenship, vocational, social, and health status among people. Heller claims that the pandemic has set up a so-called “sanitary apartheid” (Heller, 2021: 120), which is an expansion of Balibar’s concept of global apartheid based on citizenship, race, and social class (Balibar, 2004). Although Heller applied the concept to the EU’s external borders and in relation to citizens of third countries, we find that “sanitary differentiation” was also established on the internal borders between the EU Member States by only allowing entry to citizens/inhabitants with permanent or temporary residence in the same Member State, foreign workers employed in critical infrastructure, and those who could prove they were not sick (Klatt, 2020; Novotný, 2021). The threat considered to be posed by refugees, migrants, or terrorists as “others” prior to the epidemic has with the pandemic and the restrictive measures aimed at stopping the spread of COVID-19 increasingly included inhabitants of neighboring countries as the allegedly sick and non-citizens (Opilowska, 2021). An example of this is the international “isolation” of Italy, which in the spring of 2020 was one of the countries most affected by COVID-19. Similar distinctions were made on the Czech–German, Polish–German, and Czech–Polish borders during the same period and later (Opilowska, 2021; Böhm, 2021; Novotný, 2021).

The COVID-19 pandemic not only highlighted the differences at borders but also showed that the working conditions of posted, cross-border, and other mobile workers, who are citizens of EU Member States, in many cases deteriorated.³ Although, according to EU legislation, workers from one Member State who work in another Member State have the same labor rights as domestic workers (European Union, 2020), this does not always apply in practice. Studies show (Fasani & Mazza, 2020a, 2020b; Rasnača, 2020; Perocco, 2021) that mobile and migrant workers, even if they

3 According to Eurostat, in 2019, there were 1.5 million cross-border workers (Fries-Tersch et al., 2021) and 1.9 million posted workers (De Wispelaere et al., 2021) in the EU.

are citizens of an EU Member State, usually carry out lower-paid work which does not correspond to their level of education or qualifications. They are also exposed to economic and social vulnerability due to the short-term nature and limited duration of their work contracts; they may be paid less than local workers and are likely to have to accept informal agreements about working conditions. In a crisis, foreign workers are the first to lose their employment.

In 2020, a unique paradox arose when, in order to prevent the spread of COVID-19, the EU Member States restricted freedom of movement and established checkpoints at their borders. At the same time, they declared mobile workers who regularly travel within the EU (and also enter and leave from third countries) to be “key workers” (Fasani & Mazza, 2020a). Foreign workers in the so-called critical infrastructures—activities that served the population uninterrupted during the pandemic (workers in road transport, health care, seasonal workers in agriculture and the food industry, and others)—were indispensable yet restricted in their mobility while enjoying the least economic and social protection. Moreover, they were also the most vulnerable in terms of health (Rasnača, 2020).

Soon after the COVID-19 pandemic was declared, the scope of global mobility was limited. The pandemic also affected the dynamics and forms of mobility, which became more localized, regional, and shorter in duration (IOM, 2020). Some key changes in the scope and characteristics of mobility also occurred in Slovenia. According to the statistics of the Health Insurance Institute of Slovenia (ZZZS; internal report, in the authors’ archives), the number of posted workers from Slovenia decreased: in the second and fourth quarters of 2020, the drop was 8% and 16%, respectively, in comparison with the previous quarter. A comparison of the number of Slovenian citizens employed in Austria between April 2019 and April 2020 showed that this fell by 6.8% (this includes cross-border mobile workers with residence in Slovenia and Slovenian nationals with residence in Austria; unpublished statistics from the AMS—the Austrian Public Employment Service, in the authors’ archives). We may assume that these shifts were decisively affected by the COVID-19 pandemic and resulted from restrictions determined by government measures in Slovenia and in the countries of employment or posting in the first half of 2020.

THE COVID-19 EPIDEMIC IN LEGISLATION: NATIONAL STRATEGIES AND THEIR AIM

Slovenia was one of 12 EU Member States that introduced restrictions on cross-border movement as one of the national strategies to stop the spread of COVID-19 when the epidemic began. In the other Member States, restrictions on movement were either regional or completely non-existent (Alemanno, 2020: 311), which means that the EU did not adopt a unified strategy in this domain. Moreover, the European Commission adopted “only guidelines” for administering borders in the time of the

COVID-19 pandemic, in which it determined important characteristics of temporary border control, including internal borders. We would like to draw attention to Section 21, which requires compliance with the Directive on the Free Movement of Persons and also requires that EU Member States make no distinction between their own citizens and other EU citizens and may not, under any circumstances, refuse entry to EU citizens or citizens of third countries who are present in the territory of the EU. At the same time, the guidelines require the use of appropriate protective measures, such as self-isolation or quarantine, but only if the measures apply to both citizens and non-citizens. The guidelines under Section 23 also require that the Member States allow frontier workers to cross the border (European Commission 2020a: 4–5).

European legal expert Alberto Alemanno claims that the EU Member States have treated the pandemic as “an essentially national matter”, adopting different, uncoordinated, and sometimes competing national responses (Alemanno, 2020: 307). Some documents from the European Commission, the European Parliament, or its individual members also indicate the uncoordinated, nationally motivated, and discriminatory actions of EU Member States to stop the spread of COVID-19. They point to a discriminatory relationship by the EU Member States toward mobile workers, the inadmissible obstruction of the free flow of workers, and the increased vulnerability and precarious situation of cross-border, posted, and seasonal workers (European Commission, 2020b; European Parliament, 2020a; European Parliament, 2020b).

The uncoordinated national response of Slovenia and its neighboring countries was reflected primarily in the restrictions of freedom of movement and the closure of parts of the economy and society. The Slovenian government adopted the measures rapidly, with a brief prior announcement and decrees for which it did not require a majority in the Slovenian National Assembly. In the first month of the epidemic alone, the Slovenian government adopted six decrees forbidding movement or determining conditions for crossing borders and movement within the country. These changed many times in the following two months. Such measures affected international mobile workers who are residents of Slovenia in a specific way. Let us look at some examples of these measures.

The first measure to restrict movement was adopted before the epidemic was declared in Slovenia (March 12, 2020). Due to the rapid spread of the illness in Italy, the *Decree determining the conditions of entry into Slovenia from Italy to prevent the spread of infectious disease* was adopted on March 11, 2020. With the decree, the government introduced six (later only four) checkpoints on roads connecting Slovenia with Italy (UL 18/2020). By March 18, the decree had changed already two times. The government set up sanitary checkpoints for foreign non-residents. It determined a few exceptions for which restrictions did not apply, including Slovenian nationals, foreign nationals with permanent or temporary residence in Slovenia, and freight transport destined for Slovenia. All transit traffic was stopped, and foreign nationals had to prove they were healthy (a negative COVID-19 test and body temperature of less than 37.5° C). As a result, a large number of passengers and trucks gathered on

Slovenian territory near the border with Italy, stranded due to the above decree (A. V., STA, 2020).

On March 16, 2020, the *Decree on the temporary prohibition and restriction of public passenger transport in Slovenia* entered into force, which also included international connections (UL 24/2020), while on March 17, 2020, the government *Decree prohibiting air transport in Slovenia* came into force (UL 26/2020). The government extended the prohibition of air transport on several occasions until June 12, 2020 (UL 66/2020). The prohibition of public transport and flights in Slovenia and elsewhere in the world meant that many people were stranded abroad (see more on this in Vah Jevšnik & Milharčič Hladnik, 2022, in this issue of the journal), and even more of them could not go to work. The following measures to be adopted introduced restrictions for crossing the borders with Croatia (adopted on March 17) and Austria (March 24). In both cases, the governmental decrees set strict conditions for border crossings and established a limited number of checkpoints. Both neighboring countries independently enacted measures to control border crossings into Slovenia on March 18, 2020.

On April 11, 2020, the Slovenian government adopted a joint order (extended many more times, slightly different each time), which determined the border regime on all of Slovenia's borders (UL 50/2020), checkpoints and their opening hours, and also exceptions for which people could, under stringent conditions, cross the border and be exempt from quarantine. These exceptions included daily cross-border workers but not posted workers. At first, the weekly cross-border workers were not amongst the exceptions, apart from those working in Austria. Under pressure from the public, especially the SDMS, the government issued a decree (almost a month later) on May 7, 2020 (UL 64/2020), that confirmed weekly cross-border workers in other countries were also an exception and could cross the border with Slovenia.

On March 30, 2020, the restriction of freedom of movement between Slovenian municipalities was introduced. Among the few exceptions allowed to cross the municipal borders were international mobile workers and residents who needed to cross these borders for professional reasons. This movement was possible if they could prove that travel between municipalities was essential. If they could not prove this, they faced a fine of between EUR 400 and 4,000 under the Contagious Diseases Act. Similar restrictive measures were applied during the second wave of the epidemic (from October 2020 to June 2021), which shows how long the measures to restrict movement lasted.

As part of the overall effort to curb the spread of COVID-19, many countries uncoordinatedly shut down part of their economies. Italy did so on March 9, Slovenia on March 12, and Austria on March 16, 2020. Governments also issued a series of regulations mandating the use of protective equipment and safety distance between people. A negative COVID-19 test result became a condition for crossing the border, which countries adopted again at different dates and with many national administrative peculiarities.

THE COVID-19 EPIDEMIC IN PRACTICE: RESTRICTIONS ON MOVEMENT, MEASURES TO PREVENT INFECTION AND THEIR CONSEQUENCES

The measures that the Slovenian government and the governments of neighboring countries began adopting in an uncoordinated fashion in March 2020, i.e., closing the borders, introducing strict control over the population's movements, canceling public transport, enforcing specific health measures on individuals, etc., provoked predominantly negative reactions such as anger, frustration, and often distress amongst international mobile workers.

Restrictions of movement

Numerous cross-border workers and their families in Slovenia became afraid that the governments of neighboring countries would close the border completely, even for daily cross-border workers. As we showed in the previous chapter, Slovenia and its neighboring countries have not completely closed their national borders. However, a limited number of border crossings, checkpoints, and rare exceptions regarding who was allowed to cross the border meant unimaginable changes for the population. The controls related to the health crisis represented an unprecedented and very large obstacle for people for whom crossing the border is vital.

For one thing, crossing the border took longer because, in addition to the controls intended for refugees or migrants, they began introducing temperature measurements at borders. As it was no longer allowed to take passengers, more cars were on the roads. This is how things were, and everything was stricter. I think they also closed some [smaller] border crossings. [...] Those who are not used to using these [larger] international crossings have had great difficulty getting to their workplace (Interview with cross-border worker M.).

With the proclamation of the epidemic and the restriction of movement, the states also paralyzed part of the economy for several weeks. Posted workers, in particular, had to return to their home countries. When companies resumed operations and construction sites reopened, posted workers faced a new problem at the border, as posted worker G. told us. Unlike cross-border workers, posted workers were not among the exceptions defined in decrees and always had to prove their reasons for crossing the border or were quarantined right at the border. This happened twice to our interviewee. Such workers were subjected to frequent testing for crossing the border,⁴ and if they did not fulfill the necessary conditions were threatened

4 Austria decided on March 20, 2020, that entry into the country would be possible only upon submission of a negative COVID-19 test, which could not be older than four days. Exceptions

with quarantine. Workers had to pay for their own PCR and RAT tests for prolonged periods, and some posted workers have not been reimbursed for these expenses (Interview with posted worker G.). Frequent testing was time-consuming, and confirmations in a foreign language were not issued at all testing sites, and a possible quarantine decision could also mean termination of the employment contract. Additional safety measures for preventing the spread of COVID-19, such as masks, disinfectants, physical distancing, separate accommodation and transport to work, along with testing, were fully implemented in the Austrian construction sector, for example, and also accepted by workers (Geyer et al., 2020), which was confirmed by some of our interviewees. Elsewhere, in production and work with customers, such measures hindered work. Precarious working conditions and a lack of safety measures for cross-border, posted, and seasonal workers were also present in other sectors during the epidemic, such as the meat processing industry and health care (European Parliament, 2020a). One interviewee, employed by a large manufacturing company in Austria, told us that throughout the first wave of the epidemic, he worked with local workers who had not been tested and were also undisciplined in their use of safety equipment. As a result, he felt he was at greater risk (Interview with cross-border worker M.). Our interviewees highlighted another feature of cross-border work: fewer international mobile workers could work from home because they are predominantly employed in sectors that do not enable this: construction, manufacturing, and the so-called critical infrastructure.

Cross-border workers who regularly drove to work in neighboring Austria and Italy experienced the greatest difficulties due to the closure of smaller border crossings which meant they had to drive up to twice as far to work. Waiting at checkpoints for documents to be checked and the restricted opening hours of some major border crossings, with queues at border crossings that were open throughout, further increased the time spent commuting to work. Our interviewees criticized decision-makers for not understanding the importance of open borders for mobile workers: "What bothers me most in Slovenia is that they closed down border crossings. That was wrong. They should not have done this. I think that the people in Ljubljana who make these decisions have no idea what is happening at the country's periphery. This is wrong" (Interview with cross-border worker M.). As a result, workers were late for work, the workday lengthened, and so did their absence from home. Their travel costs increased significantly. According to one of the respondents, employers were "mostly understanding as long as they did not come to work late." However, fearing the spread of infection among employees, some Austrian employers prohibited their employees from traveling to work together, which meant additional costs for commuters and even more cars on the road and at border

were Austrian citizens or people with permanent or temporary residence, transit passengers, commuters, and other passengers on urgent trips (gov.si).

crossings. All respondents whose travel costs had increased significantly expressed concern about how these expenses would be accounted for when calculating income tax for 2020.

Economic and social consequences

Even without COVID-19 restrictions, the provision of services with posted workers is highly dependent on fluctuations in business and economic conditions. When much of the economic activity in EU countries came to a halt, it naturally had a negative impact. Many posted workers who worked in the other EU Member States via Slovenian companies had to return to Slovenia. Businesses and construction sites were closed, and the interruption of work lasted for several weeks, such as in Austria (Geyer et al., 2020). Of the workers posted from Slovenia to the other EU Member States in 2020, almost six out of ten were third-country nationals. They worked for Slovenian employers and had at least temporary residence in Slovenia (Vah Jevšnik et al., 2022). Some of them were in a particularly difficult situation. They had to return to Slovenia during the period of extraordinary circumstances and partial economic shutdown of Europe, where they were unemployed and without any means of support. One of these posted workers was Stojan Mirič, a Serbian citizen who had to return to Slovenia after a construction site in Ingolstadt, Germany, was closed. He had a permanent residence in Slovenia but no means of subsistence (S.R./J.P./STA, 2020). So, he decided to return to Serbia, but in the meantime, Serbia had closed its borders even to its own citizens. Thus, a large group of Serbian citizens returning from various European countries remained stranded in Slovenia. The workers' families were waiting for them at home, but when they returned to Serbia, they usually had to spend 14 to 28 days in quarantine (S.R./J.P./STA, 2020). According to a representative of the Counselling Office for Workers, an NGO located in Ljubljana, many employers gave leave to posted workers, i.e., sent them "home" to Serbia, BiH, and elsewhere. In Slovenia, some posted workers also faced the fact that the employer did not pay contributions for them or excluded them from the social security system from April 2020. Some of them sought help from trade unions, while many returned to their home country.

According to representatives of the Slovenian Union of Migrant Workers (SDMS), many Slovenian cross-border workers lost their jobs because economic activity in neighboring countries was partially halted at the beginning of the epidemic.⁵ In Austria, for which we managed to obtain (unpublished) AMS statistics, 1,726 Slovenian nationals lost their jobs at the beginning of the pandemic (based on a

5 Indeed, in 2020, Austria recorded its lowest employment level since 1952 (Geyer et al., 2020), and the crisis hit foreigners the hardest. Employment of foreigners fell by 10.5%, while it fell by 3.4% for the native population. Employment of cross-border workers fell by 14.9%, and there were 46.1% fewer posting notifications (ZKO3) for posted workers in Austria (for more details, see Geyer et al., 2020).

comparison of the state in April 2019 and 2020). However, according to a EURES advisor, about 10% of Slovenian nationals employed in Austria lost their jobs in the first phase of the epidemic (Interview with the EURES advisor), which corresponds to about 2,360 workers (unpublished AMS statistics, in the authors' archive). In addition, the number of people laid off due to informal forms of employment and contract work was undoubtedly even higher and differed depending on the form of employment. Tourism, accommodation and food services, wholesale and retail trade, personal services, and other non-critical activities lost significantly more employees than other activities (Interview with the EURES advisor). There would likely have been many more job losses if the Austrian government had not adopted several packages of measures to support the economy. At the same time, it urged employers not to lay off workers and instead to resort to short-time work and subsidies (SDMS Union, 2020). During this period, the SDMS constantly warned its members not to sign amicable termination agreements with Austrian employers because they would not be entitled to benefits in the event of unemployment in Slovenia (SDMS Union, 2020). According to the EURES Adviser, most of the dismissed Slovenian workers found new employment relatively quickly in Austria, thanks to the flexibility of the labor market and the revival of the closed part of the economy. Because of the flexibility of the labor market and the tougher work environment, and more stressful conditions compared to Slovenia, most of our interviewees expressed fears about job security. They were especially afraid at the beginning of the epidemic when it was still unclear how governments would deal with the population movement and the economy's stagnation and how employers would react.

International mobile workers, especially those not employed in Slovenia, were not eligible for many of the measures taken in Slovenia to mitigate the effects of the pandemic. If they lost their jobs, they could only register with the employment service in Slovenia, from which they received lower cash benefits than the contributions they paid in the countries where they worked.⁶ If cross-border workers agreed to terminate their employment contract by mutual consent or if they had worked abroad for less than nine months, they were not entitled to benefits in Slovenia. The dismissed workers faced an additional economic threat from the procedure for collecting insufficient income tax payments by the Financial Administration of the Republic of Slovenia, which had already been collecting payments due for many years. Some workers were temporarily in a very difficult position (Interview with cross-border worker M.). The amount of childcare compensation received by workers during the lockdown varied widely in duration and scope, resulting in unequal treatment of cross-border workers compared to other workers employed in Slovenia. Non-formal and undeclared work in neighboring countries, which, according to many of our interviewees, is common among Slovenians, became utterly impossible

6 On the initiative of the SDMS, the Slovenian government solved this long-term problem in March 2021 and increased the amount for the three and six months of benefit receipt from EUR 892.50 to EUR 1,785.00 (UL 54/2021).

due to the strict border controls. Thus, workers who wanted to enter Austria had to present confirmation from their employer, the so-called certificate for commuters (*Bescheinigung für Berufspendler*), or a valid employment contract, for a job in the critical infrastructure (SDMS Union, 2020).

THE RELIABILITY OF INFORMATION AND ITS CHANNELS

The international mobile workers we spoke with mostly kept abreast of policies and changes in both countries—the country where they worked and their country of residence. They found information in the media, on the official websites of the Slovenian and Austrian/Italian governments, on the websites of the Ministry of Foreign Affairs and embassies, then on the website of the Slovenian police, or directly from the officials at the border. Another reliable source of information was the SDMS website, which included links to important official websites. Many workers relied on the information they received from their employers or on informal channels the workers established among themselves. Less reliable but still frequently used sources of information were social networks.

Despite various official sources of information about valid measures, workers said they found it challenging to keep abreast of changes in policies and admitted to being very confused by the amount of information to which they were exposed. They had to keep abreast of the situation in two or more countries and compare them.

“There was no closing of municipalities in Switzerland as there was here. In Switzerland you could go anywhere you pleased, all the time, you could leave the country, come back ... If you went out, you knew that you would have to quarantine for 10 days, this was all clear, you didn’t have the options we had here. And curfews, we never had this in Switzerland” (Interview with seasonal worker M.).

“This was a permanent subject of conversation at the time, keeping up on all the measures and comparing ours and theirs. We eventually realized that our measures in Slovenia came one week after theirs. And I still think that our government simply copies their measures so they can say that they only did the same as in Austria. That’s how I feel it is” (Interview with cross-border worker M.).

Mobile workers found the measures adopted by the Slovenian government vague in time and content, changing too quickly, some adopted in a very short time or not realistic, such as the working hours at border crossings, which did not take into account the working hours of companies (Interview with the SDMS Union representative), or the frequency of tests for workers returning to Slovenia, this measure becoming valid while they were still working abroad (Interview with cross-border worker S.). Workers were often confused in the flood of news about changes in current regulations and different measures on both sides of the border. According to respondents, the biggest problem was the lack of reliable information about border crossings. Since the beginning of March 2020, the media reported

that the borders with neighboring countries might be closed, so these workers were concerned about how they would go to work. Some of them were even willing to move to the other country temporarily. One of them was nurse B., employed in a nursing home in Austria. She traveled to work with a suitcase during the first two weeks of the epidemic, always prepared to stay in Austria if needed.

On the other hand, international mobile workers perceived the measures taken by the Austrian, Swiss, or German governments as clear in content and timing. New measures were decided and announced some time in advance so that they could prepare for them. Nevertheless, there were many measures, and respondents found it difficult to keep track and identify which of them applied to them. The posts and comments on the Facebook page of the *Connecting migrant workers and supporters group* also reflected this state of affairs. In the group, members often asked whether a particular border crossing was open, whether a decided measure also applied to them, or what they should do if they were unable or unwilling to comply with a measure.

CONCLUSION

The pandemic COVID-19 caused a unique paradox in terms of mobility. On the one hand, the global community sought to solve the problems posed by the virus, which, in the words of Étienne Balibar, overcame all national and social barriers (2020), while at the same time, each country took its own measures to restrict the freedom of movement, excluding “the others” and including “us” in order to stop the spread of the pandemic. In the same month that marked the 25th anniversary of the signing of the Schengen Agreement, many EU Member States closed the internal borders of the Schengen area to stop the spread of the virus—a measure that proved ineffective, however, judging by the increasing number of infections and sick people in the weeks that followed. We cannot deny the role of mobility in the spread of the epidemic because the virus does not travel by itself. However, the restriction of freedom of movement is a late and, above all, nationalistic reaction, which in this case, triggered new forms of control (Heller, 2021).

The pandemic has highlighted the enormous differences in the vulnerability of our societies and groups of individuals during the health and economic crises that have hit the EU, including Slovenia (IOM, 2020). As our study has shown, the health crisis immediately put many administrative obstacles in the way of Slovenian residents working in other EU member states, which also created certain risks in economic, social, and health terms. International mobile workers, who were often already in precarious situations before the pandemic, became even more vulnerable and at-risk due to movement restrictions and other measures to prevent the spread of COVID-19. They were exposed to risks such as layoffs, increased costs associated with commuting, infections due to the lack of or inconsistent application

of protective measures, poor security measures, unequal treatment, and most of their jobs could not be performed from home, meaning that they were constantly exposed to sources of infection and restrictions when crossing state borders (see Rasnača, 2020). The study's main finding is that the measures to prevent the spread of COVID-19, which were not internationally coordinated during the period in question and changed very quickly, were restrictive and even harmful to the mobile population. The measures to limit the spread of COVID-19 created new inequalities and disparities and contributed to a deterioration in mobile workers' economic and social status.

Finally, we would like to quote Étienne Balibar again. In an interview, he said that an important aspect of democracy is the awareness that no strategy of collective protection—closing borders, quarantining, or pursuing risky contacts—is without danger. "The way in which a society sees itself 'at war,' even against a virus, is a matter of democracy" (Balibar, 2020).

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REFERENCES

- Alemanno, Alberto (2020). The European Response to COVID-19: From Regulatory Emulation to Regulatory Coordination. *European Journal of Risk Regulation* 11, 307–316.
- A. V., STA (2020). Preko Slovenije krenil prvi humanitarni konvoj potnikov in tovornih vozil. *Delo*, 14. 3. 2020, <https://www.delo.si/novice/slovenija/preko-slovenijo-krenil-prvi-humanitarni-konvoj-potnikov-in-tovornih-vozil> (1. 12. 2021).
- Balibar, Étienne (2004). *We, the People of Europe? Reflections on Transnational Citizenship*. Princeton: Princeton University Press.
- Balibar, Étienne (2020). Interview. *Le Monde*, 22 April 2020, https://www.lemonde.fr/livres/article/2020/04/22/etienne-balibar-l-histoire-ne-continuera-pas-comme-avant_6037435_3260.html (15. 12. 2021)
- Bastos, Cristiana, Novoa, Andre, Salazar, Noel B. (2021). Mobile labour: an Introduction. *Mobilities* 16/2, 155–163, <https://doi.org/10.1080/17450101.2021.1885840>.
- Blitz, Brad K. (2014). *Migration and Freedom. Mobility, Citizenship and Exclusion*. Cheltenham, Northampton: Elgar Publishing.
- Böhm, Hynek (2021). The influence of the Covid-19 pandemic on Czech-Polish cross-border cooperation: From debordering to re-bordering? *Moravian Geographical Reports* 29/2, 137–148. <https://doi.org/10.2478/mgr-2021-0007>.
- Cresswell, Tim (2006). *On the Move: Mobility in the Modern Western World*. New York: Routledge.
- De Wispelaere, Frederic, De Smedt, Lynn, Pacolet, Jozef (2021). *Posting of workers. Report on A1 Portable Documents issued in 2019*. Brussels: European Commission.
- European Commission (2020a). *C(2020) 1753 COVID-19 Guidelines for border management measures to protect health and ensure the availability of goods and essential services*, 16. 3. 2020. Brussels: European Commission, https://ec.europa.eu/home-affairs/system/files/2020-03/20200316_covid-19-guidelines-for-border-management.pdf (1. 12. 2021).
- European Commission (2020b). Communication from the Commission. Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak. *Official Journal of the European Union* (2020/C 102 I/03), 30. 3. 2020, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC0330\(03\)&from=LV](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC0330(03)&from=LV) (1. 12. 2021).
- European Parliament (2020a). COVID-19: No free movement of critical workers without adequate protection (press release), 25. 5. 2020. Brussels: European Parliament, https://www.europarl.europa.eu/pdfs/news/expert/2020/5/press_release/20200520IPR79515/20200520IPR79515_en.pdf (5. 12. 2021).
- European Parliament (2020b). European Parliament Resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis (2020/2664(RSP), <https://eur-lex.europa.eu/eli/reg/2011/492/oj> (1. 12. 2021).

- European Union (2020). Regulation (EU) 492/2011 of the European Parliament and the Council of 5 April 2011 on freedom of movement for workers within the Union. *Official Journal of the European Union*, L 141, 27. 5. 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02011R0492-20180513&from=ES> (1. 12. 2021).
- Fasani, Francesco, Mazza, Jacopo (2020a). *A Vulnerable Workforce: Migrant Workers in the COVID-19 Pandemic*. Luxembourg: Publications office of the European Union. <http://doi.org/10.2760/914810>.
- Fasani, Francesco, Mazza, Jacopo (2020b). *IZA Policy Papers 155: Immigrant Key Workers: Their Contribution to Europe's COVID-19 Response*. Bonn: Institute of Labor Economics.
- Fries-Tersch, Elena, Jones, Matthew, Siöland, Linus (2021). *Annual Report on Intra-EU labour mobility 2020*. Luxembourg: Publications Office of the European Union.
- Geyer, Leonard, Danaj, Sonila, Scoppetta, Anette (2020). The impact of COVID-19 on the posting of workers and their workplace safety. *Research in the time of COVID-19*. Vienna: European Centre for Social Welfare Policy and Research, <https://www.euro.centre.org/webitem/3752> (10. 3. 2021).
- Heller, Charles (2021). De-confining borders: towards a politics of freedom of movement in the time of the pandemic. *Mobilities* 16/1, 113–133. <https://doi.org/10.1080/17450101.2021.1873563>.
- IOM (2020). Cross-border Human Mobility amid and after COVID-19. Policy paper, 17. 6. 2020 https://www.iom.int/sites/g/files/tmzbd1486/files/default/pp_cross-border_human_mobility_amid_and_after_covid-19_policy.pdf (1. 12. 2021)
- Karaleka, Nefeli Antonia (2021). COVID-19 and its Impact on Labour Migration: the Case of Asia. *HAPSc Policy Brief Series* 2/1, 109–117. <https://doi.org/10.12681/hapscpbs.27666>.
- Klatt, Martin (2020). The Danish-German Border in Times of COVID-19. *Borders in Globalization Review* 2/1, 70–73. <https://doi.org/10.18357/bigr21202019867>.
- Medeiros, Eduardo, Ramírez, Martín Guillermo, Ocskay, Gyula, Peyrony, Jean (2020). Covidfencing Effects on Cross-Border Deterritorialism: the Case of Europe. *European Planning Studies* 29/5, 962–982. <https://doi.org/10.1080/09654313.2020.1818185>.
- Meier, Benjamin R., Habibi, Roojin, Yang, Tony (2020). Travel restrictions Violate International Law. *Science* 367/6485, 1436. <https://doi.org/10.1126/science.abb6950>.
- Novotný, Lukáš (2021). Effects of 'covidfencing' on cross-border commuting: a case of Czech-German borderland. *European Planning Studies* 30/4, 590–607. <https://doi.org/10.1080/09654313.2021.1986470>.
- Opiłowska, Elżbieta (2021). The Covid-19 crisis: the end of a borderless Europe? *European Societies* 23/1, 589–600. <https://doi.org/10.1080/14616696.2020.1833065>.

- Perocco, Fabio (2021). The Coronavirus Crisis and Migration: The Pan-syndemic and its Impact on Migrants. *Dve domovini / Two Homelands* 54, 13–29. <https://doi.org/10.3986/dd.2021.2.02>.
- Rasnača, Zane (2020). Essential but unprotected: highly mobile workers in the EU during the COVID-19 pandemic. *ETUI Policy Brief Series*, June 2020, 9–19, <https://www.etui.org/publications/essential-unprotected-highly-mobile-workers-eu-during-covid-19-pandemic> (1. 12. 2021).
- Salazar, Noel B. (2017). Key figures of mobility: an introduction. *Social Anthropology* 25/1, 5–12. <https://doi.org/10.1111/1469-8676.12393>.
- SDMS Union (2020). Aktualno: Veljavni ukrepi v R. Avstriji zaradi Korona virusa. <https://www.sindikatsdms.si/novice/veljavni-ukrepi-korona-virus> (1. 12. 2021).
- S.R./J.P./STA (2020). FOTO: "To je popolnoma nerazumno. Katera država ne sprejema svojih ljudi." *SVET24*, 25. 3. 2020, <https://novice.svet24.si/clanek/novice/slovenija/5e7b7ffed5881/andrej-ster> (1. 12. 2021).
- UL – Uradni list Republike Slovenije [Official Gazette of the Republic of Slovenia] (2020). <https://www.uradni-list.si>.
- Vah Jevšnik, Mojca, Milharčič Hladnik, Mirjam (2022). Repatriation of Slovenian Nationals During Mobility Lockdowns Due to the COVID-19 Pandemic. *Dve domovini / Two Homelands* 56, 89–106. <https://doi.org/10.3986/dd.2022.2.07>.
- Vah Jevšnik, Mojca, Toplak, Kristina, Cukut Krilić, Sanja (2022). *Posted Workers from Slovenia. Facts and Figures*. Leuven: POSTING.STAT project.

POVZETEK

MEDNARODNI MOBILNI DELAVCI MED OMEJEVALNIMI UKREPI IN SVOBODO GIBANJA V ČASU PANDEMIJE BOLEZNI COVID-19: PRIMER SLOVENIJE

Kristina TOPLAK, Marina LUKŠIČ HACIN

Avtorici v članku predstavita rezultate raziskave o vplivih ukrepov za preprečevanje širjenja bolezni Covid-19 na mednarodne mobilne delavce, ki je potekala v letih 2020 in 2021. Njen namen je bil identificirati ukrepe in strategije, ki so bili v Sloveniji sprejeti spomladi 2020 in so vplivali na omenjeno ciljno skupino. Avtorici sta preučili, kateri ukrepi za zaježitev širjenja Covid-19 so najbolj prizadeli mednarodne mobilne delavce in kako so vplivali na njihovo življenje in delo. Zanimali so ju predvsem izkušnje, percepcije in odzivi napotenih, čezmejnih in drugih mednarodnih mobilnih delavcev.

V članku se avtorici osredotočata predvsem na ukrepe omejevanja mobilnosti in zapiranja družbe (npr. zapiranje meje, omejevanje gibanja prebivalstva na občino stalnega prebivališča, preverjanje zdravstvenega stanja na meji) in tudi nekatere ukrepe blaženja posledic epidemije, zato sta pregledali glavne vladne dokumente, ki so določali pogoje za prebivalstvo. Na podlagi opravljenih polstrukturiranih intervjujev s posameznimi delavci in njihovimi družinskimi člani ter pogovorov s sodelavci sindikatov, ki so delavcem nudili informacije in pomoč, sta lahko identificirali tveganja, ki so jim bili izpostavljeni delavci po povratku iz tujine ali med opravljanjem čezmejnega dela in so bila posledica omejevanja mobilnosti zaradi epidemije (izguba službe, začasna prekinitev dela, zdravstvena tveganja ipd.).

Raziskava je pokazala, da je zdravstvena kriza delovno mobilnim prebivalcem Slovenije postavila na pot veliko administrativnih ovir, ki so predstavljale določeno tveganje v ekonomskem in socialnem smislu. Glavna ugotovitev raziskave je, da so bili ukrepi za preprečevanje širjenja bolezni Covid-19, ki so bili v obravnavanem obdobju mednarodno neusklajeni in so se zelo hitro spreminjali, za mobilno prebivalstvo omejujoči in celo škodljivi. Povečali so neenakosti na področjih mobilnosti, državljanstva in poklicnega ali socialnega statusa ter poslabšali ekonomski in socialni položaj mobilnih delavcev.