

National report on the level of diffusion, among companies and workers in the mechanical industry, of the information on rights and obligations in situations of cross-border posting

ITALY

1. Description of methodology

Please transfer already prepared information by each country concerning description of methodology (stage 1. Description of methodology). No additional information required.

The 3 questionnaires (addressed to employers, trade unions and employees) were submitted via e-mails containing interactive link to respective Google Forms.

For all employers, trade unions and employees, a personal and direct contact was made and specific e-mails were sent, sometimes presenting also information on project and questionnaires (number of questionnaires for employers delivered: 42; number of questionnaires for trade unions delivered: 26. number of questionnaires for employees delivered: 35).

2. By September 15th, 2021, the following number of questionnaires for each category was received:

- 32 from employers;
- 17 from trade unions;
- 21 from employees.

3. Originally designed as an activity covering twenty-four months, and then thirty, following an extension caused by the epidemic, the project was clearly and inevitably affected by the unexpected situation in 2020, in Italy in particular, and in a highly industrial area, specifically Emilia–Romagna, where the restrictive provisions issued by the Government (from March 2020 until now, January 2021) led to a significant drop in production levels and, therefore, in turnover, in a broad segment of companies. One of the first consequences was the inevitable reduction in workers from other countries, those working on transnational postings or on contracts signed with the aim of concealing these and avoiding the application of the related laws on worker protection, with a significant reduction in the size of the phenomenon, at least in the mechanical sector. Perhaps this cannot be said for other business areas, such as logistics, if anything stretched due to social distancing and the related need to transport goods to the homes of people who could not or did not want to go out.

As was inevitable (but wholly unforeseeable before March 2020), the substantial drop in industrial production affected many fields. Among these were engineering companies, hostile to increase or confirm postings of many workers, particularly from countries with a less developed entrepreneurial culture, with an indirect yet perceivable reduction in unlawful conduct, discouraged by the presence of suspended employees and, more generally, by the climate created by social distancing. This situation is partly confirmed by the selected and verified samples, i.e., businesses, trade unions and workers, who focused on events considered concluded. Above all, the “selective” memory of the interviewees considered episodes concerning often white-collar activities, and we wonder if this framework is realistic or if is the result of naturally focusing on current and urgent problems rather than past facts, even those of only a few months ago. The market is not always able to strive to give the correct importance to somewhat obsolete phenomena, above all when tackling the great challenges of the epidemic.

2. Description of the results

Please fill the table indicating the information from each question. Information needed – number of answers and its expression in percent. When indicating percent (%), please calculate it as percentage from all received questionnaires, unless it is specified differently for specific questions, where no percentage is needed in the table (still you are free to use certain calculation of percentage when providing analysis of findings in part 3).

Additionally, you can use diagrams (different types of graphic depiction). If needed, additional comments can be entered at the end of the table.

In case no answers are received to specific questionnaire, corresponding part (2.1., 2.2. or 2.3.) is skipped (deleted from the template without changing the numeration of remaining parts).

2.1. Questionnaire for employers

No of Q.	Question	Number of answers	%
1	Area or nature of activity of your company: <ul style="list-style-type: none"> <input type="checkbox"/> Mechanical Industry <input type="checkbox"/> Social-health-care-educational sector and job placement <input type="checkbox"/> Medical Devices <input type="checkbox"/> Professional Training <input type="checkbox"/> Multiservices <input type="checkbox"/> Production of ceramic tiles <input type="checkbox"/> Food Industry <input type="checkbox"/> Packaging <input type="checkbox"/> Publishing Sector <input type="checkbox"/> Energy and construction <input type="checkbox"/> Carpentry <input type="checkbox"/> Social cooperation services 	15 1 2 1 1 1 4 2 1 2 1 1	46,95 3,12 6,25 3,12 3,12 3,12 12,50 6,25 3,12 6,25 3,12 3,12
2	The home state of your business: <i>Italy</i>	32	100
3	Average number of employees in your company: <ul style="list-style-type: none"> <input type="checkbox"/> 1-9 <input type="checkbox"/> 10-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-249 <input type="checkbox"/> 250 and more 	0 5 6 7 14	0 15,62 18,75 21,87 43,75
4	Do you post your staff to other EU Member States? <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No 	8 24	25 75
5	If the answer was yes, please indicate the most usual EU countries of posting: <ul style="list-style-type: none"> <input type="checkbox"/> France <input type="checkbox"/> Germany <input type="checkbox"/> Great Britain <input type="checkbox"/> Poland <input type="checkbox"/> Spain 	4 4 1 1 1	36,36 36,36 9,09 9,09 9,09
6	Do you post your staff to non-EU countries:		

	<input type="checkbox"/> Yes <input type="checkbox"/> No	8 24	25 75
7	If the answer was yes, please indicate the most usual non-EU countries of posting: <ul style="list-style-type: none"> <input type="checkbox"/> Australia <input type="checkbox"/> Canada <input type="checkbox"/> China <input type="checkbox"/> Korea <input type="checkbox"/> Mexico <input type="checkbox"/> Russia <input type="checkbox"/> Ucraina USA 	1 1 4 1 1 1 1 2	8,33 8,33 33,33 8,33 8,33 8,33 8,33 16,67
8	You are posting your staff to another country because: <ul style="list-style-type: none"> <input type="checkbox"/> You have (had) a contract of services with foreign enterprise <input type="checkbox"/> Employees are sent to another company of our group <input type="checkbox"/> We are a temporary employment company (agency) <input type="checkbox"/> Other: 	3 8 0 0	27,27 72,73 0 0
9	On average, you post an employee abroad: <ul style="list-style-type: none"> <input type="checkbox"/> Up to 1 week <input type="checkbox"/> From 1 week to 1 month <input type="checkbox"/> From 1 month to 3 months <input type="checkbox"/> From 3 months to 6 months <input type="checkbox"/> From 6 months to 12 months <input type="checkbox"/> More than 12 months <input type="checkbox"/> Other: 	2 2 1 0 1 5 0	18,18 18,18 9,09 0 9,09 45,45 0
10	Are you an employer to which workers from other countries are posted: <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No 	7 24	22,58 77,42
11	If answer is yes, from which foreign countries (EU Member States and third countries) are workers sent to you: <ul style="list-style-type: none"> <input type="checkbox"/> Austria <input type="checkbox"/> Germany <input type="checkbox"/> Great Britain <input type="checkbox"/> Guatemala <input type="checkbox"/> Polonia <input type="checkbox"/> Czech Republic <input type="checkbox"/> Former Soviet States/Russia <input type="checkbox"/> Usa 	1 2 1 1 2 1 2 1	9,09 18,18 9,09 9,09 18,18 9,09 18,18 9,09
12	Why do you need to accept posted workers from other countries? Please specify <ul style="list-style-type: none"> <input type="checkbox"/> Education-Training on our technology and facilities abroad <input type="checkbox"/> Infragroup Posting (of workers) <input type="checkbox"/> Organizational needs <input type="checkbox"/> Intragroup posting (of executives) <input type="checkbox"/> Assignment of positions with a high professional and managerial content 	3 1 1 1 1	42,86 14,28 14,28 14,28 14,28
13	Do you know that there are special EU directives governing the posting of workers? <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No 	17 14	54,84 45,16

14	<p>Do you know that these special EU directives governing the posted workers have to be transferred to national legislation?</p> <ul style="list-style-type: none"> ■ Yes ■ No 	17 14	54,84 45,16
15	<p>If answer to previous question is yes, can you name the national legal act (acts) which transfer special EU directives governing posted workers:</p> <ul style="list-style-type: none"> ■ Legislative Decree 136/2016 ■ Legislative Decree 122/2020 ■ Directive EU ■ DM 10/08/2016 ■ No ■ Other 	9° 4°° 1° 1 3 1	47,37 21,05 5,26 5,26 15,79 5,26
16	<p>Did you know that workers posted to another EU country must be subject to the same working conditions and guarantees as workers from that country?</p> <ul style="list-style-type: none"> ■ Yes ■ No 	19 11	63,33 36,67
17	<p>Which of these working conditions during posting period must be applied to posted workers (several answers can be selected):</p> <ul style="list-style-type: none"> ■ Maximum work periods and minimum rest periods ■ Minimum paid annual holidays ■ Rates of pay, including overtime rates ■ Conditions of workers by temporary employment ■ Health, safety and hygiene at work ■ Protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people ■ Equality of treatment between men and women ■ Non-discrimination rules ■ Conditions of employees' accommodation ■ Reimbursement of additional expenses (e.g. travel, accommodation) ■ All above mentioned conditions ■ Only these conditions that are agreed by employee and employer ■ Other: 	20 12 18 5 20 15 15 7 9 14 2 0	100 60 90 25 100 75 75 35 45 70 10 0
18	<p>Did you know that you can only post employees employed by your company?</p> <ul style="list-style-type: none"> ■ Yes ■ No 	20 11	64,52 35,48
19	<p>Did you know that you must obtain an A1 form from your national competent authority before posting a worker?</p> <ul style="list-style-type: none"> ■ Yes ■ No 	17 14	54,84 45,16
20	<p>Which competent authority in your country issues an A1 form? Please specify:</p> <ul style="list-style-type: none"> ■ Inps ■ Ministry of Labor and Social Policies ■ I don't know-I don't deal with it directly 	15 1 1	88,23 5,88 5,88

21	Are you aware of the electronic pre-declaration systems put in place by EU Member States? <ul style="list-style-type: none"> ■ Yes ■ No 	16 15	51,61 48,39
22	Who has to fill in the pre-declaration forms? <ul style="list-style-type: none"> ■ Sending employer ■ Host company ■ Employee ■ Cannot answer 	15 1 1 10	55,55 3,70 3,70 37,04
23	Do you know where to find and fill out pre-declaration forms? <ul style="list-style-type: none"> ■ Yes ■ No 	12 18	40 60
24	Can you post third-country nationals to another EU Member States: <ul style="list-style-type: none"> ■ Yes, in all cases ■ Yes, if worker is legally residing and working in sending country ■ No ■ Cannot answer ■ Other: 	0 1 8 21 0	0 3,33 26,67 70 0
25	Which remuneration has to be guaranteed for posted worker? <ul style="list-style-type: none"> ■ At least minimum salary applicable in country where the work is carried out ■ The same level of salary that is typical for native employees performing the same job in country where the work is carried out ■ At least minimum salary applicable in sending country ■ Other ■ Cannot answer 	3 7 8 0 12	10 23,33 30 0 40
26	Amounts covering additional expenses (transport, travel and other expenses) which are paid by employer: <ul style="list-style-type: none"> ■ Are considered as part of agreed salary of employee ■ Are paid in addition to the agreed salary ■ Cannot answer ■ Never paid such amounts 	0 16 13 0	0 55,17 44,83 0
27	Do you know that in each EU country information on posting of workers is provided on internet sites? <ul style="list-style-type: none"> ■ Yes ■ No 	12 18	40 60
28	Have You ever used information on posting of workers provided on internet sites? <ul style="list-style-type: none"> ■ Yes ■ No 	12 19	38,71 61,29
29	If answer is yes, please indicate whether (several answers can be selected): <ul style="list-style-type: none"> ■ Information was useful ■ Information was useful only in part ■ Information was not useful ■ Could not use the information because of foreign language ■ Other: 	6 4 0 3 0	46,15 30,77 0 23,08 0

30	<p>What information do you need to provide before posting a worker to another state (several answers can be selected):</p> <ul style="list-style-type: none"> ■ Country of posting ■ Duration of work abroad (posting) ■ The salary that will be paid in the host state ■ The currency in which the salary will be paid ■ Other benefits (in kind or in money) for work performed abroad ■ Conditions of returning to country of origin (sending country) ■ Daily allowance and reimbursement of expenses (e.g. travel, accommodation) ■ A link to the official website of the host country where relevant information on the posting is published ■ Institution to which social security contributions are paid ■ Other: 	22 22 13 7 11 8 9 5 8 1	20,75 20,75 12,26 6,60 10,38 7,55 8,49 4,72 7,55 0,94
31	<p>Do you use the services of posted temporary workers?</p> <ul style="list-style-type: none"> ■ Yes ■ No 	0 31	0 100
32	<p>Can different (worse) working conditions be imposed on posted temporary workers than on permanent workers?</p> <ul style="list-style-type: none"> ■ Yes ■ No ■ Cannot answer 	0 14 16	0 46,67 53,33
33	<p>If your company has a collective agreement (company level), do you have to apply it:</p> <ul style="list-style-type: none"> ■ For all posted workers ■ Only for temporary posted workers ■ Not applicable to posted workers ■ Cannot answer 	12 0 1 17	40 0 3,33 56,67
34	<p>These collective agreements must be applied to posted workers:</p> <ul style="list-style-type: none"> ■ Only those which are of general application under national law ■ Only those that would normally apply to similar companies in that territory, industry or professional field ■ Only those that are concluded by the social partners at national level and apply throughout the country ■ Not applicable at all ■ Cannot answer 	3 1 3 0 24	9,68 3,22 9,68 0 77,42
35	<p>Did you know that the trade union of the host enterprise can contact the employer (sender) of the posted workers offering to participate in joint collective bargaining?</p> <ul style="list-style-type: none"> ■ Yes ■ No 	4 27	12,90 87,10
36	<p>Have you ever participated in such collective bargaining that address the issues of working conditions of posted workers?</p> <ul style="list-style-type: none"> ■ Yes, as the host employer (enterprise) of the posted workers ■ Yes, as sending employer of the posted workers ■ No ■ Cannot answer 	0 0 24 7	0 0 77,42 22,58

Comments: In question 17 the answers “all the conditions indicated above” have been placed in the relative “conditions” mentioned above and the answer "all the conditions indicated above" was cancelled if all the previous ones were also marked.

2.2 Questionnaire for employees (workers)

No of Q	Question	Number o answers	%
1	Have you been (or are) posted to another EU country? <input type="checkbox"/> Yes <input type="checkbox"/> No	3 18	14,28 85,71
2	If yes, to which country (countries) of EU? <input type="checkbox"/> France <input type="checkbox"/> Germany <input type="checkbox"/> Romania	1 1 1	33,33 33,33 33,33
3	On average, for how long the posting period to another EU country (countries) lasted? <input type="checkbox"/> Up to 1 month <input type="checkbox"/> From 1 to 6 months <input type="checkbox"/> From 6 to 12 months <input type="checkbox"/> About 12 months <input type="checkbox"/> More than 12 months	1 1 0 0 1	33,33 33,33 0 0 33,33
4	Have you been (or are) posted to non-EU country? <input type="checkbox"/> Yes <input type="checkbox"/> No	3 18	14,28 85,71
5	If yes, to which country (countries) of non-EU? <input type="checkbox"/> Chile <input type="checkbox"/> India <input type="checkbox"/> Montenegro <input type="checkbox"/> Svizzera <input type="checkbox"/> USA	1 1 1 1 1	20 20 20 20 20
6	On average, for how long the posting period to another non-EU country (countries) lasted? <input type="checkbox"/> Up to 1 month <input type="checkbox"/> From 1 to 6 months <input type="checkbox"/> From 6 to 12 months <input type="checkbox"/> About 12 months <input type="checkbox"/> More than 12 months	1 0 0 0 2	33,33 0 0 0 66,67
7	You have been posted to another country because: <input type="checkbox"/> Your employer has (had) a contract of services with foreign enterprise <input type="checkbox"/> You are working in the establishment owned by Your employer as a group company operating also in another country <input type="checkbox"/> You were sent as temporary employee by temporary employment undertaking (agency) <input type="checkbox"/> Cannot answer	2 3 0 0	40 60 0 0
8	Please indicate Your profession, function or nature of work <input type="checkbox"/> Private Banker <input type="checkbox"/> Marketing Manager <input type="checkbox"/> HR and Legal <input type="checkbox"/> Employee <input type="checkbox"/> Export Area	1 2 1 5 1	6,67 13,34 6,67 33,33 6,67

	<ul style="list-style-type: none"> <input type="checkbox"/> General Counsel <input type="checkbox"/> Manager <input type="checkbox"/> Engineer <input type="checkbox"/> Lawyer <input type="checkbox"/> Service Technician 	1 1 1 1 1	6,67 6,67 6,67 6,67 6,67
9	<p>Do You know that there are special EU regulations for posted employees?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No 	7 14	33,33 66,67
10	<p>Do You know that these special EU regulations for posted employees have to be transferred to national legislation?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No 	5 16	23,81 76,19
11	<p>If answer to previous question is yes, can you name the national legal act (acts) which transfer special EU regulations for posted employees:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Legislative decree n. 136/2016 <input type="checkbox"/> Legislative decree n. 7/2020 <input type="checkbox"/> Legislative decree n. 122/2020 <input type="checkbox"/> No 	2 1° 2 1	33,33 16,67 33,33 16,67
12	<p>Do You know that during posting period in another country, the working conditions applied to You must be the same as for employees of that country?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No 	9 12	42,85 57,14
13	<p>Which of these working conditions during Your posting period must be applied to You (several answers can be selected):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Maximum work periods and minimum rest periods <input type="checkbox"/> Minimum paid annual holidays <input type="checkbox"/> Rates of pay, including overtime rates <input type="checkbox"/> Conditions of workers by temporary employment <input type="checkbox"/> Health, safety and hygiene at work <input type="checkbox"/> Protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people <input type="checkbox"/> Equality of treatment between men and women <input type="checkbox"/> Non-discrimination rules <input type="checkbox"/> Conditions of employees' accommodation <input type="checkbox"/> Reimbursement of additional expenses (e.g. travel, accommodation) <input type="checkbox"/> Only these conditions that are agreed by employee and employer <input type="checkbox"/> Other: 	10 9 12 4 15 9 11 12 9 11 2 0	9,61 8,65 11,54 3,85 14,42 8,65 10,58 11,54 8,65 10,58 1,92 0
14	<p>Which remuneration has to be guaranteed for posted employee?</p> <ul style="list-style-type: none"> <input type="checkbox"/> At least minimum salary applicable in country where the work is carried out <input type="checkbox"/> The same level of salary that is typical for native employees performing the same job in country where the work is carried out <input type="checkbox"/> At least minimum salary applicable in sending country <input type="checkbox"/> Cannot answer 	0 4 6 8	0 22,22 33,33 44,44
15	<p>Amounts covering additional expenses (transport, travel and other expenses) which are paid by employer:</p>		

	<ul style="list-style-type: none"> ■ Are considered as part of agreed salary of employee ■ Are paid in addition to the agreed salary ■ Cannot answer ■ Never received such amounts 	1 5 3 0	11,11 55,55 33,33 0
16	Daily allowance payable to employee: <ul style="list-style-type: none"> ■ Are considered as part of agreed salary of employee ■ Are paid in addition to the agreed salary ■ Cannot answer ■ Never received such daily allowance 	1 9 6 0	6,25 56,25 37,5 0
17	Whether the employer must inform in writing the employee about the working conditions before posting the employee? <ul style="list-style-type: none"> ■ Yes ■ No 	9 12	42,86 57,14
18	If answer is yes, which information shall be provided: <ul style="list-style-type: none"> ■ Country of posting ■ The duration of posting period ■ The salary that will be paid in the host state ■ Currency in which salary is paid ■ Additional benefits (in money or in kind) for posting period ■ Conditions of returning to country of origin (sending country) ■ Travel allowances, meals, accommodation, etc. reimbursement of expenses ■ A link to the official website of the host country where relevant information on the posting is published ■ Institution to which social security contributions are paid ■ Other: ■ Cannot answer 	9 9 9 7 9 7 9 3 6 0 0	13,23 13,23 13,23 10,29 13,23 10,29 13,23 4,41 8,82 0 0
19	Have You been informed about the working conditions before posting? <ul style="list-style-type: none"> ■ Yes ■ No ■ Yes, but only in verbal form 	4 0 1	80 0 20
20	Whether the information about working conditions provided to you was sufficient? <ul style="list-style-type: none"> ■ Yes ■ No ■ Partially ■ Other: 	2 0 3 0	40 0 60 0
21	Does Your employer designate a contact person, to whom you can apply in Your country of origin (sending country): <ul style="list-style-type: none"> ■ Yes ■ No 	4 2	66,67 33,33
22	Does Your employer designate a contact person, to whom you can apply in the country of posting? <ul style="list-style-type: none"> ■ Yes ■ No 	5 0	100 0
23	Do You know about Your main social security rights during posting? <ul style="list-style-type: none"> ■ Yes ■ No 	4 15	21,05 78,95
24	Would You know where to apply in case of sickness during posting? <ul style="list-style-type: none"> ■ Yes 		

	<ul style="list-style-type: none"> ■ No 	5 11	31,25 68,75
25	<p>In case of breach of Your rights during the posting, where would You apply:</p> <ul style="list-style-type: none"> ■ To my employer in country of origin (sending country) ■ To the State institution (Labour Inspectorate) in country of origin (sending country) ■ To the representative of enterprise to which You are posted (or contact person designated by employer) ■ To the State institution in country of posting ■ To the trade union in country of origin (sending country) ■ To the trade union acting in the enterprise or territory in country of posting ■ Directly to the court ■ To nobody ■ Cannot answer ■ Other: 	9 4 3 4 2 3 2 0 8 1	25 11,11 8,33 11,11 5,55 8,33 5,55 0 22,22 2,78
26	<p>Do you know that in each EU country information important for posted employees is provided on internet sites?</p> <ul style="list-style-type: none"> ■ Yes ■ No 	7 14	33,33 66,67
27	<p>Have You ever used information for posted employees provided on internet sites?</p> <ul style="list-style-type: none"> ■ Yes ■ No 	4 17	19,05 80,95
28	<p>If answer is yes, please indicate whether (several answers can be selected):</p> <ul style="list-style-type: none"> ■ Information was useful ■ Information was useful only in part ■ Information was not useful ■ Could not use the information because of foreign language ■ Other: 	2 2 0 0 0	50 50 0 0 0
29	<p>Have You received information about trade union (unions) acting in the enterprise or territory of the country of posting:</p> <ul style="list-style-type: none"> ■ Yes, my employer informed me ■ Yes, representatives of the foreign enterprise informed me at the beginning of posting ■ Yes, trade union (unions) acting in the enterprise or territory of the country of posting contacted me directly ■ I have found this information by myself ■ Did not receive such information ■ Was not looking (asking) for such information ■ Other: 	0 0 0 0 4 1 0	0 0 0 0 80 20 0
30	<p>Do You have experience of receiving any kind of help from trade union (unions)?</p> <ul style="list-style-type: none"> ■ Yes ■ No ■ Other: 	1 4 0	20 80 0
31	<p>Whether any type of collective agreement (enterprise, branch, territorial level, etc.) of foreign country was applicable to You during posting?</p> <ul style="list-style-type: none"> ■ Yes 	5	100

	<input type="checkbox"/> No <input type="checkbox"/> Cannot answer	0 0	0 0
32	Country of Your origin (sending country): <i>Italy</i>	15	100
33	Your gender: <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Prefer not to say	8 13 0	38,09 61,90 0
34	Your age: <input type="checkbox"/> 18-25 <input type="checkbox"/> 26-35 <input type="checkbox"/> 36-45 <input type="checkbox"/> 46-55 <input type="checkbox"/> 56-65 <input type="checkbox"/> 66 and more	0 2 6 6 5 2	0 9,52 28,57 28,57 23,81 9,52
35	Your education: <input type="checkbox"/> Lower than secondary <input type="checkbox"/> Secondary <input type="checkbox"/> Professional qualification <input type="checkbox"/> Higher <input type="checkbox"/> other:	0 0 6 10 5	0 0 28,57 47,62 23,81
36	Are you a member of trade union? <input type="checkbox"/> Yes <input type="checkbox"/> No	2 19	9,52 90,47

➤ *Comments:* In question 13, answers “all the conditions indicated above” have been placed in the relative “conditions” mentioned above if not marked; similarly, the answer "all the conditions indicated above" was cancelled if all the previous ones were also marked.

2.3 Questionnaire for Trade Unions

No of Q	Question	Number of answers	%
1	Your trade union acts in: <input type="checkbox"/> Enterprise level <input type="checkbox"/> Branch or territorial level <input type="checkbox"/> National level <input type="checkbox"/> Other:	3 9° 7	15,78 47,37 36,84
2	Your country: <i>Italy</i>	13	100
3	Whether you have encountered workers of another EU Member States posted to your state: <input type="checkbox"/> Yes <input type="checkbox"/> No	8 9	47,06 52,94
4	If answer is yes, from which EU Member State (States): <input type="checkbox"/> Bulgaria <input type="checkbox"/> France <input type="checkbox"/> Germany <input type="checkbox"/> Romania <input type="checkbox"/> Spain <input type="checkbox"/> Sweden <input type="checkbox"/> Various Countries	1 4 1 4 1 1 1	7,69 30,77 7,69 30,77 7,69 7,69 7,69

5	Whether you have encountered workers of non-EU country posted to your state: <ul style="list-style-type: none"> ■ Yes ■ No 	9 7	56,25 43,75
6	If answer is yes, from which non-EU country (countries): <ul style="list-style-type: none"> ■ China ■ Egypt ■ North Macedonia ■ Moldova ■ Russia ■ USA ■ Kazakistan 	2 1 2 2 1 2 1	18,18 9,09 18,18 18,18 9,09 18,18 9,09
7	Whether you have encountered workers posted to another EU Member States: <ul style="list-style-type: none"> ■ Yes ■ No 	9 8	52,94 47,06
8	If answer is yes, to which country (countries): <ul style="list-style-type: none"> ■ France ■ Germany ■ Poland ■ Romania ■ Russia ■ Spain ■ Various Countries 	4 4 1 1 1 1 2	28,57 28,57 7,14 7,14 7,14 7,14 14,28
9	What is the way you are dealing with posted workers (several answers can be selected): <ul style="list-style-type: none"> ■ We constantly publish and provide general information about our trade union ■ We are contacting individual posted workers where it is possible ■ Posted workers are applying to us with different questions ■ We have close contact with employers hosting posted workers ■ Other: <ul style="list-style-type: none"> ■ Via RSU ■ We are in contact with posting undertackings 	5 1 6 4 5 1 1	21,74 4,35 26,09 17,39 21,74 4,35 4,35
10	If you publish and provide general information about your trade union, which methods do you use (several answers can be selected): <ul style="list-style-type: none"> ■ General information about trade union on web site ■ General information about trade union in printed brochures or booklets ■ General information about posted workers' rights on web site ■ General information about posted workers' rights in printed brochures or booklets ■ Cannot answer ■ Other: 	11 10 3 5 2 0	35,48 32,26 9,68 16,13 6,45 0
11	If you publish and provide general information about your trade union, which languages do you use: <ul style="list-style-type: none"> ■ Arabic 	1	6,67

	<ul style="list-style-type: none"> ■ French ■ English ■ Italian 	1 2 11	6,67 13,33 73,33
12	<p>If posted workers are applying to you, do they apply:</p> <ul style="list-style-type: none"> ■ To receive general information about their rights ■ Are complaining about possible violation of their rights ■ Cannot answer ■ Other: Possible clarifications on the stipulated employment contract, before signing 	11 6 1 1	57,89 31,58 5,26 5,26
13	<p>If posted workers are applying to you, what type of information they usually need (several answers can be selected)</p> <ul style="list-style-type: none"> ■ Working time/rest periods ■ Annual holidays ■ Minimum wage ■ Other payments for work ■ Conditions of workers by temporary employment ■ Health, safety and hygiene at work ■ Protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people ■ Equality of treatment between men and women and other non-discrimination rules ■ Conditions of employees' accommodation ■ Reimbursement of additional expenses (e.g. travel, accommodation) ■ Cannot answer ■ Other: 	8 7 7 7 1 4 3 2 3 6 1 1	16 14 14 14 2 8 6 4 6 12 2 2
14	<p>What type of help (support) do you usually provide for posted workers (several answers can be selected):</p> <ul style="list-style-type: none"> ■ general information about national legal regulation ■ general information about EU legal regulation ■ specific individual legal evaluation of worker's rights ■ legal advise ■ representation of worker before state institutions or bodies dealing with pre-trial individual labour disputes ■ legal representation in courts ■ contacts of other persons/institutions which can provide legal aid ■ cannot answer ■ other: 	13 4 7 5 5 0 3 1 0	34,21 10,53 18,42 13,16 13,16 0 7,89 2,63 0
15	<p>In case of cross-border situations of posted workers what type of communication do you usually use (several answers can be selected):</p> <ul style="list-style-type: none"> ■ Direct communication with sending employers ■ Direct communication with host enterprises ■ Communication with foreign national competent authorities (e.g. labour inspectorate) 	10 6 6	37,04 22,22 22,22

	<ul style="list-style-type: none"> ■ Communication with trade unions of other countries ■ Non 	3 0	11,11 0
	<ul style="list-style-type: none"> ■ Cannot answer ■ Other: 	2 0	7,41 0
16	<p>Please indicate other problems in the sphere of posting of workers you are familiar with:</p> <ul style="list-style-type: none"> ■ Double employment contract (is salary added or deducted?) ■ Travel expenses ■ Company credit card usage limits ■ Legislative discrepancy ■ Equal treatment ■ Identification of the collective agreement of reference in the foreign country ■ Interpretation of labor law regulations 	1 1 1 1 2 1 1	12,5 12,5 12,5 12,5 25 12,5 12,5
17	<p>Your position in trade union:</p> <ul style="list-style-type: none"> ■ The chairman ■ Member of trade union administrative body ■ Lawyer/legal expert <ul style="list-style-type: none"> ■ Other: (General) employee ■ Consultant ■ Disputes office manager ■ Officer ■ Labour consultant in trade union relations ■ Labour consultant ■ Other 	4 1 2 1 1 1 3 1 1 2	23,53 5,88 11,76 5,88 5,88 5,88 17,65 5,88 5,88 11,76

➤ *Comments:* In question 12 the answers "both" have been placed in the relative "precedents" mentioned above and the answer was canceled if "the previous ones" mentioned above were also marked.

3. Analysis of findings

Using the results of questionnaires (and if needed specific forms) please describe briefly following aspects of the findings. In this part you are also free to present your personal opinion, interpretation and suggestions.

In case no answers are received to specific questionnaire, corresponding part (3.1., 3.2. or 3.3.) is skipped (deleted from the template without changing the numeration of remaining parts).

3.1. Analysis of findings from employers

A1. Please describe the findings, which EU countries were indicated as destination for posting (questions No 4 and 5). Whether the results were expected from the national experience?

8 out of 32 employers (approx. 25 percent) indicated that they post their workers to other EU countries. Indicating the most usual EU countries of posting, totally 5 countries were mentioned. According to the statistics, the most popular countries for posting were Germany and France while in the second group among the popular countries Poland and Spain (and, before Brexit, the UK) were mentioned. This result is in line with the fact that these countries represent the major European economies and the major economies with which Italy maintains commercial relations. Furthermore, it should be noticed that UK was indicated in question No 5 (not in question No 7). This may be explained by the fact, that

employers are familiar with the fact that posting regulation was also applicable in UK, and they did not distinguish this country as “third country”.

These data are compatible with the official data from the “Osservatorio distacco” updated by the Ministry of Labor where it is observed that - from 1 January 2021 to 30 June 2021 – out of 4,250 posted workers from Italy, 62,7 percent went to other UE countries with France as the main destination.

B1. Please describe the findings, which non-EU countries were indicated as destination for posting (questions No 6 and 7). Whether the results were expected from the national experience?

8 out of 32 employers (approx. 25 percent) indicated that they use posting to non-EU countries. 8 non-EU countries were mentioned, all of them for one time – Canada, Australia, Mexico and Ukraine, Korea (probably in relation to South Korea), Russia –, but with the important exceptions of China (four times) and USA (two times). This result is in line with the fact that these two countries represent the major global economies and the major economies with which Italy maintains commercial relations outside the EU internal market.

From the official data of the “Osservatorio distacco” updated by the Ministry of Labor where it is observed that - from 1 January 2021 to 30 June 2021 – it emerges that the workers posted from Italy to non-EU countries were about 37,3 percent while other data on the countries of destination are not available.

C1. Can it be noticed that employers who post their workers to EU countries, also actively use posting to non-EU countries (relation of Q no 4-7)?

The answer is positive and this clearly emerges from the questionnaires. The real distinction is made between companies that use transnational posting (from European or non-European countries indifferently) from those that do not use it.

D1. What are the most usual reasons for posting (Q no 8)?

The most popular answer was “sending to another company of our group” (8 respondents have chosen this answer). The second most popular answer was “contract of services with foreign companies” (3 respondents mentioned this answer).

E1. What are the most popular periods of posting (Q no 9)?

The most popular period is “more than 12 months” (the longest period) and represents approx. 45 percent of the answers. Another two answers – up to 1 week and from 1 week to 1 month – were indicated by approx. 18 percent of the respondents.

F1. Please describe the findings, from which EU and non-EU countries employers mostly receive posted workers (Q No 10 and 11). Whether the results were expected from the national experience?

7 out of 31 employers (approx. 22,5 percent) indicated that they accept posted workers from foreign countries. In total, 8 countries were indicated. For EU countries, Poland and Germany were the most popular answers (each mentioned for 2 times), while Austria and Czech Republic were mentioned for 1 time.

As regards the official data provided by the “Osservatorio distacco” updated by the Ministry of Labor” (period from 27 December 2016 to 30 June 2021): the total number of postings is 153,210, the vast majority of which (almost 90%) come from European Union countries. The EU countries that post more are Romania, with more than 63,000 postings and Germany, with more than 25,000 postings.

Of the 19,606 postings from non-EU countries, the majority belong to Switzerland and the United Kingdom, with 7,223 (equal to over 35%) and 4,504 postings (equal to 23%) respectively.

G1. Can it be noticed certain relations of sending and receiving countries (Q 5, 7 and 11)?

Both for EU and non-EU countries, an essential relation can be seen. With two important exceptions (China and France), the most popular countries for posting (question No 5) correspond data of countries from which workers are posted (question No 11). Thus, it can be noted that in many cases we can highlight the same most popular destinations from/to Italy.

H1. What are the most usual reasons for receiving posted workers (Q no 12)?

Employers indicated 5 main reasons. “Education-Training on our technology and facilities abroad” was indicated as the most popular reason for receiving posted workers (approx. 42 %) while the other answers – “Organizational needs”; “Intragroup posting (of executives)” and “Assignment of positions with a high professional and managerial content” – were indicated by 1 respondent respectively.

II. Please evaluate the results of general knowledge concerning EU regulation, its transposition and national legislation (relation of Q 13, 14 and 15).

The majority of respondents (17 out of 31, approx. 55 percent) replied that they do know that there are special EU directives regulating posting of workers. Exactly the same number answered that they do know that these special EU rules have to be transferred to national legislation but, from these positive answers, only 68 % of the respondents could indicate the national legal act transposing EU directives correctly. That means, even though the general knowledge of EU regulation is quite high, not all employers (who know about EU regulation) could provide the name of national legal acts providing national rules for posting.

J1. Please evaluate the results of general knowledge concerning guarantees for posted workers and specific conditions that must be applied (Q 16 and 17).

The majority of respondents (19 out of 30, approx. 63 percent) replied that they do know that workers posted to another EU country must be subject to the same working conditions and guarantees as workers from that country. Quite different situation is seen when evaluating the results of question, no 17, asking to indicate which of the conditions listed must be applied. Only 2 respondents (10%) chose the answer – “All above mentioned conditions” must be applied. The rest of respondents indicated several conditions.

Maximum working periods, minimum rest periods and health and safety have been pointed out by all respondents (100%) while a significant response in the questionnaires received also: rates of payment, including overtime rates (90%), equality of treatment between men and women or the discipline regarding parental leaves and all the protective measures related to maternity (75%) and the reimbursement of additional expenses (70%). Less common answers were: Minimum paid annual holiday (60%), conditions of employees’ accommodation (45%), non-discriminations rules (35%) and conditions of workers by temporary employments (25%).

K1. Please evaluate the results of general knowledge concerning A1 form (Q 19 and 20).

17 respondents (out of 31) indicated that they do know that employer must obtain an A1 form from national competent authority. This almost corresponds data collected from questions No 13 and 14, showing the general knowledge about EU regulation. With few exceptions, almost all respondents also indicated exact competent authority in Italy responsible for issuing A1 form (INPS).

L1. Please evaluate the results of general knowledge concerning pre-declaration system (Q 21, 22, 23).

Only 16 respondents (out of 31, approx. 51 %) indicated that they are aware of the electronic pre-declaration system in EU countries. These answers are similar with the data from question No 19 concerning awareness of A1 form requirements.

15 respondents replied that the duty to fill pre-declaration form belongs to sending employer. 10 respondents selected answer “cannot answer”. It can be noted, that – with one exception – all employers who were aware of the pre-declaration system, could reasonably name who is responsible for filling the data in the form.

On the other hand, a lower percentage of respondents (approx. 40 %) provided information that they know where to find and to fill pre-declaration form. In this sense, it can be supposed that the level of general knowledge of employers concerning pre-declaration system can still be improved.

M1. Please evaluate the results of general knowledge concerning possibility to post third-country nationals to another EU member State (Q 24).

8 respondents (approx. 27 %) provided the negative answer, while only one respondent provided a positive answer indicating that it is possible only in case when worker is legally residing and working in Italy. All the other respondents (approx. 70 percent) could not provide an answer.

N1. Please evaluate the results of general knowledge concerning remuneration for posted workers (Q 25 and 26).

Answering the question concerning remuneration (no 25), 12 respondents provided that they “cannot answer” (approx. 40%) while 7 respondents (approx. 23 percent) indicated that the same level of salary that is typical for native employees performing the same job in country where the work is carried must be paid. A few parts of respondents (3 out of 31, approx. 10 percent) indicated that at least minimum salary applicable in host country must be guaranteed. 8 (approx. 30%) respondents indicated that minimum salary applicable in sending country must be guaranteed. These results highlight that regulations concerning remuneration for posted workers are not fully understood, which can lead to the violation of posted workers’ rights.

Situation to be explored better concerns also answers provided to question no 26 concerning the status of covering additional expenses: 13 (approx. 45%) respondents indicated that they cannot answer while 16 respondents (approx. 55 percent of all respondents) replied that these expenses are paid in addition to the agreed salary. This situation reveals that regulation of any type of payment for posted workers is not totally well-known by employers and probably is considered as quite complicated.

O1. Please describe the finding concerning knowledge and use of information (Q 27, 28, 29).

Only 12 respondents (out of 30, approx. 40 percent) indicated that they are aware that, in each country, information on posting is provided on internet sites and, accordingly, more or less the same percentage of respondents (39 %) confirmed that they have been using such information.

The 13 answers of respondents who indicated that they have used such an information were divided between: information was useful (6 answers) and information was useful in part (4 answers).

P1. Please evaluate the results of general knowledge concerning information that must be provided for posted workers (Q 30).

All respondents indicated different elements of information. The most popular choices were information on “duration of posting” and “Country of posting” (22 respondents). Other most frequently named information was concerning the salary, institution of social insurance, other benefits and the daily allowance. Only few respondents indicated information concerning currency and a link to official websites.

R1. Please evaluate the results of general knowledge concerning posted temporary workers (Q 31 and 32).

All respondents indicated that they have no practise of using posted temporary workers. Replying to the question whether different conditions can be applied to posted temporary workers, the majority of respondents answered “cannot answer” (16 out of 30, approx. 53 percent.). All other answers (14 out of 30) indicated that it is not possible to apply different working conditions to posted temporary workers.

S1. Please describe the findings concerning knowledge and experience of collective agreements (Q 33-36) Whether there is certain relation between experience in bargaining and knowledge concerning application of collective agreements (relation of Q 33-34 and 36)?

The majority of employers (17 out of 30, approx. 57 percent) provided that they “cannot answer” whether collective agreement should be applied for posted workers. One respondent provided that collective agreement is not applicable for posted workers, while 12 respondents provided opposite answers, i.e. that collective agreements must be applicable to all posted workers.

When asked to specify which type of collective agreement must be applied to posted workers, again, the majority indicated “cannot answer” (24 out of 31). Furthermore, 7 respondents chose to reply positively and named collective agreements: which are of general application (3 answers), which would normally be applicable in similar companies (1 answer), which are concluded by social partners at national level and applied throughout the country (3 answer).

Even 27 respondents out of 31 indicated that they do not know that the trade union of host company may contact employer asking to participate in joint collective bargaining.

Logically, no respondent indicated positive experience of participating in such collective bargaining. Evaluating these group of answers, it can be stated that both the level of theoretical knowledge and practise of employers are very low.

As no respondent indicated the practise of collective bargaining, no relation between practice and general knowledge can be evaluated.

T1. Other comments concerning situation of the level of information and knowledge of employers.

In synthesis, on the business side, the investigations on the sample of over fifty companies, mostly engineering firms, have almost ended, with over thirty replies, particularly from some very large and important industries. In general, the response of the companies involved is not totally surprising. By declaring that they have never come across the problem in their day-to-day business, they have underlined that they have not studied the legal guidelines and have no information on the matter. We can but hope that they will take advantage of the training opportunities made available by the project in 2021 and 2022. Meanwhile, these positions are in line with expectations, due to the structural implications of the approach of Italian companies, which tend to focus on immediate major issues and are uninterested in investigating others, particularly those with a highly complex legal basis.

Moreover, some of the interlocutors had been identified with a certain level of precision, as, in full respect for confidentiality, it was a known fact that they had signed contracts aiming to get round the application of the European laws on protection against transnational posting. Indeed, in some cases, the inspections were so significant that they aroused the interest of the press, involving companies from particular geographical areas, with all probability due to financial and fiscal problems. And yet, some of these companies gave elusive answers, in contrast to what was known about their actual experience (there are only few cases, but this number is not totally negligible as it counts for around one tenth of the companies involved). Others, within their rights, did not reply. For those who ... didn't 'tell the truth' (without prejudice to the guarantee of confidentiality, as underlined in any case, and which will continue to be assured subsequently for the project implementation), there are two possible interpretations, without any actual possibility to clarify the doubt.

Some may not have understood the questions and, above all, may not have realised that some of them indirectly concerned posting. In particular, some small trade businesses did not understand that their presumed contracts evaded the EU protection laws, hiring foreign workers without complying with the European directives and related Italian laws. If the theory of the complete lack of understanding of the legal issues (and, in at least two cases, we believe that this is exactly what happened) is true, we may be disheartened by the actual understanding of the impact of European law and its effect on day-to-day activities. It should also be mentioned that, in the two cases mentioned, the workers in Italy were Romanian and, if what they say is correct, they should have left Italy in 2020. We can think of remedying this phenomenon at least in part with future training, which, however structured and challenging, may only involve some engineering firms. However, the (final - if not in quantitative then at least in qualitative terms) conclusion is somewhat disheartening, although not new to Italian labour law; worker protection rules are sometimes breached unawares, due to the failure to assess the strategies of Italian law, and even more so those of the very sophisticated European laws.

In contrast, there may be another explanation for large firms that made declarations that are inconsistent with their known experience. As we may imagine, their officers have fully considered the issue, they have understood the reference to what occurred and deliberately concealed their case, for fear of negative publicity or embarrassing news, and sheltered beneath the umbrella of confidentiality. The phenomenon is inevitable in any measure, nor should it be surprising, as the reassurance of the confidentiality of the information gathered is often not enough to lead people to tell the truth. Only few companies admitted that they had been involved in significant cases of collective posting, suggesting

that they had not done so lawfully, without any direct admission but with significant incidental hints. However, the conclusion is not reliable in quantitative terms, for the reasons previously explained. The phenomenon of illegality is much more widespread and, above all, the fact that it is often completely unconscious is worrying.

Finally, a certain number of firms demonstrated a foreseeable and laudable knowledge of the issue, its effects, the European regulations and the consequences in terms of social security and civil law; these are mostly medium-sized or large firms (not only in the metal engineering sector), with a strong managerial structure, appropriate legal skills and a mature organisational culture. Sometimes part of transnational groups (with Italian or foreign capital, even from outside the European Union), posting is commonplace and without any substantial difficulties, aside from the occasional error, which is always possible and even understandable both in human and professional terms, due to the nature of the issues. It is feared that precisely these interlocutors, who have least need, take advantage of the future training opportunities. At the same time, while we may take satisfaction from the skill of their managers and middle managers, it has to be noted that recourse to posting is occasional, for high-level positions, therefore for highly paid workers, able to protect themselves and not directly and immediately in need of the protection afforded by European law. These are not the cases of mass postings of large numbers of workers, but individuals with strong skills and without immediate economic urgencies.

3.2. Analysis of findings from employees (workers)

A2. Please describe the findings, which EU countries were indicated as destination for posting (questions No 1 and 2). Whether the results were expected from the national experience?

Only 3 out of 21 employees (approx. 86 percent) indicated that they have not been posted to other EU country. Indicating the most usual EU countries of posting, totally 5 countries were mentioned. It is interesting that the distribution of the most popular countries is quite even. 3 countries – France, Germany and Romania – were mentioned 1 time. These results basically reflect the official data from the “Osservatorio distacco” updated by the Ministry of Labor.

B2. What are the most popular periods of posting (Q no 3)? Do results correspond those from employers?

The most popular periods indicated were: from 1 month to 6 months (approx. 33 percent) and up to a month (approx. 33 percent), while one employee indicated that he/she was posted for longer period than 12 months. Comparing the responses of employees and employers, it can be stated that the responses essentially coincide.

C2. Please describe the findings, which non-EU countries were indicated as destination for posting (Q no 4, 5). Whether the results were expected from the national experience? What are the most popular periods of posting (Q no 6)?

18 respondents (approx. 86%) indicated that they were posted only to EU countries while 3 respondents indicated that he or she was posted to other non-EU countries.

It should be mentioned that Italian institutions do not present these official data, so it is impossible to compare the results with official data (see also B1 in Analysis of findings from employers).

D2. What are the most usual reasons for posting (Q no 7)?

Only 5 respondents indicated the posting reason: 2 respondents indicated “contract of services with foreign companies”, while 3 respondents replied that they were sent to another company of the same company group.

E2. Is it possible to establish which professions or functions face posting usually (Q no 8 and 1)?

After analysing the answers of all respondents, a great variety of different professions involved emerges but it is clear that only a minority of respondents usually performed technical or mechanical work during their period of posting.

F2. Please evaluate the results of general knowledge concerning EU regulation, its transposition and national legislation (Q no 9, 10 and 11)? Are there some differences from relative answers from employers?

Answering questions no 9, 10 and 11, 7 respondents (approx. 33%) indicated that they know about such legal regulation and 14 answered in a negative way (approx. 66%). Furthermore, only 5 respondents (approx. 25%) indicated that they are informed that EU rules had been transposed into the Italian legal system and correctly indicated the specific national law.

G2. Please evaluate the results of general knowledge concerning guarantees for posted workers and specific conditions that must be applied (Q no 12 and 13). Are there some differences from relative answers from employers?

Only 9 out of 21 employees (approx. 42 percent) indicated that, during posting period, they must enjoy the same working conditions as all the other employees of the receiving employer.

A different situation emerges with the results of question, no 13. Only 2 respondents chose the answer – “Only these conditions that are agreed by employee and employer” must be applied. The other respondents, similarly to employers, indicated several conditions with a great variety of answers.

“Maximum working periods, minimum rest periods”, “health and safety”, “rates of pay, including overtime rates”, “equality of treatment between men and women”, “non-discrimination rules” and “reimbursement of additional expenses” have been pointed out by more than 10 respondents (100%) while a significant response in the questionnaires received also: “minimum paid annual holidays”; “Conditions of employees’ accommodation” and “Protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people” (9 respondents respectively). Much lower was the response: Conditions of workers by temporary employment (4 respondents)

H2. Please evaluate the results of general knowledge concerning remuneration for posted workers (Q 14, 15 and 16). Are there some differences from relative answers from employers?

Approx. 33% percent (or 6 respondents) indicated that posted worker must be guaranteed “at least minimum salary applicable in sending country” while 4 respondents (approx. 22%) respondents chose the answer: “the same level of salary that is typical for employee performing the same job”. 8 respondents (approx. 44%) cannot answer the question at all, confirming the low level of general knowledge.

When answering question 15 about additional expenses, respondents were divided into three groups confirming what emerged from the previous question: 5 respondents indicated that such payments are agreed in addition to salary, 1 respondent indicated that such payments are a part of the salary previously agreed and the rest 3 respondents couldn’t answer at all.

Finally, a vast majority (56 percent or 9 respondents) indicated that daily allowance is paid in addition to the agreed salary but the level of awareness is not so high because more than 33% of respondents replied they “cannot answer”.

I2. Please evaluate the results of general knowledge concerning information that must be provided for posted workers (Q no 17 and 18). Are there some differences from relative answers from employers?

A majority of respondents (approx. 57 percent) did not consider that employers must inform - in written form - posted workers about their working conditions. All respondents who answered that such obligation exists, when answering to question 18, indicated: country of posting, duration of posting period and salary, additional benefits and travel allowances (9 respondents) With the sole exception of the links to the official website sites, all other information also receives quite satisfactory answers. It emerges that the knowledge on posting of workers’ regulation is generally scarce but it grows sufficiently for certain categories, especially for those workers (and companies) who have really approached the institute.

J2. Please evaluate the experience of actual provision of information (Q no 19 and 20).

4 respondents (80%) answered positively and 1 indicated that she or he was informed about working conditions during posting period but only in oral form. It shows that in practise, the situation is quite positive and employees are informed

about working conditions before the posting. The same situation can be seen when answering the question, no 20: 3 out of 5 respondents indicated that information they received before posting was “partially sufficient” while the rest respondents replied they were fully satisfied.

K2. Please evaluate the experience of information of designation of contact person (Q no 21 and 22).

A majority of respondents (4 or approx. 66%) indicated that they received contacts of the person-employer representative to whom they can apply in sending country while all respondents (100%) confirmed that they received such contacts about the authorized person of receiving employer.

L2. Please evaluate the results of general knowledge concerning social security rights (Q no 23 and 24).

Answers to questions concerning the social security rights, *inter alia* in case of sickness during posting period, show that the level of knowledge between workers is low: approx. 79% and 69% respondents indicated that they did not have any knowledge about social security rights.

M2. What are main subjects of application in case of breach of rights (Q no 25)?

While the majority did not answer, 8 respondents confirmed their preference to apply to State institution (both sending country or country of posting); 3 respondents indicated that in such cases they preferred to apply to the employer. Finally the rest 5 respondents indicated their preference to the assistance of trade unions (with a majority of trade unions from the country of posting).

N2. Please describe the findings concerning knowledge and use of information (Q no 26, 27 and 28). Are there some differences from relative answers from employers?

Only 7 respondents out of 21 indicated that they are informed about special internet sites in each EU country and only 4 respondents (out of 21) indicated that they have checked these internet sites and received relevant information. On the other hand, all the letters were satisfied or partially satisfied by the information received. When comparing the answers to the same questions from employers, the situation shows that both employees and employers are not very familiar with such informational instruments.

O2. Please evaluate the experience of information concerning trade union, receiving help from trade union and knowledge about collective agreement application (Q no 29, 30 and 31).

The vast majority of responses (80%) highlights that no information was received and, sometimes, not even asked (20%). Only 1 respondent out of 5 indicated that she or he described a successful collaboration with trade unions. Answering the question about applicable collective agreements (Q 31), on the contrary, all answers received were positive.

P2. Are there any tendencies regarding the age of respondents (Q no 34) and their experience on subject of application in case of breach of rights (Q no 25); and their experience concerning knowledge and use of information (Q no 26, 27 and 28)?

No tendencies regarding findings to questions no 34, 25, 26, 27 and 28 and indicated age of respondents were noticed.

R2. Are there any tendencies regarding the education of respondents (Q no 35) and their experience on subject of application in case of breach of rights (Q no 25); and their experience concerning knowledge and use of information (Q no 26, 27 and 28)?

No tendencies regarding findings to the mentioned questions and indicated level of education of respondents were noticed.

S2. Are there any tendencies regarding the trade union membership of respondents (Q no 36) and their experience on subject of application in case of breach of rights (Q no 25); and their experience concerning knowledge and use of information (Q no 26, 27 and 28)?

No tendencies regarding findings to mentioned questions and membership of respondents were noticed.

T2. Other comments concerning situation of the level of information and knowledge of employees.

Obtaining answers from workers was not easy due to practical problems in meeting them, in a time of social distancing due to pandemic. So information had to be gathered by telematic means or video conference. In particular, this made it difficult to have contact with older workers, who are unfamiliar with completing the questionnaires and whose answers were often short e-mail messages. In any event, in line with expectations, in this area the complete lack of awareness of the very concept of transnational posting and of the European laws emerged.

If any, the answers from top managers, middle managers and medium- or high-level office workers were significant, as they show some knowledge of the matter only where directly involved or if it came up with colleagues or other people with whom they have close professional and personal relations. Even in this field, poor consideration of the issue emerged, where seen outside of specific events and, therefore, as a general cultural or significant topic, particularly among public opinion. The conclusion was taken for granted, considering the complexity of the issue and its sectoral analysis, with a low level of consideration even among trade union associations. Not by chance, the project aims, to investigate the situation further, particularly among metal engineering firms, are justified.

The conclusions of the investigations do not differ greatly from those reached by trade union organisations or firms. We talk of posting only if there is an order of the employer which defines it as such right from the start and attributes the correct qualification, so that, in similar situations, the EU regulation is often complied with, without any significant practical or legal trauma. Even top and middle managers do not question whether they constitute postings or not, leading to the corresponding protections being assured in many tenders and other contracts between companies involving the temporary transnational movement of groups of factory or other low-skilled workers. Not by chance this issue is neglected, even by people who have worked in the companies in which the phenomenon has occurred. The conclusion is not very comforting; if the fundamental guidelines are ignored and the objective misunderstood, how can the European regulations be effective? These unconscious infringements are all the more serious when, as shown in this research, they are used by individuals with significant professional competence and significant cultural awareness. The final statistical data clearly underline this.

3.3. Analysis of findings from trade unions

A3. Please describe the findings on trade unions experience encountering posted workers from other EU Member states (Q no 3 and 4). Are there any tendencies regarding findings (Q no 3 and 4) and the level of trade union (Q no 1)?

Totally 17 replies from respondents – representatives of trade unions – were received: 10 from enterprise or territorial level, 7 from national level (all acting in Italy). A little less than half of respondents confirmed an experience with posted workers from other EU countries, i.e. 18 out of 17 (approx. 47 percent). France and Romania were indicated as the most popular countries (mentioned 4 times). Other countries mentioned by respondents were Bulgaria, Germany, Spain and Sweden (mentioned 1 time).

B3. Please describe the findings on trade unions experience encountering posted workers from non-EU countries (Q no 5 and 6). Are there any tendencies regarding findings (Q no 5 and 6) and the level of trade union (Q no 1)?

The majority of respondents confirmed an experience with posted workers from non-EU countries – 9 out of 16 (approx. 56 percent). Many different countries were named from China, Usa and Moldova (two times) to Russia, Kazakhstan and Egypt (1 time).

C3. Please describe the findings on trade unions experience encountering posted workers to other countries (Q no 7 and 8). Are there any tendencies regarding findings (Q no 7 and 8) and the level of trade union (Q no 1)?

A slight majority of respondents indicated an experience with posted workers from non-EU countries – 9 out of 17 (approx. 52 percent). Several countries were indicated: the most popular were Germany and France (mentioned 4 times). Other: Romania (1), Spain (1), Poland (3). No tendencies regarding findings to questions no 7 and 8 and indicated level of trade union were noticed.

D3. Are there some differences from most usual countries indicated by trade unions (Q no 4, 6 and 8) and relative answers from employees (workers)/employers?

With the rather surprising exception of Romania (about which, for a possible explanation, see the initial introduction), findings from trade union respondents are similar to the findings from employers.

E3. Please describe which are the most usual way of dealing with posted workers (Q no 9). Are there any tendencies regarding findings (Q no 9) and the level of trade union (Q no 1)?

In general, respondents indicated several different ways of dealing/communication. The most popular way of dealing is: posted workers are applying themselves with different questions (answer mentioned 6 times). Popular answers were also: “having close contacts with employers hosting posted workers” (mentioned 4 times) and “publishing and provision of general information about trade union” (mentioned 5 times). Finally, “contacting individual posted workers where it is possible” and “contacting posting undertakings” were also indicated one time.

No specific tendencies between answers and levels of trade unions were noticed.

F3. Please evaluate the usual practise of providing information (Q no 10 and 11).

Only 2 respondents indicated that they “cannot answer” to question no 10 (concerning methods of providing general information). All other respondents indicated several different methods of providing general information.

General information about trade union on website was the most popular answer (mentioned 11 times). The second most popular answer is: “providing general information about trade union in printed brochures” (mentioned 10 times). Other methods were not so common: “general information about posted workers’ rights on internet” (3 times) and “in printed brochures and booklets” (5 times). The findings show that the most popular method to publish and provide general information for trade unions is a “not direct method”, which is also more general and does not include specific information for posted workers. Those respondents who answered positively to question No 10, indicated the main languages for provision of general information. Logically, the most popular language was Italian (mentioned 11 times). Other languages were: English and France.

G3. What are usual reasons for workers applying to trade union (Q no 12)?

Only 1 respondent out of 19 indicated that he or she cannot answer. A vast majority of respondents indicated that workers in general complain about a possible violation of their rights (6 respondents or approx. 31%) or indicated that workers try to receive general information about their rights (11 respondents or approx. 58%). These findings show that both situations – aim to receive general information and want for specific consultation in case of possible violation – are equally important for posted workers.

H3. What are usual types of information needed by workers (Q no 13)?

Respondents indicated several types of information. The most popular types of required information were: working time and rest periods (8 times); information concerning annual holydays, remuneration for work including minimum salary and other payments for work (all mentioned 7 times) and reimbursement of additional expenses (6 times).

Other information required were: health and safety issues (mentioned 4 times), conditions of temporary workers (mentioned 1 time), conditions of accommodation (mentioned 3 times), protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people (3 times) and equality of treatment between men and women (2 times).

In general, it is confirmed that the most required information is related to the different types of payment during posting. Regulation of any type of payment for posted workers can be evaluated as complicated also from employers’ side (see point N1). Thus, it can be stated that more emphasis on clear regulation and information on these issues should be addressed.

I3. What types of help are provided usually for workers (Q no 14)? Are there any tendencies regarding findings (Q no 14) and the level of trade union (Q no 1)?

A common activity of trade unions concerning posted workers is the delivering of the information – especially about relevant national and European legal regulation (in total 17 respondents) – and the provision of individual consultations and evaluations of the individual posted worker legal situation and legal advising (in total 12 respondents).

The second group of activities could be identified as legal assistance: direct representation of posted workers before state institutions (5 respondents) and mediation with other experts and institutions which can provide relevant information about posting issues concerning individual cases (3 respondents).

J3. What types of communication are usually used by trade unions (Q no 15)? Are there any tendencies regarding findings (Q no 15) and the level of trade union (Q no 1)?

As the most commonly used method of communication respondents indicated: direct communication with both sending and receiving employers (in total 16 respondents, approx. 59%). Communication with competent national authorities, inter alia, national (Italian) Labour Inspectorates was indicated by 6 respondents (approx. 22%) while communication through other trade unions by 3 respondents (approx. 11%).

The answers in general indicate a not so high level of trade union activism in the workers posting phenomena in Italy.

K3. Please describe the finding of other problems in the sphere of posting indicated by trade unions (Q no 16).

With the exception of “Equal treatment”, all other issues are indicated in the same way (one time) and do not take priority over the others

L3. Other comments concerning situation of the experience of trade unions.

According to the Italian understanding, employers’ associations were included among the trade union associations, and many responses were given, if, in addition to the completed questionnaires, we count the various answers given in e-mail messages. The overall outcome is fairly uniform and conforming to expectations; the issue is known at a general level, above all in terms of the risk of offences, but is deemed the realm of specialists and not really a major issue today, in a phase dominated by the epidemic crisis and the related strong concerns over the duration of employment relations and business trends. Not by chance, in several situations, the persons questioned stated they were generally aware of the issue but referred to other managers in their organisation, who in turn gave generic answers. In particular, the point of greatest interest was not grasped, i.e., the fact that tenders and other forms of contract may aim to elude the European posting laws, and that the innovative dimension of the project was not even understood, due to the lost habit of reasoning on the practical importance of EU provisions.

These results were expected, and confirm how the issue is reserved for a niche group of specialists, even within associations with strong representation, which ignore it in their day-to-day activities and are not used to tackling the matter. It is hoped that some corrective measures can be implemented through the subsequent training activities. Above all, in several answers, it can be understood that posting concerns only workers in top positions, within groups with a strong international vocation. These answers are interesting due to the inherent error in their approach. In fact, it refers to the case of postings defined clearly and transparently as such right from the outset by the companies, with the related, complete, or at least substantial, compliance with the worker protection laws. On the contrary, it is the workers’ representation organisations, which should have demonstrated full interest in the matter, that have not understood how the European directives should safeguard the rights of groups of low-skilled workers hired for factory positions. These workers are involved in collective initiatives, often behind the façade of contracted works. Despite the many answers, this aspect did not emerge and seems to be outside of the scope of trade union debate.