

ACCESS TO INFORMATION ON THE POSTING OF WORKERS

Construction Companies' Practices and Challenges



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ACCESS TO INFORMATION ON THE POSTING OF WORKERS: CONSTRUCTION COMPANIES' PRACTICES AND CHALLENGES

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Issued by

ZRC SAZU Slovenian Migration Institute

Represented by

Marina Lukšič-Hacin

Published by

Založba ZRC

Represented by

Oto Luthar

Založba ZRC Editor-in-Chief

Aleš Pogačnik

Ljubljana 2024

Cover photo by gpointstudio on Freepik

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<https://doi.org/10.3986/9789610508366>

Kataložni zapis o publikaciji (CIP) pripravili v Narodni in univerzitetni knjižnici v Ljubljani

[COBISS.SI](https://coibiss.si)-ID [186021123](https://coibiss.si)

ISBN 978-961-05-0836-6 (PDF)

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Please refer to this publication as follows:

Danaj, S., Toplak, K. & Vah Jevšnik, M. (eds.) (2024). Access to Information on the Posting of Workers. Construction Companies' Practices and Challenges. Ljubljana: Založba ZRC. <https://doi.org/10.3986/9789610508366>

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Co-funded by
the European Union

This publication is part of the INFO-POW project. This project has received funding by the European Commission, DG Employment, European Social Fund+ (ESF+) Social Prerogatives and Specific Competencies Lines (SocPL), Call ESF-2021-POW.

Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or European Commission, DG Employment, ESF+ and SocPL. Neither the European Union nor the granting authority can be held responsible for them.

ACCESS TO INFORMATION ON THE POSTING OF WORKERS: COMPANY PRACTICES AND CHALLENGES IN THE CASE OF ITALY

Rossana Cillo and Fabio Perocco

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Introduction

One of the main challenges that has arisen since the introduction of the Posting of Workers Directive 96/71/EC concerning the posting of workers in the framework of the provision of services has been providing easily accessible and sufficiently clear information on the minimum standards for posted workers and the administrative requirements that must be applied and respected by service providers and user undertakings. The directive required each Member State to take the appropriate measures to make the information on the terms and conditions of employment generally available (Art. 4, Par. 3). Additionally, this challenge has been mentioned by the Enforcement Directive (2014/67/EU), which aims to improve access to information on the terms and conditions of employment applicable to postings through channels that can be used free of charge and in a clear, transparent, comprehensive, and easily accessible way at a distance and by electronic means, such as through a single official national website. Additionally, Directive 2018/957/EU amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services requires that each Member State ensure that the information provided on the single official national website is accurate and is updated regularly, as it affects any measures applied to undertakings for non-compliance with the terms and conditions of employment.

In the case of Italy, Directives 2014/67/EU and 2018/957/EU were transposed in 2016 with Legislative Decree 136/2016²³ and in 2020 with Legislative Decree 122/2020²⁴, respectively. Furthermore, in 2022 Italy implemented Directive 2019/1152 on Transparent and Predictable Working Conditions with Legislative Decree 104/2022²⁵, which requires that if a posted worker is sent “to another Member State or to a third country for a period exceeding four consecutive weeks”, the employer must communicate “any modification to the elements of the employment contract” in writing and before departure and must provide specific information regarding the destination country (or countries); the conditions of repatriation if envisaged; the remuneration based on the legislation of the receiving Member State; any additional benefits and any specific indemnities for posting; the method of reimbursement for travel, food and accommodation expenses; and the address of the single official national website of the receiving Member State.

However, although Italy has introduced the legal obligations and institutional mechanisms required by the EU legislative framework, recent studies have highlighted that there are still many difficulties regarding accessing information on the terms and conditions of employment and administrative requirements for service providers and user undertakings;

23 Legislative Decree 136/2016. Implementation of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (“the IMI Regulation”). [D. Lgs. 17 luglio 2016, n. 136. Attuazione della direttiva 2014/67/UE del Parlamento europeo e del Consiglio, del 15 maggio 2014, concernente l'applicazione della direttiva 96/71/CE relativa al distacco dei lavoratori nell'ambito di una prestazione di servizi e recante modifica del regolamento (UE) n. 1024/2012 relativo alla cooperazione amministrativa attraverso il sistema di informazione del mercato interno («regolamento IMI»)].

24 Legislative Decree 122/2020. Implementation of Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services. [D. Lgs. 15 settembre 2020, n. 122. Attuazione della direttiva (UE) 2018/957 del Parlamento europeo e del Consiglio del 28 giugno 2018, recante modifica della direttiva 96/71/CE relativa al distacco dei lavoratori nell'ambito di una prestazione di servizi].

25 Legislative Decree 104/2022. Implementation of Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union. [D. Lgs. 27 giugno 2022, n. 104. Attuazione della direttiva (UE) 2019/1152 del Parlamento europeo e del Consiglio del 20 giugno 2019, relativa a condizioni di lavoro trasparenti e prevedibili nell'Unione europea].

the quality of the information provided; the capacity of posting undertakings and user undertakings for finding and using the information to abide by the applicable regulations for companies and the posted workers (Cillo & Perocco, 2021; Cukut Krilić et al., 2020; Danaj & Zólyomi, 2018; Danaj et al., 2021; European Commission, 2019; Eurofound, 2020; Jorens & De Wispelaere 2019; Zólyomi & Danaj, 2019). Concerning the obligations imposed by the EU and national regulatory framework, this chapter aims to identify and assess the challenges and needs of construction companies in accessing and using relevant information regarding posting workers from and to Italy to understand how transnational posting and receiving companies find and use information in their interaction with national institutions, and to explore what are the main challenges faced by information providers and what efforts they make to improve access to information.

The analysis of these issues is focused on the construction sector, one of the main sectors of the Italian economy, which in 2021 included 520,212 companies, equal to 11.4% of the total companies registered at a national level, and 1,355,427 employed persons, equivalent to 8.2% of the employed workforce (Italian National Institute of Statistics database, 2023). Focusing on the construction sector allows us to analyse one of the key sectors for incoming and outgoing postings at an EU and national level. With increasing importance as both a sending and receiving country, Italy has a double role. Regarding incoming postings, Italy registered 90,860 portable documents A1 (PDs A1) in 2020, and in the years leading up to that date, there was a fluctuating trend of growth that reached its peak in 2019 (with 173,727 PDs A1) (De Wispelaere et al., 2021). Regarding outgoing postings, the Italian State issued 215,628 PDs A1 in 2020, almost quadruple that in 2012, when it issued 52,237 PDs A1 (De Wispelaere et al., 2021). Even if there is no statistical data on the employment sectors of outgoing postings, recent research shows that the construction industry is one of the principal employment sectors in receiving countries due to the internationalisation processes adopted by Italian construction companies in response to the effects of the global economic crisis of 2008 (Cillo, 2021; Cillo & Perocco, 2021).

This chapter refers to the empirical data collected between December 2022 and August 2023 as part of the INFO-POW project. Mixed methodologies were used in the collection process, including the mapping of 38 online and

offline information channels provided by public and private entities; semi-structured expert interviews with eight representatives from the public authorities, social partners, and private service providers that furnish information on posting; and the survey results of nine responding posting and user undertakings based in Italy.

Following the introduction, the chapter first discusses the key characteristics of the information channels available in Italy. Then, it identifies how sending and receiving companies use information channels and the main challenges, barriers, and needs related to accessing information on posting. Finally, it focuses on the challenges information providers face and their efforts to improve access to information.

Access to Information: Channels and Practices

The sample of the mapping exercise in the INFO-POW project mainly analyses publicly available online sources due to the difficulties in accessing and finding offline sources of information that may be disseminated in the field and in accessing material behind a paywall in information channels that are not provided publicly. The analysis shows that available information channels are fairly heterogeneous regarding the information providers, the availability of posting information, the target audience, and the accessibility, quality, scope, and content of posting information. The sample analysed by the mapping exercise shows that a significant share of information providers are non-state actors (79%, 30 out of 38 channels), as opposed to institutional and state actors (21%, 8 out of 38). The information on posting provided by non-state actors principally comes from consultancies and employers' organisations. In contrast, among public institutions, it is provided by labour inspectorates and the Ministry of Labour and Social Policies, which also manages Italy's single national posting website (<https://distaccoue.lavoro.gov.it/it-it/>). In relation to their funding, most of the channels included in the sample are funded through non-public and not-for-profit sources (45%, 17 out of 38), while public funding is used for nine information channels (24%) and private funding for ten (26%).

The public institutions providing information on posting are all funded through public resources and include the Ministry of Labour and Social Policies (Ministero del Lavoro e delle Politiche Sociali), the National Taxation Agency, the National Labour Inspectorate (Ispettorato Nazionale del Lavoro), and the Friuli Venezia Giulia Region. Information channels provided by employers' associations and trade unions constitute about a third of the sample and are classified as not-for-profit organisations receiving anything other than public funding. These information providers include organisations that operate at a national level (such as the National Association of Construction Companies and unions in the construction sector, including FENEAL UIL, FILCA CISL, and FILLEA CGIL), provincial or regional organisations affiliated with national organisations (such as the employers' association Assolombarda or the headquarters of Confindustria in the Province of Vicenza), and organisations that operate at an EU level (such as the European Federation of Building and Woodworkers).

In our sample, nine information channels are funded privately. They are managed by consultancies that provide general information on EU and Italian legislation on posting on their websites. They also sell personalised consultancy services to posting undertakings, such as assistance with administrative obligations, drafting contracts for posted workers, and consultancy on mandatory working conditions and taxation. Regarding the other types of actors that provide information, a significant part of the sample comprises six bilateral construction industry boards²⁶ operating at national, regional, and provincial levels, including the various social partners in the construction sector. The mapping exercise revealed information from an online labour law newspaper, a research project by a

26 The Bilateral Construction Industry Boards manage the paritarian social funds in the construction industry and are composed of representatives of trade unions and employers' organisations. Construction companies must register with the paritarian social funds in the province where they have their headquarters. Through the paritarian social fund, workers receive payment for holidays, Christmas bonuses, and supplements for illness, accident, and occupational diseases, and the benefits decided in the national and provincial agreements. In the case of incoming postings, the sending company must register its employees with the paritarian social funds in the province where it provides its services (especially in the absence of mutual recognition and exemption agreements, which have only been signed with Austria, Germany, France, and San Marino).

consortium of universities, including the University of Parma, and a labour law website run by an NGO created by labour lawyers.

Most of the information channels in the sample are available online (79%, 30 out of 38 channels) and include online manuals or guidelines (39% of the whole sample), websites (32%), and videos and online training (5%). The offline channels (21%, 8 out of 38) consist of printed guidelines and training and face-to-face counselling services for posted workers and sending or receiving companies offered by trade unions, employers' associations, and the National Bilateral Construction Industry Board. The channels included in the mapping exercise provide information mainly focused on posting to Italy or useful for both posting to and from Italy (e.g., general information on the posting of workers regulatory framework) and address multiple audiences at the same time, such as sending companies (84%, 32 out of 38 channels), user undertakings (58%, 22 out of 38), and posted workers (53%, 20 out of 38).

Regarding the accessibility and quality of information, the mapping exercise considered factors such as the languages in which the information was available, the use of different tools or media to facilitate access to and understanding of the information, and the recency of the information provided. In terms of language accessibility, in most cases, the channels were only available in the national language (30 out of 38). The remaining eight information channels provide at least an English translation of the information. In six cases, most of the information provided in the foreign language(s) was equivalent to the Italian version. The mapping exercise also showed that using different tools or media of presentation to facilitate access to and understanding of the information is not widespread. Indeed, more than half of the channels in the sample exclusively use text (55%, 21 out of 38). In comparison, only eight channels present the information using additional tools or media (21%), such as infographics, charts, and photos or videos.²⁷ As for the recency of information provided by the different actors, the analysis of the dataset shows a varied picture. However, at least 24 out of 38 channels (63%) have updated or distributed the information that they provided in the last two years and reported information regarding the most

²⁷ The remaining channels provided mainly offline or paid-for online information, and it was not possible to check the tools and media used for presentation.

recent changes introduced in Italian legislation, such as the approval of Legislative Decree No 122/2020, which implemented Directive 2018/957/EU in 2020.

The analysis of the scope of the information shows that a significant number of channels offer information related to posting in general (66%, 25 out of 38). A small number focus on posting in the construction sector (32%, 12 out of 38) or on both posting in general and for the specificities of the construction sector (3%, 1 out of 38). Regarding content, the mapping exercise revealed differences between channels providing information on posting to Italy (incoming postings) and those providing information on posting from Italy (outgoing postings). The channels providing information on incoming postings generally cover topics related to registration for social insurance and contributions and to mandatory working conditions, such as working times, occupational safety and health, minimum wages and collective agreements, overtime and other additional wage supplements, and leave and holiday allowances. In relation to the enforcement of the regulatory framework, the information channels tend to offer more information on sanctions and enforcement in case of non-compliance rather than on redress or appeal in case of sanctions and on compensations following the appeal. The least-covered topics are those related to taxation, which is present in only a third of the sources (34%, 13 out of 38), and work permits, which are covered by only one information channel (3%).

Regarding outgoing postings, only a small number of the information channels give information on topics related to the procedures and obligations of Italian sending companies. In relation to outgoing postings, the sample mainly covered topics related to registration for social insurance and contributions, taxation, and mandatory working conditions (such as working times, occupational safety and health, minimum wages and collective agreements, overtime and other additional wage supplements, and leave and holiday allowances). Topics related to enforcing the regulatory framework, such as enforcement and sanctions, as well as appeal and redress, are scarcely present. In contrast, topics related to work permits are not covered at all by any of the analysed sources.

The Practices, Challenges, and Needs of Posting and User Companies

The findings of the stakeholder interviews and the INFO-POW survey show that access to information can be a challenge to participating in posting. The main barriers relate to understanding the information provided, the time and effort required, language issues, and the cost of obtaining information. As emerged from the mapping and confirmed by stakeholder interviews and the survey, the main sources of information used by sending and receiving companies based in Italy are private consultancies or law firms, EU institutions, public authorities, and the receiving or sending company with which they work. They tend not to use sources linked to NGOs and trade unions. Before answering the INFO-POW survey, less than half of the respondents were aware of the existence of single national websites on posting in order to access information on their own country or, in the case of sending companies, on receiving countries. The stakeholder interviews show that private consultancy and law firms and employers' organisations have provided specific information services on posting for many years, often in collaboration with similar consultancy bodies or organisations in other EU Member States.

In our survey sample, the information most often searched for relates to remuneration, postings exceeding 12 months, prior notifications, requests for a Portable Document A1, and the payment of social security contributions. The topics that receive less attention relate to workers' health and safety and working conditions, such as working time, holidays, etc. The aspects of the posting procedures that the sending companies outsourced to external consultants mainly concerned accessing additional information concerning requests for a Portable Document A1 and the calculation of additional allowances to be paid to posted workers, such as overtime rates or allowances for working at night, on Sundays or public holidays.

The INFO-POW survey also investigated the topics on which respondents indicate that they would need additional information to send and/or receive posted workers correctly, which largely reflected the topics which companies searched for through the information sources and channels

– such as postings of more than 12 months, making a notification in the prior declaration tool of the receiving Member State, working conditions, reimbursement for travel and accommodation, and additional allowances. Additional suggestions included improving the support and guidance for determining appropriate wages and working conditions and widening the availability and accessibility of information on those topics. Concerning the accessibility and quality of information, sending and receiving companies considered it very important to have information channels available in different languages and containing up-to-date, sufficiently detailed, and easy-to-understand information. In addition, most respondents consider it very important to have an office or person who can be contacted via phone or in person for questions related to the posting of workers.

The stakeholder interviews provide further input on improving the available information channels from the point of view of both incoming and outgoing postings. Concerning incoming postings, some stakeholders focus on the information provided by the single Italian national website on posting (distaccoue.lavoro.gov.it). Although this website provides general information on the legal framework for posting workers in Italy and is translated into English, German, and Romanian, stakeholders highlight that it does not provide sufficiently detailed information on wages and the national collective agreements at a sectoral level for incoming posted workers. In fact, in Italy, the remuneration of posted workers should be based on the national sectoral collective agreements signed by the most representative employers' organisations and trade unions at the national level. Although the single official national website does provide the salary tables of the three main sectors in which posted workers are employed in Italy (construction, metalworking, and transport) and a link to the database of the National Council for Economy and Labour, which contains the 1,037 national collective agreements, the latter provides only the Italian versions of the documents, without indicating which agreement should be applied in different cases. This means foreign companies posting workers to Italy face language barriers and a lack of information when determining which collective agreement rules should be applied.

Additional challenges relate to incoming postings in the construction sector, as sending companies from countries without signed mutual

recognition and exemption agreements²⁸ must register their employees with the paritarian social funds in the province in which they provide their service employing posted workers. Therefore, even if companies based in countries without paritarian social funds in the construction industry receive information before the posting, many do not carry out compulsory registration, meaning that posted workers do not receive part of their salary paid through paritarian social funds.

Concerning outgoing postings, interviewees from employers' organisations and private consultancies report difficulties in accessing clear information through the websites of receiving countries. Indeed, these respondents cite the administrative procedures for the registration of PDs A1 in France and the information system in Austria and Germany as good practices that other EU Member states should also adopt. On the contrary, in their experience, the national posting websites of other countries usually provide only general information, without detailed information on the administrative procedures to be followed and, similarly to Italy, with difficult-to-understand information on working conditions. There are also challenges related to language barriers, as other national posting websites often do not provide translations in different languages (except English). Other challenges relate to the lack of homogeneity of administrative procedures in the receiving countries, which increases the difficulties for companies posting to two or more countries.

According to the interviews, these problems with accessing and using the existing information channels make it difficult for many companies to participate in posting, which could affect the provision of services through the employment of posted workers in the EU internal market. This is because only large companies have internal departments specialised in labour issues or human resources management that can manage the procedures autonomously, with most companies having to seek the support of external consultants, such as private labour consultancies and employers' organisations. Furthermore, as highlighted by the respondent from the National Bilateral Construction Industry Board, the difficulty of finding clear and accessible information in different languages was used as

²⁸ Mutual recognition and exemption agreements have only been signed with Austria, Germany, France, and San Marino.

an excuse to circumvent the regulations by those companies that used the posting of workers as a form of saving, thus triggering social dumping and unfair competition.

The Challenges of Information Providers and Their Efforts to Improve Access to Information

As shown in the previous section, receiving or sending companies have different needs and face different challenges in accessing and using information. In the same way, the challenges information providers face in ensuring the provision of and access to posting information tend to vary according to the type of posting undertaken by the target audience. In general, the rapid growth in incoming and outgoing postings that Italy has experienced in recent years, combined with new obligations to provide access to information following the implementation of Directives 2014/67/EU, 2018/957/EU, and 2019/1152/EU, has required the rapid updating of information channels and of the staff responsible for providing the information. This is the case, for example, with the single national website on posting, which was recently updated to include the translation of the information into two additional languages (German and Romanian). Similarly, the National Bilateral Construction Industry Board recently updated its website with a specific section on the posting of workers to Italy, providing foreign companies posting to Italy with detailed information on the obligation to register their workers with the Italian paritarian social funds and on the protocols Italy has signed with some countries regarding the mutual recognition of registration with paritarian social funds. In addition, some channels have updated their information based on the latest trends in intra-EU mobility, as is the case for the channels of the regional government of Friuli-Venezia Giulia. The interviewee from the Labour Policies Service of the Friuli-Venezia Giulia region reports that information requests are influenced by the location of this region at the border with Croatia and Slovenia and the increase in cross-border employment and

postings involving third-country nationals.²⁹ Consequently, the website and telephone information services of the Labour Policies Service have started to provide accurate information on the regulations and administrative procedures regarding work permits for incoming and outgoing posted workers from third countries, as the Italian single national posting website does not include this topic. More generally, regarding providing information on specific questions, the Italian Association of Construction Companies and the National Bilateral Construction Industry Board have organised themselves internally according to a pyramid model. First, posting and user undertakings can contact the local offices of these associations for clarification on specific issues. If the local offices cannot respond, consultation is requested from the national headquarters. At the same time, the national offices provide information and training to local offices, taking into account the specific requests from companies.

The challenges described above also affect the access to primary information sources by the information providers that are in direct contact with companies involved in the posting of workers or with posted workers. The organisations, institutions, and private consultancies interviewed for the INFO-POW project refer to the European and Italian legal framework as sources of information and, in the case of outgoing postings, to the legislation and the single national posting website of the receiving country. The increase in the number of outgoing postings registered in recent years has meant that companies based in Italy have had to deal with administrative procedures and regulations that differ from one country to another and which, in some cases, are not clearly explained on the single official national websites of the receiving countries. As a result, both employers' organisations and private consultancies have had to develop a network of contacts with foreign associations and consultancies to overcome the general lack of clear information. Another way of accessing and receiving updates on the relevant information is by taking part in the activities of institutions and organisations at the EU and national levels. For example, the Italian Association of Construction Companies participates in the European Construction Industry Federation (FIEC) discussions and has actively contributed to discussions within the Italian Parliament on

²⁹ See Cukut Krilić et al., 2020.

implementing the directives on posting; both the Italian Association of Construction Companies and the National Bilateral Construction Industry Board participate in EU projects on the posting of workers. Additionally, the Italian consultancy firm that was interviewed for the INFO-POW project has developed its own software to detect changes in the legislation on the posting of workers both at European and national levels in order to promptly update the information provided to customers through direct consultancy and specific data sheets contained on its website, thus allowing users to check whether companies have fulfilled all of their administrative obligations related to the working conditions of posted workers. All these solutions have made it possible to address some of the challenges in providing updated information that have arisen in recent years due to the internationalisation processes that have affected part of the construction sector. However, it must be pointed out that the providers filling the gaps in the public information system at national and EU levels usually provide only general information free of charge (e.g., EU Directives, Italian legislation on posting, etc.). In contrast, more detailed information is accessible only to registered members, as in the case of employers' organisations, or only after paying a fee, as in the case of private consultancies.

The stakeholders interviewed in the INFO-POW research have numerous suggestions for how to respond to these challenges. Related to language barriers, they recommend making the single national posting websites in all EU Member States available in as many languages as possible in order to facilitate access to information for both companies and workers. They also recommend adopting posting procedures that are more homogeneous and simplified at the transnational level by improving and extending to other countries some of the systems that currently work better (e.g., the administrative procedures for registering PDs A1 in France and the information system in Austria and Germany). Regarding remuneration, which constitutes an area where information is more difficult to understand, they recommend providing clear information and, in the case of Italy, want the Ministry of Labour and Social Policies to clarify what collective agreements must be applied in order to avoid the use of agreements with pejorative conditions leading to social dumping and unfair competition. Finally, the respondents suggest that it is important to increase the training

of institutional representatives and social partners at the provincial and regional levels since it is at these levels that companies and workers usually ask for support.

Conclusions

This chapter presents the challenges and needs of construction companies located in Italy in accessing and using information regarding the posting of workers. The analysis considers new empirical material collected through mixed methodologies by the INFO-POW project, based upon the mapping of 38 online and offline information channels provided by public actors and institutions, social partners, and private entities; semi-structured expert interviews with eight representatives of the public authorities, social partners, and private service providers that are responsible for providing information on posting; and the survey results of nine responding posting and user undertakings based in Italy.

The analysis of the empirical materials showed that many online and offline information channels are available to enterprises in the construction sector, providing information on both incoming and outgoing postings. Italian posting and user undertakings also have access to additional online information channels provided by EU institutions and public and private actors from other Member States. Additionally, the organisations, institutions, and private actors that provide information on posting used different channels, such as online resources, training events, and tailored consultancy services, allowing them to reach a large audience and, where necessary, provide more precise information based on individual needs.

Nevertheless, several gaps and barriers were revealed that made it difficult for companies to access the correct information on posting. For example, the INFO-POW survey shows that Italian companies included in the survey use a mix of information channels; it also reveals that they were not always aware of the single official national websites on posting. Furthermore, we found that most of the mapped information channels were available only in Italian, with only a small number also providing translations in English

or additional languages, thus making accessing information difficult for companies based in other Member States who wanted to post their employees to Italy. Likewise, information sources translated into other languages were not always available in other Member States, thus creating a challenge for posting undertakings and posted workers from Italy. Moreover, companies were often forced to turn to private paid services due to their difficulty in finding sufficiently clear information through official public channels (e.g., the single national websites on posting) and, in the case of small- and medium-sized enterprises, their lack of adequately trained internal staff.

As a result, language barriers and the difficulty encountered by some companies in independently accessing clear information indirectly impede the posting of workers to potential sending and receiving companies. These barriers foster the formation of a business model in which the market for services is dominated and conditioned by companies that are economically able to bear the costs of accessing (in-house and/or external) consulting services, thus undermining the free access to the single market for services, as envisaged by the EU directives on the posting of workers.

Further challenges arise because, in many cases, the information channels in the mapping exercise only used text. In several channels, the content consists only of extracts from reports or comments on current regulations, making it difficult to consult the information, particularly for those who do not yet have sufficient knowledge of the procedures. The interviews and the online survey show that access to easily understandable and accessible information is all the more urgent, given that there is still no standardisation of administrative procedures at the EU level. Furthermore, both the interviews and the online survey draw attention to the language issues, highlighting how the lack of additional language translations fails to consider the needs generated by the increase in incoming postings, which has led to a greater demand for information translated into other languages, coming in particular from posted workers, but also from those foreign companies posting to Italy that do not have staff who can read and understand Italian and so have to turn to external services (consultancies, lawyers, etc.). Another concern is determining the working conditions and remuneration in specific cases. As emerged from the results of the Info-Pow project, this is a challenge common to all the countries involved in the posting of workers

(Danaj et al., 2023; De Smedt & De Wispelaere, 2023; Kureková et al., 2023; Vah Jevšnik & Toplak, 2023), but in the Italian case the complexity of the national collective bargaining model and the lack of clarity of the single national posting website make access to correct information particularly difficult and, consequently, affect the compliance of sending companies. Indeed, the interviewed stakeholders detected cases of incoming postings in which companies used unfavourable contracts with lower standards than the reference contracts signed by the most representative trade unions and employers' organisations. In this way, companies that post their workers in Italy can exercise forms of social dumping and unfair competition by exploiting gaps in the information system to their advantage – thus leading to the spread of practices that the posting directives are intended to prevent.

These gaps and barriers in information provision can be overcome by following the good practices proposed by some information providers in Italy and also in other Member States, such as the use of a mixed approach integrating various methods of information provision depending on the individual needs of companies, and the homogenisation of administrative procedures adopting the model already used in some Member States. However, more broadly, the INFO-POW findings highlight the need to increase transnational cooperation and to develop a more unitary approach to the problems of access to information on posting that arise in individual Member States. There is room for numerous improvements: translating information materials into more languages should be the first step. Furthermore, a common standard can be established for the single national websites on posting, taking as a reference the most comprehensive sites (such as those of Belgium or Austria) and including some topics on which there is little information (such as taxation and work permits). This will benefit not only companies, which will be able to access the EU single market more easily, without being constrained by the cost and time of information provision, but also workers, who will have better and more comprehensive access to information on their rights.

References

- Cillo, Rossana (2021). “Mandatory Mobility? The Case of Immigrant Posted Workers Sent from Italy to Belgium in the Construction Sector”. *International Migration*, 59(6), 156–171.
- Cillo, Rossana, Perocco, Fabio (2021). *Bridging the Gap between Legislation and Practice in the Posting of Workers. Country Report Italy*. Venice: Ca’ Foscari University of Venice.
- Cukut Krilić, Sanja, Toplak, Kristina, Vah Jevšnik, Mojca (2020). *Posting of Third Country Nationals: A Comparative Study*. Ljubljana: ZRC SAZU, <https://www.euro.centre.org/publications/detail/3929> (23. 11.2023).
- Danaj, Sonila, Kahlert, Rahel, Zólyomi, Eszter, Prinz, Nicolas, Sandu, Veronica (2021). *The Gap between Legal Procedures and Practices in Posting Rule Enactment: A Comparative Working Paper*. Vienna: European Centre, <https://www.euro.centre.org/projects/detail/3633> (23. 11. 2023).
- Danaj, Sonila, Kayran, Elif Naz, Zólyomi, Eszter, Prinz, Nicolas, Geyer, Leonard (2023). *INFO-POW: Assessment of the Channels of Information and Their Use in the Posting of Workers. Country Report Austria*. Vienna: European Centre, <https://www.euro.centre.org/publications/detail/4799> (26. 1. 2024).
- Danaj, Sonila, Zólyomi, Eszter (2018). *Occupational Health and Safety of Posted Workers in the EU: A Comparative Report*. POOSH – Occupational Safety and Health of Posted Workers: Depicting the existing and future challenges in assuring decent working conditions and wellbeing of workers in hazardous sectors. Vienna: European Centre for Social Welfare Policy and Research, <https://www.euro.centre.org/publications/detail/3354> (23. 11. 2023).
- De Smedt, Linn, De Wispelaere, Frederic (2023). *INFO-POW: Assessment of the channels of information and their use in the posting of workers. Country report Belgium*. Leuven: HIVA-KU Leuven. Available at: <https://www.euro.centre.org/publications/detail/4795> (26. 1 .2024).
- De Wispelaere, Frederic, De Smedt, Linn, Pacolet, Joseph (2021). *Posting of Workers: Report on A1 Portable Documents Issued in 2020*. Luxembourg: Publication Office of the European Union.
- Eurofound (2020). *Improving the Monitoring of Posted Workers in the EU*. Dublin: Eurofound.
- European Commission (2019). *Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application and implementation of Directive 2014/67/EU of the European Parliament and of*

- the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) 1024/2012 on administrative co-operation through the Internal Market Information System (the IMI Regulation)*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2019:426:FIN> (26. 1. 2024).
- Jorens, Yves, De Wispelaere, Frederic (2019), Intra-EU Posting: Looking for Solutions: A Herculean or a Sisyphean Task? *BTSZ/RBSS*, 61/1, 113–138.
- Kureková, Lucia Mýtna, Moran, Alexandra, Kováčová, Lucia, Studená, Ivana (2023). *INFO-POW: Assessment of the Channels of Information and Their Use in the Posting of Workers. Country Report Slovakia*. Bratislava, Centre of Social and Psychological Sciences, Institute for Forecasting, Slovak Academy of Sciences, <https://www.euro.centre.org/publications/detail/4801> (26. 1. 2024).
- Vah Jevšnik, Mojca, Toplak, Kristina (2023). *INFO-POW: Assessment of the Channels of Information and Their Use in the Posting of Workers. Country Report Slovenia*. Ljubljana: ZRC SAZU, <https://www.euro.centre.org/publications/detail/4803> (26. 1. 2024).
- Zólyomi, Eszter, Danaj, Sonila (2019). *Language Barriers and the Occupational Safety and Health of Posted Workers: Policy Brief 2019/4*. Vienna: European Centre, <https://www.euro.centre.org/publications/detail/3474> (23. 11. 2023).