



# WSF

## POLICY BRIEF

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# A Comparative Analysis of the Portability of Social Security Rights within the European Union. Poland-UK case study

## AT A GLANCE/KEY FINDINGS

- **Recent UK Government reforms have increased procedural requirements, levels of discretion and complexity of regulations to create opaque processes, posing difficulties for migrants and for decision-makers.**
- **Recent reforms are likely to particularly affect EU migrant workers in low-paid, low-skilled and precarious employment, and more mobile migrants.**
- **Social security system differences between Poland and the UK mostly matter for securing access to and portability of unemployment benefits, especially for more mobile migrants.**
- **Policy stakeholders emphasise the distinctiveness of conditionality and means testing in the UK social security system in relation to EU regulations, and argue that this reveals wider problems for EU social security co-ordination.**

## THE TRANSWEL PROJECT

The TRANSWEL project analyses the regulations, practices and limitations of portability by comparing experiences of post-EU enlargement labour migration between four country pairs: Hungary–Austria, Bulgaria–Germany, Poland–UK and Estonia–Sweden.

This research by Dr Emma Carmel, Dr Bozena Sojka and Kinga Papiez of the University of Bath, found that in the case of Poland to UK migration, there are variations in policies and practices across social benefits. Portability of pensions and healthcare present the most straightforward processes and least barriers for migrants. In other policies, recent UK government reforms have increased the complexity of regulations, posing difficulties both for decision-makers and migrants. Low-paid and low-skilled migrant workers, and more mobile migrants who move frequently between the two countries, face most barriers to access and portability of their social security rights.

## RESEARCH FINDINGS IN CONTEXT

In 2004 there were 167,000 residents of the UK from EU8 countries, but by 2008 this number had grown to 701,000 (ONS, 2015). Polish citizens are now the largest non-national group in the UK, and the estimated number of Polish nationals in the UK in 2014 was 685,000 (GUS, 2015). The UK has a relatively centralised social security system, a universal health service funded from general taxation, and a low-level contributory state pension. The system is oriented towards means-tested social support, and 'in-work' benefits.

The Polish social security system is characterised by 'post-communist' welfare (Cerami and Vanhuyse 2009), dominated by contributions-based benefits, with wide coverage but low levels of benefit, a universal health system, and three pillar pension system.



According to Eurostat (2015), per capita spending on social protection in Poland is below the EU average, and levels of benefit are low, while in the UK expenditure per capita is about the EU average.

The impact of the 2004 enlargement on migration to the UK, particularly in relation to welfare, has featured heavily in public and political discourse in the UK. Since 2013, the UK Government and its predecessor have introduced seven significant regulatory changes under the broad heading of 'Restricting access to benefits' for EU migrants. The political context for these developments is the UK's referendum on EU membership, and the relatively high conditions for eligibility typically associated with social security in the UK. Our UK policy experts framed the question of reform as being one of 'fairness' between EU member states, and between long and short-term UK residents.

Overall, recent reforms in the UK create more opaque decision-making processes. Individual migrants face high levels of uncertainty about the complex and ambiguous regulations originating from EU and UK legislation. These have been made yet more complex by recent reforms. This can create difficulties for migrants trying to understand their rights, and for decision-makers trying to interpret regulations and exercise discretion in individual cases. This complexity is likely to favour educated and better-off migrants who can master the system more easily, and disadvantage those with less access to information, lower language skills, in short term or temporary employment, and those who are more mobile between the two countries.

Reformed residency and procedural requirements in the UK can present significant barriers to EU migrants securing unemployment and family benefits. Changes to decision-maker guidelines on what is 'genuine and effective work' and what counts as a 'genuine prospect of work' for EU migrants, may present significant barriers to EU migrants' access to, and portability of, social security rights. These measures especially disadvantage more mobile and more precariously employed migrant workers. The high levels of discretion accorded to decision-makers enhances uncertainty for migrants.

Social security system differences between Poland and the UK do not present significant barriers to portability for most benefits, except unemployment insurance. Differences in contributions requirements and benefit levels between Poland and the UK make portability of contributions-based unemployment benefits difficult, especially for more mobile workers. In pensions and healthcare, system similarities, or the nature of healthcare provision meant that differences were not problematic.

Procedural requirements before returning can be unclear and this may create barriers to accessing contributions-based social security benefits in Poland. The labour market situation of returnees is not significantly different from individuals who never migrated. However, returnees face more procedural barriers to securing contributions-based social security. In addition, these benefits are often not generous and are time limited, meaning that returnees who cannot find a job easily may have to rely on means-tested social support.

Policy stakeholders emphasise the distinctiveness of UK social protection and conditionality of its benefits. Differences in the social security systems of the UK and other welfare systems in Europe were used by research participants to highlight more wide-ranging problems for the EU in co-ordinating social security and other social benefits.

## POLICY IMPLICATIONS

The outcome of this research has a number of implications for policy makers:

- Regulatory complexity and diverse procedural requirements in the UK and Poland should be clarified for migrants and decision-makers.
- Institutional practices and support for decision-makers should be improved in the UK to ensure clarity and appropriateness of decision-making, especially for more mobile migrants.
- Workers in short term and temporary employment, and migrants who move frequently between the two countries, are likely to be especially vulnerable to changes to the way residence and employment conditions are assessed in the UK.



- Both EU and national authorities should facilitate access to NGOs and specialised legal support services for EU migrants.
- Online information and support for returnees and more mobile migrants needs to be detailed and specific to be effective for returnees and more mobile migrants.

## METHODOLOGY

The research used an innovative methodology to generate and synthesise diverse data sources for interpretive policy analysis. Each transnational country-pair was treated as a 'case' when assessing the regulatory frameworks of entitlement and portability. A common comparative framework was developed and applied to all country-pair cases. Data generation and analysis involved a) interrogation and analysis of legal frameworks, b) observations and clarifications from key informants on a regular basis, c) in-depth interviews with policy experts and policy makers, and d) integration, contextualisation, explanation of results in each country-pair case, and comparatively. In the Poland-UK country-pair case, five in-depth policy expert interviews were conducted, supplemented by five interviews with administrative experts.

## SOURCES

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## INFO AND CONTACT

This research was conducted between February and October 2015 by researchers at the Department of Social and Policy Sciences, University of Bath, UK.

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