

<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**

**[Portugal]**

**1. Description of methodology**

*Please provide detailed information on three questionnaires separately Employers. Employees. Trade Unions:*

- 1. provide information on number of questionnaires delivered and method of delivering. If only interactive method was used (and it is impossible to evaluate specific number of delivered questionnaires), please describe which channels and forms were used. Note: when describing the methods of delivering, please, regard the rules of data security, e.g.: instead of mentioning the specific person general information must be used, e.g. “sectorial (national, enterprise) level trade union acting in the branch of [activity]”; “sectorial (national) organization of employers acting in the branch of [activity]”; representative of State institution (in case of State institution the name of the institution can be provided), other organization (in this case follow the rules concerning naming trade unions and employers). Be careful – do not provide the names of natural persons or employers.*
- 2. provide number of questionnaires returned*
- 3. provide general information on the COVID situation (restrictions in your country) which can be evaluated as having influence on collecting the related data.*

Questionnaires were delivered as Google forms. Only interactive method was used.

Links to the questionnaires were delivered per email to our partners at national federations such as trade union federations *UGT – União Geral dos Trabalhadores* (General Union of Workers) and *CGTP – Confederação Geral dos Trabalhadores Portugueses – Intersindical Nacional* (General Confederation of Portuguese Workers), as well as at employers’ associations in the fields of construction and metallurgy/metalwork such as *CIP – Confederação Empresarial de Portugal* (Business Confederation of Portugal), *AIMMAP – Associação dos Industriais Metalúrgicos, Metalomecânicos e Afins de Portugal* (Association of Industrial Metalworkers, Metal Mechanics and others of Portugal), and *AICCOPN – Associação dos Industriais da*

*Construção Civil e Obras Públicas* (Association of Construction Industrials and Public Works) – which also informed its public through its website at <https://www.aiccopn.pt/5/comunicacao/cat/noticias-outras/item/item-1-54766>), and the Portuguese Labour Inspectorate (*Autoridade para as Condições do Trabalho*).

The Portuguese Labour Inspectorate (*Autoridade para as Condições do Trabalho*) could not provide us contacts of workers due to data protection legislation, and therefore committed to sending the link to the workers themselves.

We insisted in the contacts with trade unions and the Portuguese Labour Inspectorate, as we were getting few answers to the questionnaires. Several emails were sent and many phone calls were made. The answer we got was that the trade union federations at issue had been contacted and had confirmed they would answer the questionnaire. Still, the number of answers did not increase, even after the numerous requests.

As only interactive forms were used, we are unable to specify the number of forms delivered to any of the categories.

By October 2<sup>nd</sup>, 2021, we had 11 answers from employers, 1 from trade unions, and 1 from employees.

The deadline for filling in the forms was first postponed from January 30<sup>th</sup> to end of February, then end of March and later 30<sup>th</sup> of April due to lack of answers from employees and trade unions. It remained active, though, but no further replies were received.

We believe that COVID had a major impact in the collection of data, as both employers and unions were more concerned with issues such as dismissals, remote work, and occupational health and safety. Besides, workers could not be reached directly due to data protection issues, so we could only ask those entities, as well as the Labour Inspectorate, to provide them the questionnaires themselves. We also had no other means to distribute the forms but per email and, during this period, displacement of workers was reduced as well.

## **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**

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No of Q.	Question	Number of answers	%
1	<b>Area or nature of activity of your company:</b> Metallurgy or metalworking Industry Construction Metallic equipment Robotics and automation Mold industry	5 1 1 1 2 1	<b>No % is needed</b>
2	<b>The home state of your business:</b> Portugal	11	100%
3	<b>Average number of employees in your company:</b> ■ 1-9 ■ 10-49 ■ 50-99 ■ 100-249 ■ 250 and more	1 1 3 4 2	9,1% 9,1% 27,3% 36,4% 18,2%
4	<b>Do you post your staff to other EU Member States?</b> ■ Yes ■ No	6 5	54,5% 45,5%
5	<b>If the answer was yes, please indicate the most usual EU countries of posting:</b> Spain France Italy Switzerland Belgium Netherlands Germany Others	4 6 2 1 2 1 2 1	<b>No % is needed</b>
6	<b>Do you post your staff to non-EU countries:</b> ■ Yes ■ No	5 6	45,5% 54,5%
7	<b>If the answer was yes, please indicate the most usual non-EU countries of posting:</b> Morocco Saudi Arabia Angola England South Africa Australia	1 1 2 1 1 1	<b>No % is needed</b>

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	New Zealand United Kingdom Others	1 1 1	
8	<b>You are posting your staff to another country because:</b> <ul style="list-style-type: none"> <li>■ You have (had) a contract of services with foreign enterprise</li> <li>■ Employees are sent to another company of our group</li> <li>■ We are a temporary employment company (agency)</li> <li>■ Other: commercial representations, fairs, client prospection</li> <li>■ Other: sometimes for short periods</li> <li>■ Other: approval of projects executed in Portugal</li> </ul>	3 3 1 1 1	27,3% 27,3% 9,1% 9,1% 9,1%
9	<b>On average, you post an employee abroad:</b> <ul style="list-style-type: none"> <li>■ Up to 1 week</li> <li>■ From 1 week to 1 month</li> <li>■ From 1 month to 3 months</li> <li>■ From 3 months to 6 months</li> <li>■ From 6 months to 12 months</li> <li>■ More than 12 months</li> </ul>	5 1 2 1 1 1	45,5% 9,1% 18,2% 9,1% 9,1% 9,1%
10	<b>Are you an employer to which workers from other countries are posted:</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	0 11	100%
11	<b>If answer is yes, from which foreign countries (EU Member States and third countries) are workers sent to you:</b> <i>No answers</i>	0	<b>No % is needed</b>
12	<b>Why do you need to accept posted workers from other countries? Please specify</b> Did not answer Do not need Need workers from companies of the same group When specialists are not available	4 5 1 1	<b>No % is needed</b>
13	<b>Do you know that there are special EU directives governing the posting of workers?</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	7 4	63,6% 36,4%
14	<b>Do you know that these special EU directives governing the posted workers have to be transferred to national legislation?</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	4 7	36,4% 63,6%
15	<b>If answer to previous question is yes, can you name the national legal act (acts) which transfer special EU directives governing posted workers:</b> No	2	18,18%

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	Law 29/2017 and DL 101-E/2020	1	9,09%
	Did not answer	8	72,72%
16	<b>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?</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	8 3	72,7% 27,3%
17	<b>Which of these working conditions during posting period must be applied to posted workers (several answers can be selected):</b> <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>	7 4 7 4 7  6 7 6 6 7 5 2 0	<b>No % is needed</b>
18	<b>Did you know that you can only post employees employed by your company?</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	10 1	90,9% 9,1%
19	<b>Did you know that you must obtain an A1 form from your national competent authority before posting a worker?</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	7 4	63,6% 36,4%
20	<b>Which competent authority in your country issues an A1 form? Please specify:</b> Social Security Do not know Did not answer	7 3 1	63,6% 27,3% 9,1%
21	<b>Are you aware of the electronic pre-declaration systems put in place by EU Member States?</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	5 6	45,5% 54,5%
22	<b>Who has to fill in the pre-declaration forms?</b> <ul style="list-style-type: none"> <li>■ Sending employer</li> <li>■ Host company</li> </ul>	7 1	63,6% 9,1%

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	<ul style="list-style-type: none"> <li>■ Employee</li> <li>■ Cannot answer</li> </ul>	0 3	27,3%
23	<p><b>Do you know where to find and fill out pre-declaration forms?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	6 5	54,5% 45,5%
24	<p><b>Can you post third-country nationals to another EU Member States:</b></p> <ul style="list-style-type: none"> <li>■ Yes, in all cases</li> <li>■ Yes, if worker is legally residing and working in sending country</li> <li>■ No</li> <li>■ Cannot answer</li> <li>■ Other:</li> </ul>	0 6 1 4 0	54,5% 9,1% 36,4%
25	<p><b>Which remuneration has to be guaranteed for posted worker?</b></p> <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>■ Other</li> <li>■ Cannot answer</li> </ul>	2 5 1 3 0	18,2% 45,5% 9,1% 27,3%
26	<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 paid such amounts</li> </ul>	8 1 2	72,7% 9,1% 18,2%
27	<p><b>Do you know that in each EU country information on posting of workers is provided on internet sites?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	6 5	54,5% 45,5%
28	<p><b>Have You ever used information on posting of workers provided on internet sites?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	6 5	54,5% 45,5%
29	<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> <li>■ Could not use the information because of foreign language</li> <li>■ Other:</li> </ul>	4 2 0 0	66,7% 33,3%

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30	<p><b>What information do you need to provide before posting a worker to another state (several answers can be selected):</b></p> <ul style="list-style-type: none"> <li>■ Country of posting</li> <li>■ Duration of work abroad (posting)</li> <li>■ The salary that will be paid in the host state</li> <li>■ The currency in which the salary will be paid</li> <li>■ Other benefits (in kind or in money) for work performed abroad</li> <li>■ Conditions of returning to country of origin (sending country)</li> <li>■ Daily allowance and reimbursement of expenses (e.g. travel, accommodation)</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: never posted workers</li> </ul>	<p>10 10 6 5 8 6 10 1 2 1</p>	<p><b>No % is needed</b></p>
31	<p><b>Do you use the services of posted temporary workers?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p>0 11</p>	<p>100%</p>
32	<p><b>Can different (worse) working conditions be imposed on posted temporary workers than on permanent workers?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> <li>■ Cannot answer</li> </ul>	<p>7 4</p>	<p>63,6% 36,4%</p>
33	<p><b>If your company has a collective agreement (company level), do you have to apply it:</b></p> <ul style="list-style-type: none"> <li>■ For all posted workers</li> <li>■ Only for temporary posted workers</li> <li>■ Not applicable to posted workers</li> <li>■ Cannot answer</li> </ul>	<p>8 0 2 1</p>	<p>72,7% 18,2% 9,1%</p>
34	<p><b>These collective agreements must be applied to posted workers:</b></p> <ul style="list-style-type: none"> <li>■ Only those which are of general application under national law</li> <li>■ Only those that would normally apply to similar companies in that territory, industry or professional field</li> <li>■ Only those that are concluded by the social partners at national level and apply throughout the country</li> <li>■ Not applicable at all</li> <li>■ Cannot answer</li> </ul>	<p>0 0 1 0 1 9</p>	<p>9,1% 9,1% 81,8%</p>
35	<p><b>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?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	<p>1 10</p>	<p>9,1% 90,9%</p>
36	<p><b>Have you ever participated in such collective bargaining that address the issues of working conditions of posted workers?</b></p> <ul style="list-style-type: none"> <li>■ Yes, as the host employer (enterprise) of the posted workers</li> <li>■ Yes, as sending employer of the posted workers</li> </ul>	<p>0 0</p>	

*Step up Protection – Stepping up the European cooperation and communication among Public & Private organizations for the Protection of posted workers' rights*

	<input type="checkbox"/> No	9	81,8%
	<input type="checkbox"/> Cannot answer	2	18,2%

*Comments: if needed.*

**2.2 Questionnaire for employees (workers)**

No of Q	Question	Number of answers	%
1	<b>Have you been (or are) posted to another EU country?</b> <input type="checkbox"/> Yes ..... <input type="checkbox"/> No	1	100%
2	<b>If yes, to which country (countries) of EU?</b> Belgium		<b>No % is needed</b>
3	<b>On average, for how long the posting period to another EU country (countries) lasted?</b> <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	100%
4	<b>Have you been (or are) posted to non-EU country?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	1	100%
5	<b>If yes, to which country (countries) of non-EU?</b> <i>Enter all answers from Forms (in English)</i>	0	<b>No % is needed</b>
6	<b>On average, for how long the posting period to another non-EU country (countries) lasted?</b> <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	100%
7	<b>You have been posted to another country because:</b> <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	1	100%



*Step up Protection – Stepping up the European cooperation and communication among Public & Private organizations for the Protection of posted workers' rights*

	<ul style="list-style-type: none"> <li>■ You were sent as temporary employee by temporary employment undertaking (agency)</li> <li>■ Cannot answer</li> </ul>		
8	<p><b>Please indicate Your profession, function or nature of work</b> Nurse</p>		<b>No % is needed</b>
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>	1	100%
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>	1	100%
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> Did not answer</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>	1	100%
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>■ Only these conditions that are agreed by employee and employer</li> <li>■ Other:</li> </ul>	<p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>	<b>No % is needed</b>
14	<p><b>Which remuneration has to be guaranteed for posted employee?</b></p> <ul style="list-style-type: none"> <li>■ At least minimum salary applicable in country where the work is carried out</li> </ul>		

*Step up Protection – Stepping up the European cooperation and communication among Public & Private organizations for the Protection of posted workers' rights*

	<ul style="list-style-type: none"> <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>	1	100%
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>	1	100%
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>	1	100%
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>	1	100%
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>	1	<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>	1	100%
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> <li>■ Other:</li> </ul>	1	100%

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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>	1	100%
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>	1	100%
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>	1	100%
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>	1	100%
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>	1 1	<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>	1	100%
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>	1	100%
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> <li>■ Could not use the information because of foreign language</li> <li>■ Other:</li> </ul>	1	100%

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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>	1	100%
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>	1	100%
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>	1	100%
32	<p><b>Country of Your origin (sending country):</b> Portugal</p>	1	100%
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>	1	100%
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>	1	100%
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	100%
36	<p><b>Are you a member of trade union?</b></p> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	1	100%

*Comments: if needed.*

**2.3 Questionnaire for Trade Unions**

No of Q	Question	Number of answers	%
1	<b>Your trade union acts in:</b> <ul style="list-style-type: none"> <li>■ Enterprise level .....</li> <li>■ Branch or territorial level</li> <li>■ National level</li> <li>■ Other: Confederation at national level</li> </ul>	1	100%
2	<b>Your country:</b> Portugal	1	100%
3	<b>Whether you have encountered workers of another EU Member States posted to your state:</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	1	100%
4	<b>If answer is yes, from which EU Member State (States):</b> Spain	1	<b>No % is needed</b>
5	<b>Whether you have encountered workers of non-EU country posted to your state:</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	1	100%
6	<b>If answer is yes, from which non-EU country (countries):</b> <i>Enter all answers from Forms (in English)</i> <ul style="list-style-type: none"> <li>■</li> </ul>		<b>No % is needed</b>
7	<b>Whether you have encountered workers posted to another EU Member States:</b> <ul style="list-style-type: none"> <li>■ Yes</li> <li>■ No</li> </ul>	1	100%
8	<b>If answer is yes, to which country (countries):</b> Luxembourg France Spain	1 1 1	<b>No % is needed</b>
9	<b>What is the way you are dealing with posted workers (several answers can be selected):</b> <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> </ul>	1  1	<b>No % is needed</b>



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14	<b>What type of help (support) do you usually provide for posted workers (several answers can be selected):</b> <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:</li> </ul>	<p align="center">1 1 1 1 1 1 1</p>	<b>No % is needed</b>
15	<b>In case of cross-border situations of posted workers what type of communication do you usually use (several answers can be selected):</b> <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 align="center">1 1 1 1</p>	<b>No % is needed</b>
16	<b>Please indicate other problems in the sphere of posting of workers you are familiar with:</b> Social security issues	<p>1</p>	<b>No % is needed</b>
17	<b>Your position in trade union:</b> <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>1</p>	<p>100%</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).*

### **3.1. 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?**

The answers were: Spain, France, Italy, Switzerland, Belgium, Netherlands, Germany, and others.

Yes, results were expected as some of these were countries also referred by the Portuguese Labour Inspectorate Authority in their report as the countries with whom bilateral agreements were entered into, particularly France, Spain and Belgium.

**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?**

The non-EU countries referred to were mainly African or English speaking countries. Examples were Morocco, Saudi Arabia, Angola, England, South Africa, Australia, New Zealand, United Kingdom, others.

Some of them may be explained as being Portuguese speaking countries, such as Angola, but others may be referred to as they are popular destination of Portuguese emigrants, such as the UK.

**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)?**

Probably yes, as the answers were pretty close: 54,5% post to EU countries and 45,5% are posting to non-EU countries. Only one respondent answered that the company post to EU countries but not to non-EU ones.

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

The most frequent answers referred they have (had) a contract of services with a foreign enterprise or that employees are sent to another company of the group (both of these answers with 27,3%).

No respondent referred being a temporary employment company (agency).



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

Clearly posting up to one week is the most popular one, as 45,5% of the respondents chose this option.

The second most referred was from 1 to 3 months, which was chosen by 18,2 % 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?**

We got no positive answers, which probably means that within this field there are no reasons (or no tradition) to receive posted workers.

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

As no countries were referred to as being “senders” of posted workers, this relationship is not possible to ascertain.

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

Curiously, even though none of the respondents has recognised receiving posted workers, some of them (two) indicated as reasons to receive them the need to get workers from companies of the same group, and the need for specialists that are not available. Most of the respondents (five) answered they do not need these workers, or they did not answer at all (four respondents).

**I1. Please evaluate the results of general knowledge concerning EU regulation, its transposition and national legislation (relation of Q 13, 14 and 15).**

It is positive to acknowledge that 63,6% of the companies know the special EU legislation, even though only 36,4% know that it has to be transferred to national legislation.

Only one respondent could identify the national applicable legislation. Most of them (72,72%) did not answer and 18,18 % recognised they do not know it.

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

It is quite interesting to realise 72,7 % of the respondents (eight) affirm they know that posted workers benefit from the same working conditions and guarantees as workers from that company.

But from these eight respondents, only five of them selected “all above mentioned conditions”.

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Seven of them chose “maximum work periods and minimum rest periods”, “rates of pay, including overtime rates”, “health, safety and hygiene at work”, “equality of treatment between men and women”, and “reimbursement of additional expenses (e.g. travel, accommodation)”.

The other options were chosen by less respondents: six of them chose “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”, “non-discrimination rules” and “conditions of employees’ accommodation”; four of them selected “Minimum paid annual holidays” and “conditions of workers by temporary employment”.

Finally, only two of them answered “only these conditions that are agreed by employee and employer”.

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

The exact same percentage of respondents that know that they must obtain an A1 form, know that the competent authority is the Social Security (63,6 %).

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

It is curious to conclude that only 45,5% of the respondents are aware of the electronic pre-declaration systems, which is a lower number than the ones that know about A1 form.

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

Most of the respondents (54,5%) answered this question positively, clarifying that the worker must be legally residing and working in sending country.

The other respondents could not answer, and one of them actually answered this is not possible at all.

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

The answers were very varied. Most of respondents answered “The same level of salary that is typical for native employees performing the same job in country where the work is carried out” (45,5%).

The other respondents chose “at least minimum salary applicable in country where the work is carried out” (18,2%), “at least minimum salary applicable in sending country” (9,1%) and “other” (27,3%).

Considering amount covering additional expenses, 72,7% selected that they are considered as part of agreed salary of employee.

These answers are from our point of view a consequence of a lack of knowledge on posting conditions concerning remuneration, and particularly on the concepts of salary and other benefits.

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

Answers were quite divided. 54,5% of respondents know about information being provided on internet and have used it, but some of them found that it was only partly useful (33,3%).

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

Most of the respondents (10 out of 11) selected “Country of posting”, “duration of work abroad (posting)”, and “Daily allowance and reimbursement of expenses (e.g. travel, accommodation)” as mandatory information to be provided.

Less respondents selected “The salary that will be paid in the host state” and “conditions of returning to country of origin (sending country)” (six respondents), “the currency in which the salary will be paid” (five answers), “other benefits (in kind or in money) for work performed abroad” (eight respondents), “a link to the official website of the host country where relevant information on the posting is published” (one respondent), and “institution to which social security contributions are paid” (two answers).

Curiously one of the companies answered it never posted workers.

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

None of the respondents uses posted workers. Considering the question on whether worse working conditions can be imposed on them, the majority of the companies (63,6%) answered it is not possible, and the other 36,4 % replied they could not answer.

**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 answered they have a collective agreement that is applicable for all posted workers (72,7%), but 81,8% could not answer to whom specifically it is applicable. The same percentage replied they have never participated in collective bargaining that addressed the

issues of working conditions of posted workers. The remaining 18,2% answered they could not answer.

From our point of view, this means knowledge concerning collective bargaining is not very wide and posting issues are not addressed by the parties who conclude collective agreements.

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

No comments.

**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?**

As we only had one answer, no comparisons can be made. Belgium was the country referred to.

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

This employee answered he had been posted for more than 12 months, which was the answer of only 9,1% of employers. This means probably that this employee is not representative of the majority of posted employees.

**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)?**

This employee has never been posted to non-EU countries.

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

This employee replied he was sent as a temporary employee by a temporary employment undertaking (agency). Once again, this does not correspond to the questionnaires obtained by employers as none of them were temporary employment undertakings (question 8 of employer's questionnaire).

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

Not at all. This employee is a nurse, which is something that does not relate with the areas of activity that were supposed to be analysed with the questionnaire.

**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?**

This employee referred that he knows there is EU legislation but doesn't know about the necessary transposition to national law, neither what are national diplomas ruling posting of workers.

**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?**

This employee replied he knows about working conditions that have to be applied during posting period, but selected only a few of them: maximum work periods and minimum rest periods, minimum paid annual holidays, rates of pay, including overtime rates, 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 non-discrimination rules.

**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?**

The employee answered "The same level of salary that is typical for native employees performing the same job in country where the work is carried out" must be applied. This is the answer that was replied by most of the employers (45,5%).

As concerns amounts covering additional expenses (transport, travel and other expenses), the employee answered they are paid in addition to the agreed salary. Most employers (72,7%) answered the same way.

Considering daily allowance, the employee referred it is paid in addition to the agreed salary.

**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?**

The employee acknowledged the employer must provide information in writing but could not answer specifically which information is included.

On the other hand, employers answered several of the topics that have to be provided to the posted worker, which means their level of knowledge is higher in what concerns this matter.

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

The employee has informed and considered information to be sufficient.

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

The employee replied he knew about the contact person in both countries of origin and of posting.

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

The employee answered he was aware of his/her rights in what concerns social security issues.

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

The employee answered he would apply to the representative of enterprise to which you are posted (or contact person designated by employer) or to the trade union in country of origin (sending country).

**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?**

The employee has used internet sites for information on posting and found information only partly useful (same as 33,3% of employers).

**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).**

Considering information on trade unions, the employee revealed he has found information by himself and has experience of receiving help from Trade unions.

**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)?**

We cannot express that relation as we only have one answer from a person aged 36-45.

**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)?**

We do not know, as we only have one answer. He states he has higher education.

**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)?**

We do not know, as we only have one respondent, who answered he is a member of a trade union.

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

No comments, as comparisons are difficult when we only have one answer.

### **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)?**

We only had one answer, so we cannot ascertain tendencies.

In this case, this is a confederation of national level which refers having encountered workers posted in Portugal, from Spain.

**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)?**

In this case, the respondent answered it has not found any employees from non-EU countries.

**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)?**

We cannot determine any tendencies, but the answer was that it encountered workers posted to Luxembourg, France and Spain.

**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)?**

Yes, as employee answered he has been posted to Belgium. But employers also referred to France and Spain.

**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)?**

The respondent selected three options: they contact individual posted workers where it is possible, the posted workers apply to them with different questions, and they have close contact with employers hosting posted workers.

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

The respondent provides information on their website and through direct appointments, in Portuguese, English or other languages depending on whom to address.

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

The respondent answered usually they want to receive general information about their rights.

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

The respondent selected topics of working time/rest periods, annual holidays, other payments for work and health, safety and hygiene at work.

**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)?**

The respondent states it provides all of the referred topics: general information about national legal regulation, general information about EU legal regulation, specific individual legal evaluation of worker's rights, legal advice, representation of worker before state institutions or bodies dealing with pre-trial individual labour disputes, legal



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representation in courts and contacts of other persons/institutions which can provide legal aid.

**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 respondent selected all of the means of communication.

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

The respondent referred to social security issues.

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

The respondent answered acting as a member of the trade union's administrative body.