
Plan Overview

A Data Management Plan created using DMPOnline.be

Title: Access to effective remedy for migrant workers on the margins of protection. What role for the EU and its Member States?

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Template: FWO DMP (Flemish Standard DMP)

Principal Investigator: Amy Weatherburn

Data Manager: Amy Weatherburn

Project abstract:

The direction of travel of EU labour migration law and policy developments has not done enough to protect migrant workers from exploitation and, indeed, in some instances, the construction of EU law and policy, particularly in relation to migration governance, creates and contributes to the circumstances that heightens the risk and likelihood of individuals to fall victim to unscrupulous and illegal practices, including exploitation. Likewise, when seeking access to remedy for violations of their labour and social rights, third country national migrant workers find themselves on the margins of protection due to the fragmented approach to the procedural safeguards and protective measures that purport to guarantee access to remedy, particularly complaints mechanisms. This project will contribute to the state of the art adopting an innovative dual theoretical perspective that will first diagnose the root causes of the structural injustices (Young 1990) that are created by EU labour migration legal rules (Mantouvalou 2023) and second identify how their undesirable effects on third country nationals can be mitigated by building on Hastie's capabilities assessment of migrant workers' access to remedy (2017). The project results will strive for "a more coherent and ambitious rights-based legal migration agenda" (De Lange et al 2022) by making concrete evidence-based recommendations and proposals of how (new and existing) measures can be (better) implemented or developed in practice.

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Access to effective remedy for migrant workers on the margins of protection. What role for the EU and its Member States?

FWO DMP (Flemish Standard DMP)

1. Research Data Summary

List and describe all datasets or research materials that you plan to generate/collect or reuse during your research project. For each dataset or data type (observational, experimental etc.), provide a short name & description (sufficient for yourself to know what data it is about), indicate whether the data are newly generated/collected or reused, digital or physical, also indicate the type of the data (the kind of content), its technical format (file extension), and an estimate of the upper limit of the volume of the data.

				Only for digital data	Only for digital data	Only for digital data	Only for physical data
Dataset Name	Description	New or reused	Digital or Physical	Digital Data Type	Digital Data format	Digital data volume (MB/GB/TB)	Physical volume
International and regional Treaties and	International Labour Organisation Treaties and Committee of Experts International Human Rights Treaties and UN Treaty Body general recommendations and concluding observations Council of Europe Treaties and monitoring bodies	Reuse existing data	Digital	Compiled/aggregated data	cvs,.pdf, .txt	<100GB	
EU Treaties and Legislation	Treaty on the Functioning of the European Union, Treaty on the European Union, Charter of Fundamental Rights of the EU and Secondary legislation (Regulations, Directives, Decisions, Implementing and Delegated Acts)	Reuse existing data	Digital	Compiled/aggregated data	cvs,.pdf, .txt	<100GB	
International and regional policy documents from UN, EU, Council of Europe etc.	Documents available on the websites of international organisations and Legal Acts with non-binding nature	Reuse existing data	Digital	Compiled/aggregated data	cvs,.pdf, .txt	<100GB	
National case law and legislation	National laws and judicial decisions	Reuse existing data	Digital	Compiled/aggregated data	cvs,.pdf, .txt	<100GB	
ECHR and CJEU case law	Judgements of the regional and supranational courts such as the European Court of Human Rights and the General Court and the Court of Justice of the EU	Reuse existing data	Digital	Compiled/aggregated data	cvs,.pdf, .txt	<100GB	
Academic literature and scholarship	Books, Chapters, Articles, Blog posts	Reuse existing data	Digital	Compiled/aggregated data	cvs,.pdf, .txt	<100GB	
Empirical data collection	Transcripts, questionnaires, codebook and interview recordings	Generate new data	Digital	Compiled/aggregated data	cvs,.pdf, .txt, .mp3	<100GB	

If you reuse existing data, please specify the source, preferably by using a persistent identifier (e.g. DOI, Handle, URL etc.) per dataset or data type:

International Treaties will be collected at the United Nations Treaty Collection database <https://treaties.un.org/> or the ILO database https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12000:0::NO::

EU Treaties and legislation will be collected at the EUR-lex database <https://eur-lex.europa.eu/homepage.html> which includes all EU official documents.

EU policy documents, press releases and soft law will be collected at the EUR-lex website and the websites of European Institutions, including

https://commission.europa.eu/index_en (European Commission), <https://www.europarl.europa.eu/portal/en> (European Parliament), <https://www.consilium.europa.eu/en/council-eu/> (Council of the European Union), <https://www.consilium.europa.eu/en/european-council/> (European Council).

Case law of the Court of Justice of the EU will be collected at EUR-lex and the Curia platform

https://curia.europa.eu/jcms/jcms/P_78957/en/.

Council of Europe treaties and case law will be collected from HUDOC platforms and ECHR-KS and relevant websites that host reports and policy documents from treaty monitoring bodies etc. <https://hudoc.echr.coe.int/eng> (European Court of Human Rights), <https://ks.echr.coe.int/> (European Convention on Human Rights Knowledge sharing platform), <https://hudoc.greta.coe.int/eng> (HUDOC Group of experts on action against trafficking in human beings)

National case-law and national legislation will be collected at national published databases (at this stage, only very limited national documents will be relevant for the purpose of the research).

Academic literature will be collected through the Limo database of KU Leuven and databases of other University where I will do research stays.

Are there any ethical issues concerning the creation and/or use of the data (e.g. experiments on humans or animals, dual use)? Describe these issues in the comment section. Please refer to specific datasets or data types when appropriate.

- No

Will you process personal data? If so, briefly describe the kind of personal data you will use in the comment section. Please refer to specific datasets or data types when appropriate.

- Yes

All personal data will be collected in consent forms and anonymised in accordance with EU ethics and privacy law.

Does your work have potential for commercial valorization (e.g. tech transfer, for example spin-offs, commercial exploitation, ...)? If so, please comment per dataset or data type where appropriate.

- No

Do existing 3rd party agreements restrict exploitation or dissemination of the data you (re)use (e.g. Material/Data transfer agreements/ research collaboration agreements)? If so, please explain in the comment section to what data they relate and what restrictions are in place.

- No

Are there any other legal issues, such as intellectual property rights and ownership, to be managed related to the data you (re)use? If so, please explain in the comment section to what data they relate and which restrictions will be asserted.

- No

2. Documentation and Metadata

Clearly describe what approach will be followed to capture the accompanying information necessary to keep data understandable and usable, for yourself and others, now and in the future (e.g., in terms of documentation levels and types required, procedures used, Electronic Lab Notebooks, README.txt files, Codebook.tsv etc. where this information is recorded).

In order to keep the data stored understandable and usable, each dataset includes a README.txt file explaining the content of the data set.

Will a metadata standard be used to make it easier to find and reuse the data? If so, please specify (where appropriate per dataset or data type) which metadata standard will be used. If not, please specify (where appropriate per dataset or data type) which metadata will be created to make the data easier to find and reuse.

- Yes

Yes

This project will comply with DataCite's MetaData Schema minimum terms (identifier, creator, title, publisher, publication, year, type, <https://schema.datacite.org/meta/kernel-4.2/>). It is not possible

to identify all documents the minimum properties. The following standard will be used for the data:

For EU Treaties and legislation:

Regulation/Directive_Date of adoption_Number; Directive_Date of adoption_Number

For CJEU decisions:

CJEU_name of the parties_date of delivery of the judgement_ECLI number

For national legislation:

Country_name of the law_date

For national case law:

Country_name of the court_number of the case_name of the case_date

For academic publications:

Name of the author_Title of the article/book_Editors_Volume_Issue_Year_Link

For other documents:

Name of the author_Title_Year

For primary data collection e.g., transcripts:

Code_date

3. Data storage & back-up during the research project

Where will the data be stored?

The non-personal data will be stored in the personal Onedrive/Sharepoint of the senior postdoctoral fellow (Amy Weatherburn) and in Zotero. Personal data will be stored on the KU Leuven digital vault.

How will the data be backed up?

The data will be backed up automatically by Onedrive/Sharepoint.

Is there currently sufficient storage & backup capacity during the project? If yes, specify concisely.

If no or insufficient storage or backup capacities are available, then explain how this will be taken care of.

- Yes

KU Leuven provides for sufficient storage capacity for the purposes of this research project. 25 TB are available on MS Teams and Sharepoint for the shared OneDrive folder.

How will you ensure that the data are securely stored and not accessed or modified by unauthorized persons?

Access to data in the OneDrive folder, the KUL Digital Vault is protected with double authentication mechanism instrument (personal username and password) and authenticator app. Additional data security measures will be put in place such as password protection and controlled access to data files: 'no access', 'read only', 'read and write' or 'administrator' permission.

What are the expected costs for data storage and backup during the research project? How will these costs be covered?

Data storage and backup are provided free of charge by KU Leuven.

4. Data preservation after the end of the research project

Which data will be retained for at least five years (or longer, in agreement with other retention policies that are applicable) after the end of the project? In case some data cannot be preserved, clearly state the reasons for this (e.g. legal or contractual restrictions, storage/budget issues, institutional policies...).

All collected data will be preserved for 10 years according to KU Leuven RDM policy (<https://www.kuleuven.be/rdm/en/policy>).

Where will these data be archived (stored and curated for the long-term)?

The data will be archived in the institutional data repository RDR.

What are the expected costs for data preservation during the expected retention period? How will these costs be covered?

The costs of data storage are currently covered by KU Leuven.

5. Data sharing and reuse

Will the data (or part of the data) be made available for reuse after/during the project? In the comment section please explain per dataset or data type which data will be made available.

- Yes, in a restricted access repository (after approval, institutional access only, ...)

Data will be made saved to the institutional repository RDR.

If access is restricted, please specify who will be able to access the data and under what conditions.

Legal instruments and jurisprudence are publicly available.

Scholarship and academic literature that are only available via the KU Leuven library repository (LIMO) will be referenced in all project publications, and subsequently available via an institutional library access.

Primary data collected will be available via the institutional repository RDR, after approval from the research participants (and will be included as part of the consent form).

Are there any factors that restrict or prevent the sharing of (some of) the data (e.g. as defined in an agreement with a 3rd party,

legal restrictions)? Please explain in the comment section per dataset or data type where appropriate.

- Yes, Intellectual Property Rights

Data will be made available in the institutional repository RDR.

Where will the data be made available? If already known, please provide a repository per dataset or data type.

Data will be made available in the institutional repository RDR.

When will the data be made available?

Datasets will be made available at the end of the project, once publications have been published.

Which data usage licenses are you going to provide? If none, please explain why.

Documents will be provided under CC-BY-NC-SA license.

Do you intend to add a PID/DOI/accession number to your dataset(s)? If already available, you have the option to provide it in the comment section.

- Yes

The collected data will be made available on the Research Data Repository (RDR), which provides for a persistent DOI for every dataset.

What are the expected costs for data sharing? How will these costs be covered?

The institutional repository RDR is free to use.

6. Responsibilities

Who will manage data documentation and metadata during the research project?

The senior postdoctoral fellow (Amy Weatherburn) will manage data documentation and metadata under the supervision of the academic host (Elise Muir).

Who will manage data storage and backup during the research project?

The senior postdoctoral fellow (Amy Weatherburn) will manage data documentation and metadata under the supervision of the academic host (Elise Muir).

Who will manage data preservation and sharing?

The senior postdoctoral fellow (Amy Weatherburn) will manage data documentation and metadata under the supervision of the academic host (Elise Muir).

Who will update and implement this DMP?

The senior postdoctoral fellow(Amy Weatherburn) will manage data documentation and metadata under the supervision of the academic host (Elise Muir).