

7. Estonia¹

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All temporary workers can use either of two entry regimes: a temporary residence permit for employment or registration of short-term employment. All workers may have access to the national health insurance system and basic social security (social assistance). A temporary residence permit gives access to the social security system, including child benefits. The national system, however, does not allow such employees to be officially registered as unemployed and to receive relevant allowances and benefits. Registered short-term employees have no access to labour market services for the unemployed and to child benefits. Short-term employees from Ukraine may benefit from the bilateral Estonian-Ukrainian social security agreement of 2010.

Table 1.7 Overview of the relationship between form of migration and entitlement to a particular social security service

Third-country national categories	Social security categories (for holders of residence permits)					
	Health insurance	Pension contributions	Unemployment insurance	Basic security (social assistance)	Insurance against accidents at work	Child benefits
Posted workers	Yes	Yes	Yes/No*	Yes	NA	Yes
Intra-corporate transfers	Yes	Yes	Yes/No*	Yes	NA	Yes
Seasonal workers	Yes	Yes	Yes/No*	Yes	NA	Yes
Temporary agency workers	Yes	Yes	Yes/No*	Yes	NA	Yes
High-level professionals	Yes	Yes	Yes/No*	Yes	NA	Yes
Self-employed	Yes	Yes	No	Yes	NA	Yes

Note: * In most cases, holders of a temporary residence permit for employment cannot be registered as unemployed or receive unemployment allowances and unemployment insurance benefits. However, they (their employers) should make unemployment insurance contributions.

Source: Author's analysis, 2022.

1. Blue card holders are not covered in this report because of their marginal presence in Estonia.

Description of the Estonian system

1. Overview of social security rights of short-term third-country-national migrant workers

There are two major legal regimes for temporary employment in Estonia: a temporary residence permit for employment and a registration system for short-term employment. All employees are entitled to basic social security (social assistance) and they make (and/or their employers make for them) health insurance and unemployment insurance contributions, as well as pension contributions. Child benefits are payable only to holders of residence permits.

People staying and working in Estonia legally, also those residing on temporary grounds, may have standard access to the national health insurance system as provided in the Health Insurance Act. The insurance is also valid for one month after the end of an employment relationship.

There is no national insurance against accidents at work in Estonia. Old-age, disability and survivor's pensions are payable only to holders of residence permits, while pension contributions are made by (or for) all workers. In this context, there might be some discrepancies between the current Estonian regulation and Article 23(1)d of the Directive 2014/36/EU (seasonal workers). According to the Chancellor of Justice (the guardian of constitutionality), unemployment insurance contributions for short-term workers are constitutional (Õiguskantsler 2019).

Unemployment allowances and unemployment insurance benefits are a more complicated issue.

Temporary residence permit for employment

The national system does not allow employees with a temporary residence permit for employment to be officially registered as unemployed and to receive unemployment allowances and unemployment insurance benefits because their permits expire in case of dismissal. If the dismissal is because of the employer's economic difficulties, however, the permit is automatically valid for another 90 days with access to all allowances/benefits. In addition, after five years of residence, it becomes possible to apply for the status of a long-term resident of the EU (subject to passing the Estonian language exam at level B1). All such third-country nationals have access to other labour market services.

Registration of short-term employment

Registered short-term employees do have access to public labour market services, excluding unemployment allowances and unemployment insurance benefits.

2. Differences in social security rights of different categories of short-term third-country-national migrant workers

The only differences in social security rights are those related to migration status (see above).

There also exists a special guarantee regarding accommodation for seasonal workers. If accommodation is organised by or through the employer, the cost of accommodation cannot be excessive or disproportionate compared with the worker's remuneration. Special regimes are possible regarding access to health care for third-country-national workers posted from the EU, EEA and Switzerland.

3. Conditions for obtaining different social security rights

Access to social security rights may be limited solely because of migration status (see above).

4. Portability of benefits between host country and country of origin

In the national context, the most important rights concern short-term workers from Ukraine (approximately 80 per cent of all such employees are Ukrainian citizens). According to the bilateral Social Security Agreement between the Republic of Estonia and Ukraine of 5 October 2010, an employee of Ukrainian origin can also accumulate social insurance periods in Estonia.

5. Social security rights of short-term third-country-national migrant workers during the Covid-19 pandemic

Certain doubts over the temporary labour force were expressed by some nationalist groups concerned about integration into Estonian society and the Estonian language, including supporters of the local far-right Estonian Conservative People's Party. There were no changes regarding social security rights of short-term third-country-national migrant workers during the Covid-19 pandemic, however.

6. Overview of enforcement and monitoring

Monitoring and enforcement are the responsibility of the Social Insurance Board, the Labour Inspectorate and the Unemployment Insurance Board. There is no special mechanism of enforcement or monitoring to deal with short-term labour migrants in Estonia.