

<b>Project:</b>	STEP UP Protection: Stepping up the European cooperation and communication among Public & Private organizations for the PROTECTION of posted workers’ rights
<b>Ref. no.</b>	VS/2019/0383
<b>WP: 4</b>	A.4.1. Research about the level of diffusion of information on rights and obligations in situations of cross-border posting among companies and workers in the mechanical industry

**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**

**SPAIN**

**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.*

1. The three types of questionnaires were addressed online, via emails containing attached the forms. The messages included a brief presentation of the project and the objective of the questionnaire, as well as the need for the cooperation of the recipients of the emails.

Spanish team sent emails to 18 trade unions (some of them specifically from the mechanical industry). They were contacted through the contact information that appears at their websites. One of these messages could not be delivered because the email address indicated on the website failed. Three answers were accompanied by replies to the questionnaires.

Emails attaching the employers questionnaire form were sent to 60 employers associations in the metal and mechanical industry branches. Contact details were collected through their corresponding webpages. These emails appealed for their cooperation to distribute the forms among their associated enterprises. One of these messages could not be delivered because, as in the previous case, the email address indicated on the website failed. The only respondent until the date argued that its associated employers do not post their workers to other States and rejected the request for collaboration.

As far as the employees is concerned, Spanish team had to rely mostly on informal networks and contacts. 13 workers (some of them belonging to the mechanical industry) were directly contacted while 6 questionnaires from workers were managed through trade unions. They all replied attaching a completed questionnaire response.

1.2. By November 1<sup>st</sup>, 2021, we have received the following number of questionnaires for each category:

- 13 from trade unions;
- 19 from workers;

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- No answers from employers.

1.3. The pandemic situation has caused most of barriers that have hampered implementation progress of this activity. Communication channels have been limited to virtual formats and priorities of trade unions, employers and employees have significantly varied for the last year and a half. We have found it challenging to achieve their involvement in the development of this activity despite our requests for their constructive cooperation in the ongoing progress of the research project.

**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).*

**2.2 Questionnaire for employees (workers)**

<b>No of Q</b>	<b>Question</b>	<b>Number of answers</b>	<b>%</b>
1	<b>Have you been (or are) posted to another EU country?</b> <input type="checkbox"/> Yes ..... <input type="checkbox"/> No	8 11	42.1 57.9
2	<b>If yes, to which country (countries) of EU?</b> <i>Enter all answers from Forms (in English)</i>  - Italy - Greece - Cyprus - France - Luxembourg - Netherlands - Germany - Sweden - Finland	1 1 1 2 1 1 1 1 1	<b>No % is needed</b>

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3	<p><b>On average, for how long the posting period to another EU country (countries) lasted?</b></p> <ul style="list-style-type: none"> <li>■ Up to 1 month</li> <li>■ From 1 to 6 months</li> <li>■ From 6 to 12 months</li> <li>■ About 12 months</li> <li>■ More than 12 months</li> </ul>	<p>1</p> <p>4</p> <p>2</p> <p>0</p> <p>1</p>	<p>12.5</p> <p>50</p> <p>25</p> <p>0</p> <p>12.5</p>
4	<p><b>Have you been (or are) posted to non-EU country?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p>9</p> <p>10</p>	<p>44.4</p> <p>55.6</p>
5	<p><b>If yes, to which country (countries) of non-EU?</b> <i>Enter all answers from Forms (in English)</i></p> <ul style="list-style-type: none"> <li>■ USA</li> <li>■ Norway</li> <li>■ United Kingdom</li> <li>■ Morocco</li> <li>■ Libya</li> <li>■ Tunisia</li> <li>■ Algeria</li> <li>■ Brazil</li> </ul>	<p>4</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>	<p><b>No % is needed</b></p>
6	<p><b>On average, for how long the posting period to another non-EU country (countries) lasted?</b></p> <ul style="list-style-type: none"> <li>■ Up to 1 month</li> <li>■ From 1 to 6 months</li> <li>■ From 6 to 12 months</li> <li>■ About 12 months</li> <li>■ More than 12 months</li> </ul>	<p>1</p> <p>3</p> <p>2</p> <p>2</p> <p>1</p>	<p>11.11</p> <p>33.33</p> <p>22.22</p> <p>22.22</p> <p>11.11</p>
7	<p><b>You have been posted to another country because:</b></p> <ul style="list-style-type: none"> <li>■ Your employer has (had) a contract of services with foreign enterprise</li> <li>■ You are working in the establishment owned by Your employer as a group company operating also in another country</li> <li>■ You were sent as temporary employee by temporary employment undertaking (agency)</li> <li>■ Cannot answer</li> </ul>	<p>6</p> <p>7</p> <p>0</p> <p>0</p>	<p>46.2</p> <p>53.8</p> <p>0</p> <p>0</p>
8	<p><b>Please indicate Your profession, function or nature of work</b> <i>Enter all answers from Forms (in English)</i></p> <ul style="list-style-type: none"> <li>- Astrophysicist</li> <li>- Banking</li> <li>- Audiovisual producer</li> <li>- Bachelor's Degree</li> <li>- Financial Controller</li> <li>- Technical manager</li> <li>- Self-employed worker</li> </ul>	<p>1</p> <p>2</p> <p>1</p> <p>3</p> <p>1</p> <p>1</p> <p>1</p>	<p><b>No % is needed</b></p>

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	<ul style="list-style-type: none"> <li>- Welder</li> <li>- Photovoltaic plant operator</li> <li>- CNC operator</li> <li>- Renewable energy operator</li> <li>- Framer</li> <li>- Electrician</li> <li>- Civil Engineer</li> <li>- Assembly operator</li> </ul>	<p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>2</p> <p>1</p>	
9	<p><b>Do You know that there are special EU regulations for posted employees?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p>11</p> <p>8</p>	<p>57.9</p> <p>42.1</p>
10	<p><b>Do You know that these special EU regulations for posted employees have to be transferred to national legislation?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p>6</p> <p>13</p>	<p>31.6</p> <p>68.4</p>
11	<p><b>If answer to previous question is yes, can you name the national legal act (acts) which transfer special EU regulations for posted employees:</b></p> <p><i>Enter all answers from Forms (in English)</i></p>		
12	<p><b>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?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p>10</p> <p>9</p>	<p>52.63</p> <p>47.37</p>
13	<p><b>Which of these working conditions during Your posting period must be applied to You (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ Maximum work periods and minimum rest periods</li> <li>■ Minimum paid annual holidays</li> <li>■ Rates of pay, including overtime rates</li> <li>■ Conditions of workers by temporary employment</li> <li>■ Health, safety and hygiene at work</li> <li>■ 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</li> <li>■ Equality of treatment between men and women</li> <li>■ Non-discrimination rules</li> <li>■ Conditions of employees' accommodation</li> <li>■ Reimbursement of additional expenses (e.g. travel, accommodation)</li> <li>■ All above mentioned conditions</li> <li>■ Only these conditions that are agreed by employee and employer</li> <li>■ Other:</li> </ul>	<p>7</p> <p>4</p> <p>4</p> <p>1</p> <p>5</p> <p>2</p> <p>4</p> <p>4</p> <p>3</p> <p>3</p> <p>11</p> <p>1</p> <p>0</p>	<p><b>No % is needed</b></p>
14	<p><b>Which remuneration has to be guaranteed for posted employee?</b></p>		

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	<ul style="list-style-type: none"> <li>■ At least minimum salary applicable in country where the work is carried out</li> <li>■ The same level of salary that is typical for native employees performing the same job in country where the work is carried out</li> <li>■ At least minimum salary applicable in sending country</li> <li>■ Cannot answer</li> </ul>	0 11 5 2	0 61.1 27.8 11.1
15	<p><b>Amounts covering additional expenses (transport, travel and other expenses) which are paid by employer:</b></p> <ul style="list-style-type: none"> <li>■ Are considered as part of agreed salary of employee</li> <li>■ Are paid in addition to the agreed salary</li> <li>■ Cannot answer</li> <li>■ Never received such amounts</li> </ul>	3 12 1 3	15.79 63.16 5.26 15.79
16	<p><b>Daily allowance payable to employee:</b></p> <ul style="list-style-type: none"> <li>■ Are considered as part of agreed salary of employee</li> <li>■ Are paid in addition to the agreed salary</li> <li>■ Cannot answer</li> <li>■ Never received such daily allowance</li> </ul>	5 8 2 4	26.31 42.11 10.53 21.05
17	<p><b>Whether the employer must inform in writing the employee about the working conditions before posting the employee?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	16 2	88.89 11.11
18	<p><b>If answer is yes, which information shall be provided:</b></p> <ul style="list-style-type: none"> <li>■ Country of posting</li> <li>■ The duration of posting period</li> <li>■ The salary that will be paid in the host state</li> <li>■ Currency in which salary is paid</li> <li>■ Additional benefits (in money or in kind) for posting period</li> <li>■ Conditions of returning to country of origin (sending country)</li> <li>■ Travel allowances, meals, accommodation, etc. reimbursement of expenses</li> <li>■ A link to the official website of the host country where relevant information on the posting is published</li> <li>■ Institution to which social security contributions are paid</li> <li>■ Other:</li> <li>■ Cannot answer</li> </ul>	16 16 10 13 13 14 13 3 4 0 0	<b>No % is needed</b>
19	<p><b>Have You been informed about the working conditions before posting?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> <li>■ Yes, but only in verbal form</li> </ul>	6 3 4	46.15 23.08 30.77
20	<p><b>Whether the information about working conditions provided to you was sufficient?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> <li>■ Partially</li> </ul>	5 0 8	38.46 0 61.54

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	<ul style="list-style-type: none"> <li>■ Other:</li> </ul>	0	0
21	<p><b>Does Your employer designate a contact person, to whom you can apply in Your country of origin (sending country):</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	11 2	84.62 15.38
22	<p><b>Does Your employer designate a contact person, to whom you can apply in the country of posting?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	13 0	100 0
23	<p><b>Do You know about Your main social security rights during posting?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	11 5	68.75 31.25
24	<p><b>Would You know where to apply in case of sickness during posting?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	11 4	73.33 26.67
25	<p><b>In case of breach of Your rights during the posting, where would You apply:</b></p> <ul style="list-style-type: none"> <li>■ To my employer in country of origin (sending country)</li> <li>■ To the State institution (Labour Inspectorate) in country of origin (sending country)</li> <li>■ To the representative of enterprise to which You are posted (or contact person designated by employer)</li> <li>■ To the State institution in country of posting</li> <li>■ To the trade union in country of origin (sending country)</li> <li>■ To the trade union acting in the enterprise or territory in country of posting</li> <li>■ Directly to the court</li> <li>■ To nobody</li> <li>■ Cannot answer</li> <li>■ Other:</li> </ul>	8 6 2 2 1 8 1 0 2 0	<b>No % is needed</b>
26	<p><b>Do you know that in each EU country information important for posted employees is provided on internet sites?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	8 11	42.1 57.9
27	<p><b>Have You ever used information for posted employees provided on internet sites?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	6 13	31.58 64.42
28	<p><b>If answer is yes, please indicate whether (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ Information was useful</li> <li>■ Information was useful only in part</li> <li>■ Information was not useful</li> </ul>	4 3 0 0	57.14 42.86 0 0

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	<ul style="list-style-type: none"> <li>■ Could not use the information because of foreign language</li> <li>■ Other:</li> </ul>	0	0
29	<p><b>Have You received information about trade union (unions) acting in the enterprise or territory of the country of posting:</b></p> <ul style="list-style-type: none"> <li>■ Yes, my employer informed me</li> <li>■ Yes, representatives of the foreign enterprise informed me at the beginning of posting</li> <li>■ Yes, trade union (unions) acting in the enterprise or territory of the country of posting contacted me directly</li> <li>■ I have found this information by myself</li> <li>■ Did not receive such information</li> <li>■ Was not looking (asking) for such information</li> <li>■ Other:</li> </ul>	0 1 4 2 3 6 0	0 6.25 25 12.5 18.75 37.5 0
30	<p><b>Do You have experience of receiving any kind of help from trade union (unions)?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> <li>■ Other:</li> </ul>	3 10 0	23.08 76.92 0
31	<p><b>Whether any type of collective agreement (enterprise, branch, territorial level, etc.) of foreign country was applicable to You during posting?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> <li>■ Cannot answer</li> </ul>	8 5 5	44.4 27.8 27.8
32	<p><b>Country of Your origin (sending country):</b> <i>Enter all answers from Forms (in English)</i></p> <ul style="list-style-type: none"> <li>- Spain</li> <li>- Netherlands</li> </ul>	12 1	92.31 7.69
33	<p><b>Your gender:</b></p> <ul style="list-style-type: none"> <li>■ Female</li> <li>■ Male</li> <li>■ Prefer not to say</li> </ul>	6 13 0	31.58 68.42 0
34	<p><b>Your age:</b></p> <ul style="list-style-type: none"> <li>■ 18-25</li> <li>■ 26-35</li> <li>■ 36-45</li> <li>■ 46-55</li> <li>■ 56-65</li> <li>■ 66 and more</li> </ul>	0 4 10 2 3 0	0 21.05 52.63 10.53 15.79 0
35	<p><b>Your education:</b></p> <ul style="list-style-type: none"> <li>■ Lower than secondary</li> <li>■ Secondary</li> <li>■ Professional qualification</li> <li>■ Higher</li> <li>■ other:</li> </ul>	1 0 3 15 0	5.26 0 15.79 78.95 0
36	<b>Are you a member of trade union?</b>		

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<input type="checkbox"/> Yes	6	31.58
<input type="checkbox"/> No	13	68.42

Comments: if needed.

**2.3 Questionnaire for Trade Unions**

No of Q	Question	Number of answers	%
1	<b>Your trade union acts in:</b> <input type="checkbox"/> Enterprise level ..... <input type="checkbox"/> Branch or territorial level <input type="checkbox"/> National level <input type="checkbox"/> Other:	0 11 1 1	0 83.4 8.30 8.30
2	<b>Your country:</b> <i>Enter all answers from Forms (in English)</i> Spain	13	100
3	<b>Whether you have encountered workers of another EU Member States posted to your state:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	12 1	92.3 7.7
4	<b>If answer is yes, from which EU Member State (States):</b> <i>Enter all answers from Forms (in English)</i> - Romania - Portugal - Poland - France - Bulgaria	10 1 3 5 1	<b>No % is needed</b>
5	<b>Whether you have encountered workers of non-EU country posted to your state:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	12 1	92.3 7.7
6	<b>If answer is yes, from which non-EU country (countries):</b> <i>Enter all answers from Forms (in English)</i> <input type="checkbox"/> Morocco <input type="checkbox"/> Senegal <input type="checkbox"/> Algeria <input type="checkbox"/> Mali <input type="checkbox"/> Switzerland	10 7 1 4 1	<b>No % is needed</b>
7	<b>Whether you have encountered workers posted to another EU Member States:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	13 0	100 0
8	<b>If answer is yes, to which country (countries):</b> <i>Enter all answers from Forms (in English)</i>		<b>No %</b>



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	<ul style="list-style-type: none"> <li>- France</li> <li>- Netherlands</li> <li>- Germany</li> <li>- Italy</li> <li>- Portugal</li> </ul>	<p>9</p> <p>3</p> <p>4</p> <p>9</p> <p>1</p>	<b>is needed</b>
9	<p><b>What is the way you are dealing with posted workers (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ We constantly publish and provide general information about our trade union</li> <li>■ We are contacting individual posted workers where it is possible</li> <li>■ Posted workers are applying to us with different questions</li> <li>■ We have close contact with employers hosting posted workers</li> <li>■ Other:</li> </ul>	<p>12</p> <p>12</p> <p>13</p> <p>9</p>	<b>No % is needed</b>
10	<p><b>If you publish and provide general information about your trade union, which methods do you use (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ General information about trade union on web site</li> <li>■ General information about trade union in printed brochures or booklets</li> <li>■ General information about posted workers’ rights on web site</li> <li>■ General information about posted workers’ rights in printed brochures or booklets</li> <li>■ Cannot answer</li> <li>■ Other:</li> </ul>	<p>12</p> <p>12</p> <p>12</p> <p>10</p> <p>1</p> <p>0</p>	<b>No % is needed</b>
11	<p><b>If you publish and provide general information about your trade union, which languages do you use:</b> <i>Enter all answers from Forms (in English)</i></p> <ul style="list-style-type: none"> <li>- Arabic</li> <li>- French</li> <li>- Romanian</li> <li>- Spanish</li> <li>- English</li> <li>- Valencian</li> </ul>	<p>4</p> <p>8</p> <p>1</p> <p>12</p> <p>3</p> <p>1</p>	<b>No % is needed</b>
12	<p><b>If posted workers are applying to you, do they apply:</b></p> <ul style="list-style-type: none"> <li>■ To receive general information about their rights</li> <li>■ Are complaining about possible violation of their rights</li> <li>■ Cannot answer</li> <li>■ Other:</li> </ul>	<p>13</p> <p>13</p> <p>0</p> <p>0</p>	<b>No % is needed</b>
13	<p><b>If posted workers are applying to you, what type of information they usually need (several answers can be selected)</b></p>		<b>No % is needed</b>

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	<ul style="list-style-type: none"> <li>■ Working time/rest periods</li> <li>■ Annual holidays</li> <li>■ Minimum wage</li> <li>■ Other payments for work</li> <li>■ Conditions of workers by temporary employment</li> <li>■ Health, safety and hygiene at work</li> <li>■ 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</li> <li>■ Equality of treatment between men and women and other non-discrimination rules</li> <li>■ Conditions of employees' accommodation</li> <li>■ Reimbursement of additional expenses (e.g. travel, accommodation)</li> <li>■ Cannot answer</li> <li>■ Other:               <ul style="list-style-type: none"> <li>■ Comprehensive information about social and working conditions</li> <li>■ Vaccination</li> </ul> </li> </ul>	<p>13 2 13 2 13 12 11  1 13 11 0 4 1 3</p>	
14	<p><b>What type of help (support) do you usually provide for posted workers (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ general information about national legal regulation</li> <li>■ general information about EU legal regulation</li> <li>■ specific individual legal evaluation of worker's rights</li> <li>■ legal advise</li> <li>■ representation of worker before state institutions or bodies dealing with pre-trial individual labour disputes</li> <li>■ legal representation in courts</li> <li>■ contacts of other persons/institutions which can provide legal aid</li> <li>■ cannot answer</li> <li>■ other: assistance and support in the social and labour area</li> </ul>	<p>13 1 12 2 12 2 12 0 1</p>	<b>No % is needed</b>
15	<p><b>In case of cross-border situations of posted workers what type of communication do you usually use (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ Direct communication with sending employers</li> <li>■ Direct communication with host enterprises</li> <li>■ Communication with foreign national competent authorities (e.g. labour inspectorate)</li> <li>■ Communication with trade unions of other countries</li> <li>■ Non</li> <li>■ Cannot answer</li> <li>■ Other:</li> </ul>	<p>13 1 12 1 0 0 0</p>	<b>No % is needed</b>
16	<b>Please indicate other problems in the sphere of posting of workers you are familiar with:</b>		<b>No %</b>

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	<p><i>Enter all answers from Forms (in English)</i></p> <ul style="list-style-type: none"> <li>- Sick leaves and occupational accidents</li> <li>- Mobility problems due to pandemic situation</li> <li>- Passport COVID-19</li> <li>- Health problems</li> <li>- Pandemic</li> <li>- Vaccination</li> </ul>	<p>1</p> <p>2</p> <p>1</p> <p>3</p> <p>4</p> <p>3</p>	<p><b>is needed</b></p>
17	<p><b>Your position in trade union:</b></p> <ul style="list-style-type: none"> <li>■ The chairman</li> <li>■ Member of trade union administrative body</li> <li>■ Lawyer/legal expert</li> <li>■ Other:</li> </ul>	<p>3</p> <p>9</p> <p>0</p> <p>1</p>	<p>23.07</p> <p>69.23</p> <p>0</p> <p>7.7</p>

*Comments: if needed.*

### **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).*

#### **3.2. 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?

The mentioned destination countries are Italy, Greece, Cyprus, Germany, Sweden, Finland, France, Netherlands and Luxembourg. Generally there are destination countries consistent with national experience, such as France, Germany or Italy, although the appearance of the Nordic countries is striking. According to data of the European Parliament, most postings of workers from Spain are to France (28%) and Germany (15,1%)<sup>1</sup>.

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

The most common period of posting is 1 to 6 months, with periods shorter than 1 month or longer than 12 months being very rare. The data are consistent with the very concept of

<sup>1</sup> [https://www.europarl.europa.eu/infographic/posted-workers/index\\_en.html?country=es#sentworkers](https://www.europarl.europa.eu/infographic/posted-workers/index_en.html?country=es#sentworkers)

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"temporary displacement", which if we look at Spanish national law, implies a duration of less than 12 months.

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)?

Non-EU countries mentioned include United Kingdom, the United States, Morocco, Libya, Tunisia, Brazil, Algeria and Norway. These are results consistent with national experience, taking into account on the one hand the importance of the United States as the world's leading economy, and on the other, the proximity of the North African countries to Spain, especially Morocco, one of the key countries in diplomatic relations and in the control of migratory flow.

Regarding the most popular posting periods, although there is a certain degree of heterogeneity, they are commonly about 12 months.

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

The answers to questionnaires show that the most common reason for posting is the provision of services in the establishment of the employer as a company within the Group, which also operates in another country. The second most recurring reason is that the employer has a contract to provide services with a foreign company. No respondent stated that the reason for the posting was being sent as a temporary employee by a temporary work agency.

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

Certain correlations of interest can be established. Firstly, mobility to the United States is highly qualified (astrophysics and civil engineering) while the intra-community mobility is more closely linked to intermediate qualified professions, such as electricians or welders. Secondly, postings towards North African countries are visibly linked to renewable energies, for which they demand for technical and qualified labour.

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?

Most surveys are unaware of the existence of a European regulation on the posting of workers in the framework of a transnational provision of services. The level of ignorance regarding the transposition of such national legislation and framework is greater. No respondent knew the basic national regulation that applies to this matter.

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?

On the one hand, there is a high level of ignorance regarding the conditions applicable to posted workers. Sometimes there are contradictions between the answers to question n. 12 (negative answer) and question n. 13 (positive answer, indicating any of the specific conditions). On the other hand, most of the people who answered affirmatively to both questions made a mistake

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when selecting which are the specific conditions that apply, in other cases they selected “all the conditions mentioned above”.

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?

There are a significant number of answers, especially identifying travel, living and accommodation expenses as non-salary financial perceptions that, as established by European regulations, will be borne by the employer. Generally, knowledge about wage conditions or remuneration is correct, which is consistent with labor doctrine: the salary issue is preferential for workers and constitutes the first demand on the union agenda in most States.

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?

Most of workers answered affirmatively and they are aware of the employer's obligation to inform the worker in writing about the working conditions before posting. Similarly, there is a significant percentage of success when indicating the specific conditions that must be reported.

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

The level of compliance regarding the employer's duty to report in writing is not satisfactory if we take into account the testimonies collected in the surveys. Thus, although there is a significant number of workers who noted to have received information on their conditions before posting, many of them stated that such information was transmitted verbally. To this breach, it is added that the information provided was partial. Therefore, this point should be negatively assessed.

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

All the respondents reported that a contact person was designated for them, both in the country of origin and in the country of posting.

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

The level of general knowledge about social security rights is very high. This is an expected result if we bear in mind the practical importance of Social Security benefits, such as, for example, health care or unemployment protection.

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

Among the subjects to whom to attend in case of violation of rights, the State institution (Labour Inspectorate) of the country of origin (sending country) and the trade union that acts in the company or territory of the country where the worker has been posted on a recurring basis are mentioned. Even so, it is striking that the mention of the employer himself (country of origin) also appears repeatedly, which in a certain way involves a significant ignorance of

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the functioning of the institutions of guarantee and socio-labour protection, at least with regard to what would be applicable in the national scenario.

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?

There is a significant number of workers who know the information on web sites. Most of these workers considered that the information is useful, while a smaller number stated that it was only “partially useful”. Overall, the assessment is positive, although it could be improved since a smaller number of negative answers on this subject would have been desirable.

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).

In this section, the assessment must be negative. There is a lack of information on the trade unions, in fact, some respondents answered that they themselves searched for the information. Either the unions are not known, or the workers does not receive the help they are supposed to provide. However, the data show significant dysfunction at this point, so that the social function of the trade unions (especially at the European level) is not entirely satisfactory.

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)?

There is no significant causal correlation.

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)?

There is no conclusive correlation. In fact, the majority of respondents had a higher education background, yet the results are mixed.

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)?

There is a significant trend, as affiliated workers refer to the labour inspectorate and the trade unions of the country of destination as institutions to apply to in case of violation of labour rights. Similarly, affiliated workers know better and make better use of the information resources available.

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

In conclusion, the balance is ambivalent. On the one hand, it seems clear that the European legislation has allowed to progress in the working conditions of posted workers and facilitate access to information, as well as transparent working conditions. However, and taking into account the survey data, there are significant gaps regarding the information handled by workers.

### **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)?

The analysis of the questionnaires let us conclude that most trade unions act at branch or territorial level. Almost all of them have encountered workers of another EU Member States posted to Spain; in particular, most posted workers to Spain are from Romania (45%), France (25%) and Poland (15%). There is no conclusive correlation between these answers and the level of trade unions.

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)?

Only 1 out of 13 questionnaires reported that the trade union had not encountered workers of non-EU countries posted to Spain. From the positive answers, we can conclude that the most common countries of origin are Morocco, Senegal and Mali. There is no conclusive correlation between these answers and the level of trade unions.

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)?

No answer to question number 7 was negative and all the trade unions that replied stated that they had encountered workers posted to another EU Member States, particularly, France (35%), Italy (35%), Germany (17%) and Netherlands (13%). There is no conclusive correlation between these answers and the level of trade unions.

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)?

The most popular countries of posting indicated by employees correspond the findings from trade unions, such as France or Italy.

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)?

Most trade unions tend to deal with posted workers by constantly publishing and providing general information about the trade union, contacting individual posted workers where it is possible or receiving different questions from them (100%). Other ways of dealings, such as close contact with employers that host posted workers, are less frequently used (75%). There is no conclusive correlation between these answers and the level of trade unions.

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

Trade Unions do publish and provide general information. The most commonly used methods are web sites, printed brochures or booklets, as well as general information about posted

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workers' rights on web sites (100%). Although without absolute unanimity, other answers reports that the method concerning the provision of general information about posted workers' rights in printed brochures or booklets is used (83%).

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

Almost all the questionnaires noted that both options indicated are used, so posted workers that apply to trade unions attempt to receive general information about their rights and complain about possible violation of their rights.

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

The most common answers concerned working time and rest periods, minimum wage, conditions of workers by temporary employment, health, safety and hygiene at work, as well as conditions of employees' accommodation. To a lesser extent, 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 and reimbursement of additional expenses are selected as types of information required by posted workers.

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)?

Trade unions commonly reported that the types of support usually provided for posted workers were about general information regarding national legal regulation, specific individual legal evaluation of worker's rights, representation of worker before state institutions or bodies dealing with pre-trial individual labour disputes and contacts of other persons or institutions which can provide legal aid. There is no conclusive correlation between these answers and the level of trade unions.

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)?

The majority of answers suggest that the types of communication usually used by trade unions are related to direct communication with sending employers and communication with foreign national competent authorities. There is no conclusive correlation between these answers and the level of trade unions.

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

Problems concerning pandemic situation and vaccination of workers appear to be the most common issues highlighted by trade unions in the sphere of posting of workers.

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