

Project:	STEP UP Protection: Stepping up the European cooperation and communication among Public & Private organizations for the PROTECTION of posted workers' rights
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WP: 4	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

General 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

I. Introduction

One of the objectives of work-package No 4 (WP 4) is to identify the level of knowledge, among companies and workers in the mechanical industry, of the information on rights and obligations in situations of cross-border posting. The main activity of WP 4 Part A.4.1. was to carry out research about 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 in each partner country. This report has been on the basis of five national country reports as consolidation of findings in each partner country.

II. Description of methodology

II.1. Collection of data

Three questionnaires (addressed to employers, trade unions and employees; for the content of the questionnaires, see Annex 1) were first of all prepared in English and, after acceptance by each partner, they were translated into the national languages of each country. The questionnaires were submitted to respondents using the methods chosen in each country.

Italy. The three questionnaires were submitted via e-mails with an interactive link to the respective Google Forms. Personal and direct contacts were made with all employers, trade unions and employees, and specific e-mails were sent; in some cases, information about the project and questionnaires was also presented (the number of questionnaires delivered: 42 for employers; 26 for trade unions; 35 for employees). The number of replies to the questionnaires in each category received by 15 September 2021:

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

Lithuania. The three questionnaires were prepared as on-line version using Google Forms and sent via e-mails containing the interactive link to the respective Google Forms. For employers, three associations of employers active in specific industrial branches were contacted by e-mails and briefed about the project. They received the questionnaire (together with the interactive link to the Form) and were asked to distribute the relevant information by e-mail to employers – members of the specific association. As

only the interactive Form was used, it is impossible to identify the number of “delivered” forms. For trade unions, personal contact was made and a specific e-mail was sent to the Lithuanian Industry Trade Union Federation, which unites 39 trade unions – members of industry companies, such as construction, energy, electricity, technologies, etc. The Federation was asked to distribute the information on the questionnaire and the link to the specific Form by e-mails. As only the interactive Form was used, it is impossible to identify the number of “delivered” forms. For employers, the same initial contact as in the case of trade unions was used – contact with the Lithuanian Industry Trade Union Federation. The Federation was asked to distribute the e-mails with the relevant information and the link to the special Form through their member trade unions among the employees whose contacts were known to each trade union. As only the interactive Form was used, it is impossible to identify the number of “delivered” forms. The number of replies to the questionnaires in each category received by 15 September 2021:

- 21 from employers (all respondents active in mechanical industry branches);
- 18 from trade unions;
- 6 from employees.

Portugal. The questionnaires were delivered as Google forms. Only interactive method was used. Links to the questionnaires were delivered via 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 could not provide contacts of workers due to data protection legislation and, therefore, undertook to send the link to the workers themselves. It was insisted that the trade unions and the Portuguese Labour Inspectorate should make contacts as we were getting few answers to the questionnaires. Several emails were sent and many phone calls were made. They replied that the respective trade union federations had been contacted and had confirmed they would answer the questionnaire. However, the number of answers did not increase even after numerous requests. As only interactive forms were used, it is impossible to specify the number of forms delivered to any of the categories. The deadline for filling in the questionnaires was postponed several times as a result of the low number of the answers received. The number of replies to the questionnaires in each category received by 2 October 2021:

- 11 answers from employers;
- 1 from trade unions;
- 1 from employees.

Romania. The three questionnaires (addressed to employers, trade unions and employees) were submitted in the on-line version using Google Forms and were sent via e-mails containing the interactive link to the respective Google Forms. As far as employers were concerned, we focused only on the companies active in mechanical industry branches. Contact details (e-mails) were acquired through the public paid database available online. Approx. 20 sets of emails addressed to several companies were

sent with requests to fill in the questionnaire. Many e-mail contacts were outdated, therefore, the percentage of emails returned to the sender is quite high. For this reason, it is very difficult to calculate the precise number of delivered questionnaires. For trade unions, specific emails were sent to 10 national/regional trade unions and 7 company trade unions from the mechanical industry branches, whose contact details were public. Some of these contacts were out of date, especially those from company trade unions, and, as a result, many emails have returned to the sender. Personal contacts were also used to further disseminate the information and reach trade union representatives. As far as employees (posted workers) are concerned, it is almost impossible to reach them directly or to get their contact details from their employers (due to data protection regulations). Thus, several companies were contacted in order to disseminate the information among employees or to facilitate a direct communication with posted workers. In this respect, no company provided a positive answer. The deadline for filling in the questionnaires was postponed several times due to a low number of the answers collected. It is still possible to complete the three questionnaires for employers/ trade unions/ employees. The number of replies to the questionnaires for each category received by 31 October 2021:

- 23 from employers (from mechanical industry branches);
- 12 from trade unions;
- 0 from employees.

Spain. The three questionnaires were delivered online, via e-mails containing the forms attached. The e-mail messages included a brief presentation of the project and the questionnaire objectives, as well as highlighted the need for the e-mail recipients to cooperate. The Spanish team sent e-mails to 18 trade unions (some of them specifically from the mechanical industry). They were contacted using the contact details provided on their websites. One of the messages could not be delivered because the email address indicated on the website failed. Three answers were accompanied by replies to the questionnaires. E-mails with attached questionnaires for employers were sent to 60 employers' associations from the metal and mechanical industry branches. Contact details were collected through their corresponding webpages. These emails asked for their cooperation in distributing the forms among their associated enterprises. One of the messages could not be delivered because, as in the previous case, the email address indicated on the website failed. Only one respondent noted that its associated employers do not post their workers to other States and rejected the request for collaboration. As far as the employees were concerned, the Spanish team had to rely mostly on informal networks and contacts. 13 workers (some of them belonging to the mechanical industry) were directly contacted, and 6 questionnaires from workers were managed through trade unions. They all replied by attaching a completed questionnaire form. The number of questionnaires for each category received by 1 November 2021:

- no answers from employers;
- 13 from trade unions;
- 19 from employees.

As it can be seen, the results of received from different countries differ. The highest number of replies has been received from Italy and Lithuania. Two countries have not delivered any answers from employers (Spain) and employees (Romania) at all, and only 1 answer from trade unions and 1 answer from employees has been received from Portugal. The decision has been made to continue research with data analysis using as much information as has been collected.

Table 1.

Country	Number of answers received		
	Employers	Trade Unions	Employees
Italy	32	17	21
Lithuania	21	18	6
Portugal	11	1	1
Romania	23	12	0
Spain	0	13	19
	87	61	74

II.2. The impact of COVID

All partners provided general information on the potential impact of COVID on the data collecting process.

Italy noted that the project activities were clearly and inevitably affected by the emergency in 2020 all over Italy and in its highly industrial area, Emilia–Romagna, where the restrictive measures applied by the Government (from March 2020 to date, January 2021) have 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 the number of workers from other countries, those working on transnational postings or on contracts signed (in order to conceal them and avoid the application of the relevant laws on worker protection). This has led to a significant reduction in the size of the phenomenon, at least in the mechanical sector. The situation related to the COVID pandemic in **Lithuania** had an impact on the method of communication with potential respondents and on the distribution of forms – only interactive method was used. A large number of physical restrictions, downtimes and breaks in the operations of companies significantly reduced the numbers of moving (including posted) workers, no personal live contacts were made with potential respondents. It can be presumed that a relatively small number of the forms returned by employees has been the result of the method chosen. **Portugal** believes that COVID had a major impact on the collection of data, as both employers and unions were more concerned with issues such as dismissals, remote work, occupational health, and safety. Besides, workers could not be reached directly due to data protection, so only those entities, as well as the Labour Inspectorate could be asked to provide employees with the questionnaires. During this period, displacement of workers has reduced as well. The situation caused by the COVID-19 pandemic in **Romania** may be one of the most important factors which impeded the conduct of the research; the employers were more focused on their regular activity to ensure profit for their companies and remain on the market rather than getting involved in research projects. The trade unions were very much concerned about the increasing rates of technical unemployment, dismissals, the critical situation of small sized companies (not only), strikes, etc. Some major trade unions initiated national street protests in early January 2021, and some of these movements were still continuing when the research data was being collected. Moreover, the COVID-19 restrictions on the national level that affected both the activities of employers and the employees, made it possible to distribute the questionnaires only through Google forms, via online channels. With no direct, live interactions between the project team and potential respondents, it was quite difficult to get the expected number of completed questionnaires in each category of the respondents. The pandemic in **Spain** also hampered the implementation progress of this activity. Communication channels were limited to virtual formats and the priorities of trade unions, employers and employees were significantly different over the

last year and a half. The team found it challenging to achieve their involvement in this activity despite the requests for their constructive cooperation in the ongoing progress of the research project.

III. Description of the results

To ensure the uniform presentation of the data collected, the partner countries completed the form – the table with information on each questionnaire and each question: the number of answers, the answers provided by the respondents to open questions and, where applicable, data expression in percent (as a percentage from all received questionnaires). Where no answers had been received to the specific questionnaire (see Table 1), the corresponding parts were omitted – deleted from the template without changing the numbering of the remaining parts. The description of the results (Annex 1) was used for further analysis and interpretation of the data collected.

IV. Analysis of findings

Using the results of the questionnaires, the partner countries have provided national information on the specific aspects of the findings. The partner countries were also free to present personal opinion, interpretation and suggestions. In order to ensure uniformity of the form of analysis as much as possible, standard questions were presented: A1 – T1 for findings from employers; A2 – T2 for findings from employees and A3 – L3 from trade unions.

IV.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?

Italy. Eight out of 32 employers (approx. 25 percent) indicated that they post their workers to other EU countries. Among the most common EU countries for posting, 5 countries in total have been mentioned. According to the statistics, the most popular countries for posting were Germany and France, while the second group of the popular countries included Poland and Spain (and, before Brexit, the UK). This result is in line with the fact that these countries represent major European economies and the major economies with which Italy maintains commercial relations. Furthermore, it should be noted that the UK was indicated in question No 5 (not in question No 7). This may be explained by the fact that employers were aware of the fact that the posting regulation was also applicable in UK and did not distinguish this country as “third country”. These data are compatible with the official data from “Osservatorio distacco” as updated by the Ministry of Labour where it is observed that, between 1 January 2021 and 30 June 2021, 62.7 percent out of 4,250 workers posted from Italy went to other UE countries with France as the main destination.

Lithuania. Fourteen out of 21 employers (approx. 67%) indicated that they post their workers to other EU countries. Eight countries in total were mentioned as the most common EU countries for posting. It is interesting that the distribution of the most popular countries is quite even. Latvia was mentioned 3 times, 6 countries – Poland, Germany, Belgium, Estonia, Sweden and Norway – were mentioned 2 times, and the Netherlands was mentioned once. These results basically reflect the standard national experience (data of the European Parliament¹). According to the statistics, the most popular countries for posting are Germany, Norway and Sweden. The second group among the popular countries – Finland and France (both not mentioned by the respondents), Netherlands and Belgium. The largest deviation

¹ https://www.europarl.europa.eu/infographic/posted-workers/index_lt.html?country=lt#sentworkers.

from the statistics is the case of Latvia – the respondents mentioned Latvia 3 times, and, according to the statistics, Latvia does not seem to be a popular country for posting. It should also be noted that Norway was indicated in question No 5 (not in question No 7). This may be explained by the fact that employers are aware of the fact that the posting regulation is also applicable in Norway, and they do not distinguish this country as “third country”.

Portugal. The answers were: Spain, France, Italy, Switzerland, Belgium, the Netherlands, Germany, and others. The results were expected as some of these were the 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.

Romania. Nine out of 23 employers (39.13%) indicated that they post their workers to other EU countries. Nine EU Member States have been mentioned by the respondents. The most common destinations for posting are Germany (7 times), followed by France (3 times), Austria and Italy (2 times), then Austria, Poland, Slovakia, Czech Republic, Hungary and Greece (1 time each). Although Serbia is not an EU Member State, it was also mentioned once by one of the respondents. This shows that this particular employer does not know which are actually the EU Member States. These findings match with the statistical data provided by the European Parliament², where Germany, France and Italy are the most frequent EU states for the posting of Romanian workers. Though Belgium is the second option for the posting of workers, according to the above-mentioned source, none of the respondents chose this EU Member State as an answer. There is no official national data covering the national situation on posting, hence other sources had to be taken into consideration.

It is evident that the results received from all the partners are, in principle, similar. The data received from the questionnaires reflect the statistical data available in particular countries. Only minor exceptions have been noted where the information provided in the questionnaires contains minor deviations from the trends observed (in the case of Lithuania – Latvia as the hosting country, and in the case of Romania – 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?

Italy. Eight out of 32 employers (approx. 25%) indicated that they use posting to non-EU countries. Eight non-EU countries have been mentioned, all of them for one time – Canada, Australia, Mexico and Ukraine, Korea (probably in relation to South Korea), Russia, with important exceptions of China (four times) and USA (two times). This result is in line with the fact that these two countries represent major global economies and the major economies with which Italy maintains commercial relations outside the EU internal market. The official data of “Osservatorio distacco” as updated by the Ministry of Labour show that, between 1 January 2021 and 30 June 2021, the workers posted from Italy to non-EU countries constituted around 37.3%, however, no other data on the countries of destination were available.

Lithuania. Only 3 out of 21 employers (approx. 14%) indicated that they use posting to non-EU countries. Four non-EU countries have been mentioned, all of them were indicated one time – Canada, Australia, Mexico and Ukraine. In addition, one respondent used a general term “Scandinavian countries” without specification. This answer may be interpreted similarly to the answer “Norway” in question No 5. It can be that the respondent indicated “Scandinavian countries” because of the usual

² https://www.europarl.europa.eu/infographic/posted-workers/index_en.html#overview.

practice of posting workers to Norway. It should be mentioned that Lithuanian institutions do not present statistics on posting to non-EU countries, so it is impossible to compare the results with official data. However, according the most spread practices in Lithuania, the mention of Ukraine (considering general high-level labour mobility between Lithuania and Ukraine) and Canada or Australia (countries of close business relations with Lithuanian companies) can be regarded as adequate findings, especially taking into account that Canada, Australia (in addition to Mexico) were indicated by the respondents who noted that the most significant reason for posting is “sending employees to another company of our group”.

Portugal. 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.

Romania. Only 5 out of 23 employers (21.74%) indicated that they use posting to non-EU countries. Four non-EU countries have been mentioned – Japan (2 times), Switzerland (1 time), Ukraine (1 time), and Moldova (1 time). One respondent replied affirmatively whether he was posting workers to non-EU countries, however, he did not provide the names of these countries. There is no official data regarding the posting of Romanian workers to non-EU countries. We can rely on the answers given by the trade unions to their respective questionnaire, and the countries that have been mentioned in both questionnaires are Japan, Ukraine, and Moldova.

It is common for all countries that there is no available official statistics about the workers posted to non-EU countries. However, a general trend may be observed in such a case that the countries indicated as hosting countries during the survey are closely related to the posting country by historical-social ties (e.g., in the case of Portugal) or by economic relations.

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)?

Italy. The answer is affirmative and this can be clearly seen from the questionnaires. The real distinction is made between the companies that use transnational posting (both to European or non-European countries) and those that do not.

Lithuania. One of the respondents, who indicated that they post workers to non-EU countries (Ukraine), also stated that they post their workers to EU countries (Poland was named). The other two respondents, who indicated that they post workers to non-EU countries, did not indicate that they post workers to EU countries. Thus, it cannot be stated that the employers who post their workers to one group of countries (EU or non-EU) also actively use posting to the other group of countries.

Portugal. Probably yes, as the proportion of the answers were rather similar: 54.5% post to EU countries and 45.5% post to non-EU countries. Only one respondent answered that the company posts to EU countries but not to non-EU ones.

Romania. After comparing the data from Q4-Q7, it can be stated that most of the employers that post workers to EU countries also post to non-EU countries – 5 employers were active in posting to both EU and non-EU countries. Two of the respondents posted workers to Germany and France (EU) and then to Japan (non-EU). Another respondent who posted workers to Germany, France and Austria (EU), indicated Switzerland as a non-EU country for posting. Other respondent who posted workers to several

EU countries (Poland, Czech Republic, Slovakia, Hungary, Greece), mentioned Ukraine and Moldova as non-EU countries of destination. And 1 respondent who posted workers to France (EU) did not mention any non-EU countries for posting, although responded affirmatively to Q6.

A general trend can be observed in this case that a considerable part of the employers who post their workers to EU countries also post them to non-EU countries, except Lithuania where such relationship has not been observed.

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

Italy. 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 have mentioned this answer).

Lithuania. The most popular answer was “contract of services with foreign companies” – 12 respondents have chosen this answer. The second most popular answer was “sending to another company of our group” – 5 respondents have mentioned this answer. In addition, one respondent has indicated another answer – participation in international projects.

Portugal. The most frequent answers were that 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 noted that it was a temporary employment company (agency).

Romania. Out of 9 answers provided to Q8, 5 mentioned having a contract with a foreign enterprise and 4 referred to sending workers to another company of the group. No other reason for posting has been specified. The distribution of answers between the two options is approx. 50% each.

A clear trend can be seen that two reasons of posting predominate in the partner countries – “contract of services with foreign company” and “sending to another country of companies group”. Three countries (Lithuania, Portugal and Romania) indicated the first reason as slightly more common, while Italy more often referred to the second reasons. In none of the cases it has been noted that the worker had been posted as a worker of the “temporary employment company”.

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

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

Lithuania. Two groups of answers can be identified. The two most popular periods are up to 1 week and from 1 month to 3 months (each consisted of approx. 33%). From 3 to 6 months and from 6 to 12 months have been indicated by approximately 14 and 19% of the respondents. No respondent has indicated the term of posting for more than 12 months (the longest period) and from 1 week to 1 month.

Portugal. Clearly posting up to one week is the most popular one, as 45.5% of the respondents have chosen this option. The second most referred was from 1 to 3 months, which has been chosen by 18.2% of the respondents.

Romania. The findings after analysing the answers to Q9 show that no period of posting has been mentioned more frequently than the other periods. Three answers have been given to 1 month to

3 months (33.33%), as well as to 3 months to 6 months (33.33%). The period of 6 months to 12 months has been mentioned 2 times (22.22%), and the period of more than 12 months only 1 time (11.11%). No respondent has indicated the term of posting of up to 1 week or 1 week to 1 month (the shortest periods) or indicated any period of posting other than covered by the options given in the questionnaire. Thus, we might state that the respondents use short and mid-term periods of posting.

No significant similarities between individual states can be identified in this case. However, at least one exception can be noted: differently from Lithuania, Portugal and Romania, it has been observed that the most popular posting period in Italy is 12 months or more, while the respondents in other countries (Lithuania) have not chosen this period in general or mentioned it only in rare cases.

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?

Italy. Seven out of 31 employers (approx. 22.5%) indicated that they accept posted workers from foreign countries. In total, 8 countries have been indicated. Among the EU countries, Poland and Germany were the most popular answers (each mentioned for 2 times), while Austria and Czech Republic have been mentioned once. As regards the official data provided by “Osservatorio distacco” as updated by the Ministry of Labour (for the period from 27 December 2016 to 30 June 2021): the total number of postings was 153,210, the vast majority of which (almost 90%) came from the 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. Out 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.

Lithuania. Thirteen out of 21 employers (approx. 62%) indicated that they accept posted workers from foreign countries. In total, 10 countries have been indicated. Out of the EU countries, Poland and Latvia have been the most popular answers (each mentioned 3 times). Sweden and Germany have been mentioned 2 times, and Denmark, Italy and Finland have been mentioned once. These results mostly correspond to official data. According to the data presented by the European Parliament, the most popular posting countries are Poland and Germany. Less popular countries – Latvia, France, Bulgaria (the last two countries have not been mentioned by the respondents). Thus, it can be stated that the findings of the questionnaires, in fact, correspond to the common national practise. Out of non-EU countries, Ukraine and Belarus have been mentioned 3 times and Kazakhstan has been mentioned 1 time. From 2020, the Lithuanian Labour Inspectorate started to collect specific data on posted third-country nationals. The first statistics presented by the representative of the Lithuanian Labour Inspectorate shows the following data about the workers posted from third countries in 2020: 1,095 from Ukraine, 125 from Belarus, 75 from Tajikistan, 28 from Georgia. Thus, the data from the questionnaires show similar trends. However, such answers do not reveal any differences between the two most popular countries – Ukraine and Belarus; in addition, one respondent mentioned Kazakhstan instead of Tajikistan or Georgia. However, taking into account that the latter three countries belong to the same geographic and economic region, the trend is quite clear.

Portugal. No affirmative answers have been received, which probably means that there are no reasons (or no tradition) to receive posted workers in this area.

Romania. Eleven out of 23 employers (47.83%) indicated that they accept posted workers from foreign countries. Ten countries in total have been mentioned. For the EU, the most popular answers have been

France (4 times), Germany, Austria and Poland (3 times), Czech Republic (2 times), Sweden, and Slovakia (1 time). According to the data provided by the European Parliament,³ all these EU Member States post workers to Romania, therefore, we can say for certain that there is a match between the findings from the answers given to Q10 and Q11 and the reality at the national level. As far as non-EU countries are concerned, Japan, the UK and Switzerland have been mentioned, each 1 time only. The official data issued by the Romanian General Inspectorate for Immigration⁴ show that the most popular countries of origin for non-EU posted workers coming to Romania are, in this exact order, Vietnam, Nepal, India, Turkey, Moldova, Sri Lanka, and China. None of these countries have been mentioned by the employers responding to this questionnaire.

The practice of the states in this situation was different, no general trends can be actually observed. For example, it has been identified in the case of Lithuania that the countries from which workers are posted conform to the general trends (both for EU and non-EU countries). In the case of Portugal, however, no data have been received in general that Portuguese employers use posted workers. The data on the workers posted to Romania from EU Member States match the general trends in principle, however, the situation concerning the workers posted from non-EU countries is completely different – the research findings are actually different from the statistics available.

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

Italy. As far as EU and non-EU countries are concerned, a substantial relation can be seen. With two important exceptions (China and France), the data on the countries most popular for posting (question No 5) correspond to data on the 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.

Lithuania. As far as EU countries are concerned, the essential relation is visible. The most popular countries for posting (question No 5) correspond to the data on countries from which workers are posted (question No 11). Poland and Latvia were the most popular answers for both destinations. Sweden and Germany have also been mentioned in both cases. Thus, it can be noted that in most cases the most popular destinations from/to Lithuania are the same. In the case of non-EU countries (question No 7), no significant relation can be identified.

Portugal. As no countries have been indicated as “senders” of posted workers, this relationship cannot be identified.

Romania. Regarding the EU countries, almost all the countries referred to in the answers to Q5 can be found in Q11 (except Sweden). The most popular answers were Germany and France. For non-EU countries, only Japan and Switzerland have been mentioned in the answers given to Q7 and to Q11. No particular relations can be found between the answers given.

The experience of separate countries was different – starting from Italy where the research data showed a clear relationship between EU and non-EU countries and Lithuania where relationships were visible among EU countries and invisible among non-EU countries, to Portugal and Romania where such relationships have not been identified.

³ https://www.europarl.europa.eu/infographic/posted-workers/index_en.html?country=ro#receivedworkers

⁴ http://igi.mai.gov.ro/sites/default/files/evaluarea_activitatii_in_anul_2020_final_3.pdf

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

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

Lithuania. It is quite interesting that even 9 employers out of 21 indicated that they cannot specify the reason for receiving posted workers. The remaining 12 employers have indicated three main reasons. The shortage of workforce has been identified as the most popular reason for receiving posted workers: 6 respondents answered “shortage of workers in Lithuania” and 1 respondent referred to the “shortage of qualified workforce” (totally, 7 respondents out of 12). Four respondents indicated “visits of specialist from own group of companies” and 1 respondent specified that the reason was the need for “installation of new technologies”.

Portugal. 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 were not available. Most of the respondents (five) answered that they did not need such workers or did not answer at all (four respondents).

Romania. Fifteen respondents submitted answers to Q12, covering a wide range of reasons for receiving posted workers. The most frequent one was “exchange of technical expertise” (7 times), followed by “specialized training for own employees” and “implementation of new projects (e.g. equipment, products)” (both 3 times). The last set of reasons have been mentioned only once: “lack of specialized work force”, “improvement of technical skills for students/ young people” (internship), “new management”.

Here, again, we can see quite different trends and it is actually impossible to identify similar trends among separate states. Lithuania is quite distinctive with “shortage of qualified workforce” as the most prevalent reason while other states referred to this reason only in very rare cases.

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

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

Lithuania. The majority of respondents (16 out of 21, approx. 76%) replied that they knew that there are special EU directives regulating the posting of workers. Slightly fewer respondents replied that they knew that these special EU rules had to be transposed into the national legislation (15 out of 21, approx. 71%). Only 11 respondents were able to indicate the national legal act transposing EU directives. That means that even though the general knowledge of EU regulation was quite high, not all employers (who knew about EU regulation) could indicate the name of the national legal act where the national rules for

posting have been laid down. Out of 11 respondents who indicated the national legal acts, all the answers were specific enough – the Lithuanian Labour Code. One respondent, in addition to the Lithuanian Labour Code, indicated another legal act – the Law on the Rights of Posted Workers, which, in fact, was withdrawn in 2017.

Portugal. 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 the national legislation. Only one respondent could identify the national applicable legislation. Most of them (72.72%) did not answer and 18.18% recognised they did not know it.

Romania. The majority of the respondents, 21 out of 23 (91.30%), answered affirmatively to Q13 – they knew that there were special EU directives regulating the posting of workers. For the next question Q14, whether they know that these special EU rules have to be transferred to the national legislation, 20 respondents (86.96%) gave an affirmative answer, one less than to the previous question. Out of 20 respondents who indicated national legal acts for Q15, all answers were precise, although they were different: “Labour Code” (2 times) – the general legal act, “Law 16/ 2017” (10 times) – transposition of Directive 96/71/EC, and “Law 172/ 2020” (8 times) – transposition of Directive 2018/957/EU. The findings show that more than 50% of the respondents, although they had some information regarding the national legal acts regulating the transnational posting of workers, did not know the specific and the latest legal act in this field – Law 172/ 2020. Hence, 2 of them indicated the general Labour Code, and 10 of them the Law 16/ 2017, which was revised in August 2020.

Interestingly, a similar trend can be observed with respect to all the states. Most of the respondents claimed that they knew about the EU regulation on the posting of workers and that these provisions had to be transposed into the national legislation. However, considering the knowledge of the respondents what national legal act(s) transposed the relevant provisions the result was similar – the level of knowledge is not adequate.

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

Italy. The majority of the respondents (19 out of 30, approx. 63%) replied that they knew that the workers posted to another EU country must be subject to the same working conditions and guarantees as workers from that country. The results of question No 17 where it was asked to indicate which of the conditions listed must be applied showed quite a different situation. Only 2 respondents (10%) have chosen the answer “All above mentioned conditions”. The rest of the respondents indicated several conditions. Maximum working periods, minimum rest periods and health and safety have been pointed out by all respondents (100%). Quite many have also indicated 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%).

Lithuania. The majority of the respondents (17 out of 21, 81%) replied that they knew that workers posted to another EU country must be subject to the same working conditions and guarantees as workers from that country. Quite a different situation was revealed by the analysis of the results of question No 17 where it was asked to indicate which of the conditions listed must be applied. Only 10 respondents

chose the answer “All above mentioned conditions” must be applied. Two employers could not provide any answer. The rest of the respondents indicated several conditions. The most popular conditions indicated were: rates of payment, including overtime rates (mentioned 5 times), maximum working periods and minimum rest periods (mentioned 4 times), and reimbursement of additional expenses (also mentioned 4 times). It is interesting that the respondents who chose several answers did not refer to two conditions at all – conditions of workers in temporary employment and equality of treatment between men and women. It can be assumed that the first condition (concerning temporary employment) was not selected because the respondents were not familiar with the posting of temporary workers (no respondent indicated that it was a temporary employment agency). As far as no mention of the principle of equal treatment between men and women is concerned, it can be presumed that it is difficult for the respondents to distinguish this principle as a specific, different from the general principle of non-discrimination. Nevertheless, the latter answer has been chosen only 1 time. Thus, it can be stated that the understanding of the requirement to apply both non-discrimination and equal treatment between men and women is not at satisfactory level.

Portugal. It is quite interesting that 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 have selected “all above mentioned conditions”. Seven of them have chosen “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)”. Other options have been chosen by fewer 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”.

Romania. The majority of the respondents (19 out of 23, 82.61%) have answered affirmatively to Q16 – they know that the workers posted to another EU country must be subject to the same working conditions and guarantees as workers from that country. Findings on the data on Q17 show that only 5 respondents have chosen the answer “All above mentioned conditions must be applied”, indicating all the conditions that should be legally applied to posted workers. Apart from this answer covering all the conditions established by law, a high rate of answers was given to: maximum working periods and minimum rest periods (18 times), minimum paid annual holidays (18 times), health, safety and hygiene at work (15 times), protective measures [...] (14 times), non-discrimination rules (11 times), equality of treatment between men and women (10 times), conditions of workers by temporary employment (10 times), conditions of employees’ accommodation (7 times), and reimbursement of additional expenses (5 times). There were also 2 answers saying that only the conditions agreed by the employee and the employer should be applied to posted workers. It is quite clear from the analysis of this data that some of the conditions applicable to posted workers are more obvious than others to the employers. It was also noted that there is the need to repeatedly inform the employers about the statutory conditions that should be applied to posted workers.

The general trend is that a larger share of employers know that the workers posted to another EU country must be subject to the same working conditions and guarantees as workers from that country. Quite a different situation has been revealed by the analysis of the results of question No 17 where it was asked

to indicate which of the conditions listed must be applied. Only a small part of the respondents was able to state which of the conditions must be applied.

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

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

Lithuania. Fourteen respondents (out of 21) indicated that they know that the employer must obtain an A1 form from the national competent authority. This almost corresponds to the data collected from questions No 13 and 14 on the general knowledge about EU regulation. All 14 respondents also precisely indicated the competent authority in Lithuania responsible for issuing the A1 form – the Lithuanian Social Insurance Institution (SODRA). One respondent indicated the specific department of the Lithuanian Social Insurance Institution (SODRA) – Foreign Department. Although, in fact, the Foreign Department was reorganised in 2020 and from that date all functions concerning the issuance of A1 forms were transferred to the Territorial Vilnius Department.

Portugal. The same percentage of respondents know that they must obtain an A1 form, know that the competent authority is the Social Security (63.6%).

Romania. Eighteen respondents (out of 23 – 78.26%) answered affirmatively to Q19 – they know that employer must obtain an A1 form from national competent authority. Although the number of affirmative answers to the previous question regarding the necessity to have an A1 form before posting was lower, 22 respondents provided a specific answer to Q22. Eighteen out of them indicated the National House of Public Pensions, that is, the Romanian national authority competent to issue an A1 form, and 4 of them indicated the Romanian Labour Inspection. One respondent answered that he does not know. It is obvious that the 18 respondents who answered affirmatively to Q19, provided the correct answer to Q20. The other 4 probably mentioned the only institution they knew with competences in posting situations.

Generally, a large share of employers are very well aware of the requirement to get an A1 form for posted workers. Almost all employers were able to name the correct institution responsible for the issuance of the A1 form.

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

Italy. Only 16 respondents (out of 31, approx. 51%) indicated that they were aware of the electronic pre-declaration system in the EU countries. These answers are similar to the data from question No 19 concerning awareness of the A1 form requirements. Fifteen respondents replied that the sending employer had the duty to fill the pre-declaration form. Ten respondents selected the 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 the respondents (approx. 40%) provided information that they knew where to find and to fill the pre-declaration form. In this sense, it can be assumed that the level of general knowledge of employers concerning the pre-declaration system can still be improved.

Lithuania. Fourteen 14 respondents (out of 21) indicated that they are aware of the electronic pre-declaration system in the EU countries. This absolutely corresponds to the data from question No 19 concerning the awareness of A1 form requirements. Twelve respondents replied that the duty to fill the pre-declaration form belongs to the sending employer. Nine respondents selected the answer “cannot answer”. It can be noted that not all the employers who were aware of the pre-declaration system could name who was responsible for filling in the data in the form. Hence, only 7 respondents noted that they knew where to find and fill in the pre-declaration form. It can be presumed that although the level of general knowledge of the employers concerning the pre-declaration system is satisfactory, it declines when more specific information is needed.

Portugal. It is interesting to note that only 45.5% of the respondents are aware of the electronic pre-declaration systems, and this percentage is lower compared to the knowledge of the A1 form.

Romania. Only 1 out of 23 respondents (4.35%) answered affirmatively to Q21 that they were aware of the electronic pre-declaration system in the EU countries. It is likely that the actual meaning of this question, especially the syntagma “electronic pre-declaration system”, has been distorted through translation (from the original language in which the questionnaire has been drafted to the languages of the countries where the questionnaires were disseminated) and the respondents did not understand its actual meaning. The answers provided by the respondents to Q22 sustain the above theory, as 20 respondents have selected “sending employer” (86.96%) as being the entity responsible for filing in the pre-declaration form, and only 2 respondents have chosen other options: “host company” (1 time) and “employee” (1 time). One respondent has selected the answer “cannot answer”. On the same note, 19 respondents stated that they knew where to find and fill out the pre-declaration forms, and only 4 respondents answered that they did not know. If we take into consideration only the answers provided to Q22 and Q23, the employers’ general knowledge of the pre-declaration form seems quite high. However, there is still the need to clear the ambiguities regarding the “electronic pre-declaration system”.

It can be presumed that the level of general knowledge of the pre-declaration system is satisfactory in all countries, however, some improvements would be welcome in more specific knowledge, as well as in a clearer understanding of the “electronic” pre-declaration system (in the case of Romania).

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

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

Lithuania. Twelve respondents provided the positive answer, 2 of them indicated that it was possible to post third-country nationals “in all cases”, the rest clarified their positive answer indicating that it was possible only in case when a worker was legally residing and working in Lithuania. The remaining respondents (approx. 43%) could not provide an answer.

Portugal. Most of the respondents (54.5%) answered this question positively, clarifying that the worker must be legally residing and working in the sending country. The other respondents could not answer, and one of them actually answered this was not possible at all.

Romania. Eleven respondents provided the positive answer, 5 of them indicated that it was possible to post third-country nationals “in all cases”, the rest clarified their positive answer indicating that it was possible only in case a worker was legally residing and working in the sending country. There were also 2 negative answers, and 10 respondents stated “cannot answer”.

Some differences can be noted among the countries in this case. A larger proportion of the employers replied affirmatively and knew the main rules for posting third-country workers, except for Italy where the larger share of the employers were unable to give an answer.

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

Italy. Answering the question concerning remuneration (No 25), 12 respondents stated that they “cannot answer” (approx. 40%) while 7 respondents (approx. 23%) indicated that the same level of salary that was typical for native employees performing the same job in the country where the work was carried out must be paid. Some respondents (3 out of 31, approx. 10%) indicated that at least the minimum salary applicable in the host country must be guaranteed. Eight (approx. 30%) respondents stated that the minimum salary applicable in the sending country must be guaranteed. These results highlight that the 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% of all respondents) replied that these expenses are paid in addition to the agreed salary. This situation reveals that the regulation of any type of payment for posted workers is not fully known by employers and probably is considered as quite complicated.

Lithuania. In the answer to the question concerning remuneration (No 25), only one respondent noted that he “cannot answer”. Twelve respondents (approx. 57%) indicated that 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 paid. Significant part of the respondents (7 out of 21, approx. 33%) indicated that at least the minimum salary applicable in the host country must be guaranteed. One respondent indicated that the minimum salary applicable in the sending country must be guaranteed. These results can be interpreted as meaning that the regulations concerning the remuneration for posted workers are not fully understood, which can lead to a violation of posted workers' rights. Quite unsettling situation concerns the answers provided to question No 26 concerning the status of covering additional expenses. Even 6 respondents indicated that they could not answer; in addition, 2 respondents replied that they “never paid such amounts”. Three respondents stated that the amounts covering additional expenses (transport, travel, other) are considered as a part of the agreed salary. And 10 respondents (approx. 48% of all respondents) replied that these expenses are paid in addition to the agreed salary. This situation also reveals that the regulation of any type of payment for posted workers might be interpreted by employers differently and can be considered as quite complicated.

Portugal. 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%). 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 employee's salary. 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.

Romania. Sixteen respondents (69.57%) 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. Three respondents indicated that at least the minimum salary applicable in the host country must be guaranteed, and 2 respondents indicated that the minimum salary applicable in the sending country must be guaranteed. 2 respondents stated “cannot answer”. The findings show that, at least in theory, most of the employers are aware of the regulations regarding the salaries applied to posted workers. This affirmation is partially confirmed by the answers given to Q26 – covering additional expenses, where 15 respondents out of 23 (65.22%) replied that these expenses are paid in addition to the agreed salary. Two of the respondents answered “never paid such amounts” and 6 respondents stated “cannot answer”.

The responses to these questions show one trend general for all the states – the answers provided by the employers varied to a considerable extent. The data collected from all the states allow to state that these answers are a consequence of the 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).

Italy. Only 12 respondents (out of 30, approx. 40%) indicated that they were aware that, in each country, information on posting was provided on internet sites and, accordingly, more or less the same percentage of respondents (39%) confirmed that they had been using such information. The 13 answers of the respondents who indicated that they had used such information were divided between: information was useful (6 answers) and information was useful in part (4 answers).

Lithuania. Fourteen respondents (out of 21, approx. 67%) indicated that they were aware that, in each country, information on posting was provided on websites (data corresponding to the data provided in points K1, L1). However, only 9 out of 21 (approx. 43%) stated that they had been using such information. Accordingly, 12 respondents noted that they “cannot answer” whether the information provided was useful or not. The answers of 9 respondents who indicated that they had used such an information were divided between: information was useful – 6 answers and information was useful in part – 3 respondents.

Portugal. The answers were quite divided. 54.5% of the respondents know about information being provided on the internet and have used it, but some of them found that it was only partly useful (33.3%).

Romania. Twenty respondents (out of 23 – 86.96%) indicated that they were aware that in each country information on posting was provided on internet sites. However, only 14 of 23 (60.87%) replied that they had been using such information. Accordingly, only 13 respondents provided answers to Q29, 53.85% stated that this information was useful (7 resp.) and 46.15% stated that the information was partially useful (6 resp.).

The data from all countries are quite similar – around half of the employers replied that they knew about the availability of such information (except Romania where the percentage of the employers who replied negatively differs from other three countries). Accordingly, a slightly smaller part of the employers noted that the information was useful.

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

Italy. 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.

Lithuania. Only 6 respondents out of 21 indicated that all the information listed must be provided for posted workers. The same number of respondents replied that they “cannot answer” this question. The remaining 9 respondents indicated different elements of information. The most popular choice was information on “duration of posting” (indicated by all 9 respondents). Other information most frequently referred to was concerning the country of posting and the salary. Only few respondents indicated the information concerning the currency, conditions of returning, daily allowances, a link to official websites. No respondent selected the information concerning the institution of social insurance.

Portugal. 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. Fewer 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). Interestingly, one of the companies answered it had never posted workers.

Romania. Findings of the analysis of answers received for Q30 show that most of the employers considered that most of the information listed under Q30 had to be provided to posted workers. The most frequent answers are: country of posting (23 times), duration of posting (23 times), salary [...] (23 times), other benefits [...] (23 times), daily allowance [...] (21 times), conditions of returning to country of origin (19 times). Other answers indicated the currency for paying the salary (12 times), the institution for social security contributions (8 times) and the link to official websites with information on posting (7 times).

It can be seen that the respondents from all countries chose very different answers. That can mean that employers still lack of general knowledge about the information to be provided to posted workers.

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

Italy. All the respondents indicated that they had no practise of using posted temporary workers. In reply to the question whether different conditions could be applied to posted temporary workers, the majority of the respondents answered “cannot answer” (16 out of 30, approx. 53%). All other answers (14 out of 30) indicated that it was not possible to apply different working conditions to posted temporary workers.

Lithuania. Only 3 respondents out of 21 indicated that they had the experience of using posted temporary workers. In reply to the question whether different conditions could be applied to posted temporary workers, a larger part of the respondents answered “cannot answer” (12 out of 21, approx.

57%). All other answers (9 out of 21) indicated that it was not possible to apply different working conditions to posted temporary workers.

Portugal. None of the respondents used posted workers. Considering the question on whether worse working conditions could be imposed on them, the majority of the companies (63.6%) answered it was not possible, and the other 36.4% replied they could not answer.

Romania. None of the respondents answered affirmatively to Q31 concerning the use of posted temporary workers. Although they had not used the services of posted temporary workers, 17 respondents still answered Q32 (73.91%) that it was not possible to apply different working conditions to posted temporary workers. Six respondents chose “cannot answer” (26.09%).

The general trend is that the respondents stated that they either had no experience of using posted workers or used them to a limited extent (Lithuania). Hence, it is not surprising that a large proportion of the respondents were simply unable to answer what conditions should be applied to 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)?

Italy. The majority of employers (17 out of 30, approx. 57%) stated that they “cannot answer” whether collective agreements should be applied for posted workers. One respondent replied that a 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 specified collective agreements: agreements of general application (3 answers), agreements which would normally be applicable in similar companies (1 answer), agreements which are concluded by social partners at national level and applied throughout the country (3 answers). Even 27 respondents out of 31 indicated that they did not know that a trade union of the host company may contact the 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 the experience of employers is very low. As no respondent noted having experience in collective bargaining, no relation between experience and general knowledge can be evaluated.

Lithuania. The majority of employers (17 out of 21, 81%) replied that they “cannot answer” whether a collective agreement should be applied for posted workers. One respondent noted that a collective agreement is not applicable for posted workers, and 3 respondents provided opposite answers that a collective agreement must be applicable to all posted workers. When asked to specify which type of collective agreements must be applied to posted workers, again, the majority indicated “cannot answer” (15 out of 21), 2 respondents replied “not applicable at all”. Four respondents chose to reply positively and named collective agreements which would be applied in general (2 answers), would normally be applicable in similar companies (1 answer) or are concluded by social partners at the national level and are applied throughout the country (1 answer). Even 20 respondents out of 21 indicated that they did not know that a trade union in the host company may contact the employer requesting participation in joint collective bargaining. Logically, not a single respondent indicated any experience of participation in such collective bargaining. It follows from the evaluation this group of answers that both the level of theoretical knowledge and the experience of the employers is very low. No other question received such

a large number of answers “cannot answer”. As no respondent stated that they had experience in collective bargaining, the relation between experience and general knowledge cannot be evaluated.

Portugal. The majority answered that they has a collective agreement that was applicable to all posted workers (72.7%), but 81.8% could not answer to whom specifically it was applicable. The same percentage replied they has never participated in collective bargaining that addressed the issues of working conditions of posted workers. The remaining 18.2% stated that they were unable to answer. This can mean that the knowledge of collective bargaining is not very widespread and that posting issues are not addressed by the parties who conclude collective agreements.

Romania. The majority of the respondents (19 out of 23 – 82.61%) answered that they “cannot answer” whether collective agreement should be applied for posted workers. 3 respondents indicated the opposite answers that a collective agreement must be applicable to all posted workers, and 1 respondent indicated that a collective agreement is not applicable for posted workers. When answering Q34, to specify which type of collective agreements must be applied to posted workers, the majority of respondents – 17 out of 23 (73.91%) chose “cannot answer”. Only a small part of the respondents decided to provide a specific answer: 2 respondents indicated “only those which are of general application under national law”, other 2 respondents indicated “only those that would normally apply to similar companies in that territory, industry or professional field”, and the last 2 respondents – “not applicable at all”. Findings of the analysis of answers received for Q35 show that 43.48% of the respondents (10 out of 23) know that a trade union of the host company may contact the employer asking to participate in joint collective bargaining. However, when asked about their practical experience in such cases, 22 respondents provided negative answers to Q36, and 1 respondent chose “cannot answer”. From the answers provided to Q35 and Q36, it is impossible to establish a correlation between experience in bargaining and knowledge concerning the application of collective agreements. The employers’ level of information and knowledge regarding the union representation of posted workers is not satisfactory at all. There is probability that some of the answers have been given very promptly, without thinking them over, and only when they were asked for details, to realize what the previous questions really meant.

In this case, three states with similar situation can be clearly identified – the employers from Italy, Lithuania and Romania were unable to provide answers in the majority of cases. Quite a different situation is seen in Portugal where most of the respondents replied that they applied collective agreements, however, in this case as well, the respondents were unable to specify to whom provisions of the collective agreements had to be applied. It may be concluded in general that the possibilities to conclude collective agreements and their application are not the aspects of posted workers’ rights known well to employers.

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?

Italy. Only 3 out of 21 employees (approx. 86%) indicated that they had not been posted to any other EU country. As far as the most common EU countries for posting were concerned, 5 countries in total have been mentioned. It is interesting that the distribution of the most popular countries is quite even. Three countries – France, Germany and Romania – have been mentioned 1 time. These results basically reflect the official data from “Osservatorio distacco” as updated by the Ministry of Labour.

Lithuania. Five out of 6 employees (approx. 84%) indicated that they had been posted to another EU country. Five countries in total have been mentioned as the most usual EU countries for posting. It is interesting that the distribution of the most popular countries is quite even. Sweden was mentioned 2 times, countries – Poland, Germany, the Netherlands and Denmark – have been mentioned 1 time. These results basically reflect the standard national experience.⁵ According to the statistics, the most popular countries for posting from Lithuania are Norway (25%) and Germany (24%), the third country – Sweden (13%). The largest deviation from statistics revealed by the analysis of the survey data is the case of Norway – the respondents have not mentioned Norway at all.

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

Spain. The destination countries mentioned are Italy, Greece, Cyprus, Germany, Sweden, Finland, France, the Netherlands, and Luxembourg. In general, the destination countries are consistent with the national experience, such as France, Germany or Italy, although the appearance of the Nordic countries is striking. According to the data of the European Parliament, most postings of workers from Spain are to France (28%) and Germany (15.1%).⁶

The results received from all the partners⁷ are, in fact, similar. The data obtained during the survey reflect the statistical data of the relevant country. Only minor deviations have been observed where the information provided in the questionnaires slightly differs from the trends observed (Norway in the case of Lithuania).

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

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

Lithuania. The two most popular periods were indicated – from 1 month to 6 months (each consisted of approx. 50%) and from 6 months to 12 months (each consisted of approx. 33%). One employee indicated that he/she had been posted for a longer period than 12 months. Comparing the responses of the employees and the employers, it can be stated that the responses essentially coincide. The employers indicated that the periods from 3 to 6 months (14%) and from 6 to 12 months (19%) had been used respectively.

Portugal. This employee answered that he had been posted for more than 12 months, which was the answer of only 9.1% of the employers. This means, probably, that this employee is not representative of the majority of posted employees.

⁵ Data of the European Parliament, https://www.europarl.europa.eu/infographic/posted-workers/index_en.html#overview

⁶ https://www.europarl.europa.eu/infographic/posted-workers/index_en.html?country=es#sentworkers

⁷ Considering the fact that only one reply has been received in the case of Portugal, the Portuguese case will not be further discussed.

Spain. 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 “temporary displacement”, which, if we look at the Spanish national law, implies the duration of less than 12 months.

The general trend is that the posting period noted by the employees most often was from one to six months with several exceptions. Moreover, the replies given by the employees were, in principle, consistent with the data obtained from the employers' questionnaires.

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)?

Italy. Eighteen respondents (approx. 86%) indicated that they had been posted only to EU countries while respondents indicated that he or she had been posted to other non-EU countries. It should be mentioned that Italian institutions do not present such official data, so it is impossible to compare the results with official data (see also B1 in Analysis of findings from employers).

Lithuania. All employees (6 respondents) indicated that they had been posted only to EU countries. No respondent indicated that he or she had been posted to any non-EU country. It should be mentioned that Lithuanian institutions do not present statistics of posting to non-EU countries, so it is impossible to compare the results with official data. The situation could be illustrated by an analysis of the relevant responses of the employers (see B1 in Analysis of findings from the employers).

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

Spain. The non-EU countries mentioned include United Kingdom, the United States, Morocco, Libya, Tunisia, Brazil, Algeria and Norway. These results are 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.

In this case, a general trend has been observed between two states (Italy and Lithuania) that the majority or all employees have some experience of being posted only to EU states. Spain, on the other hand, also referred to the cases of posting to non-EU countries and these data reflect general national statistical trends, in principle.

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

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

Lithuania. Only 3 respondents indicated the posting reason: 2 respondents – “contract of services with foreign companies”, 1 respondent – “sending to another company of the same company group”. The remaining respondents could not indicate the reasons of posting.

Portugal. This employee replied that he had been sent as a temporary employee by a temporary employment undertaking (agency). Once again, this does not correspond to the questionnaires completed

by the employers as none of them were temporary employment undertakings (Q8 of the employer's questionnaire).

Spain. The answers to the 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 posting was being sent as a temporary employee by a temporary work agency.

The reasons noted by the employees in all countries coincide in principle – the reasons referred to most often are “contract of services with foreign companies” and the provision of services in the establishment of the employer as a company within the Group. It should be noted, however, that only a small part of the employees were able to specify the reasons of their posting.

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

Italy. The analysis of the answers of all respondents showed a great variety of different professions involved and it is clear that only a minority of the respondents usually performed technical or mechanical work during their period of posting.

Lithuania. The analysing of the answers of 5 respondents does not make it possible to formulate specific conclusions and identify the trends. The respondents indicated that they work in the following professions: worker of mounting repair (1), engineering (1), programming and installation (1), electronical works (1), auto-parts assembler (1). These professions indicate that all the staff had been posted to perform technical, mechanical work.

Portugal. Not at all. This employee is a nurse and this profession is not related to the areas of activity that were supposed to be analysed with the questionnaire.

Spain. 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 technical and qualified labour is in demand.

The data of individual countries do not allow identifying specific trends and considerable matches visible in individual states (except in the case of Spain where certain trends can be seen from the answers provided by employees) and common for all states.

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?

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

Lithuania. In answering the question about the general knowledge about the existing EU posting regulations, the respondents split in half (50%) – 3 respondents indicated that they knew about such legal

regulation and 3 answered negatively. However, only 1 respondent out of 6 indicated that he/she was aware that the EU rules has been transposed into the Lithuanian labour law and correctly indicated that the national law is the Labour Code. Five respondents were unable to answer the question about the transposition of the EU regulations to the national law and could not indicate any specific Lithuanian law.

Portugal. This employee replied that he knew that there was EU legislation but did not know about the required transposition to the national law or about the national diplomas ruling for the posting of workers.

Spain. Most respondents are unaware of the existence of a European regulation on the posting of workers in the framework of a transnational provision of services. The lack of knowledge about transposition into national legislation was considerable. No respondent could identify any basic national regulation that applies to this matter.

A general trend can be observed that the knowledge of employees about the EU regulation and its transposition into the national law is limited: around half or less employees know about the EU legal regulation and even fewer respondents were able to specify particular national legal acts relevant for the transposition of EU rules.

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?

Italy. Only 9 out of 21 employees (approx. 42%) indicated that, during posting period, they must enjoy the same working conditions as all 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%). A considerable part of the respondents have also chosen: “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).

Lithuania. Four out of 6 employees (approx. 67%) indicated that they knew that they must enjoy the same working conditions during posting as other employees of the receiving employer. As far as question No 13 is concerned (where it was asked to indicate which of the conditions listed must be applied), only 2 respondents chose the answer “All above mentioned conditions” must be applied. The remaining 2 respondents indicated several conditions. Both respondents indicated (in all the cases, mentioned 2 times): rates of payment, including overtime rates, maximum working periods and minimum rest periods and reimbursement of additional expenses, health and safety at work, protective measures for women and young workers. Only once they referred to working conditions of temporary workers, equal treatment and non-discrimination rules, as well conditions of accommodation. Although there are few responses from the respondents, it can be summarised that the understanding of the requirement to apply

specific working condition to posted workers is not at satisfactory level. Comparing the responses of the employees and the employers, it can be stated that, in general, the employers are better informed about the requirement to apply the same working conditions for posted workers (majority of the respondent employers – 81%). Nevertheless, the main difference was in equal opportunities and non-discrimination – the employers did not refer to these conditions at all, while 50% of the employees did.

Portugal. This employee replied that he knew about the working conditions applicable during posting, however, 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.

Spain. 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 No 12 (negative answer) and question No 13 (positive answer, indicating any of the specific conditions). On the other hand, most of the persons who answered affirmatively to both questions made a mistake when selecting specific applicable conditions, in other cases they selected “all the conditions mentioned above”.

A general trend can be observed that only around half of the respondent employees knew that the workers posted should be subject to the same working conditions. The request to clarify what those conditions were yielded very different results and most of them show that the employees are not adequately aware of particular rights. It can also be stated that the general trends are characteristic of both employers and employees and only in the case of Lithuania it was observed that the knowledge of employers were at least partly better than the knowledge of employees.

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?

Italy. Approx. 33% (or 6 respondents) indicated that posted worker must be guaranteed “at least minimum salary applicable in sending country” while 4 respondents (approx. 22%) chose the answer “the same level of salary that is typical for employee performing the same job”. Eight respondents (approx. 44%) were unable to answer the question at all, confirming the low level of general knowledge. The answers to question 15 about additional expenses constituted three groups confirming what emerged from the previous question: respondents indicated that such payments are agreed in addition to salary, 1 respondent indicated that such payments are part of the salary previously agreed and the remaining 3 respondents could not answer at all. Finally, the vast majority (56% 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 that they “cannot answer”.

Lithuania. 67% or 4 respondents indicated that posted workers must be guaranteed “at least minimum salary” and only 1 respondent choose the answer “the same level of salary that is typical for employee performing the same job”; 1 respondent did not answer the question at all. These answers describe the existing situation of the pay gap in Lithuania and in the EU countries to which the respondents had been posted. It is likely that, in the host countries, Lithuanian workers, even if they receive the minimum monthly salary, which in any case is higher than the corresponding salary in Lithuania, feel receiving fair remuneration for work their fulfil. Comparing the responses of the employees and the employers, it can be stated that the employers, equally to the employees, most often indicated the requirement to pay

the minimum wage. The answers to question 14 about additional expenses fell into three equal groups: 2 respondents indicated that such payments are in addition to the agreed salary, the other 2 respondents indicated that such payments are part of the pre-agreed salary and the remaining 2 respondents could not answer at all. 67% (4) of the respondents indicated that daily allowance is considered as part of the agreed salary; 2 respondents did not answer this question at all. The answers to the question about additional expenses show that the employers' level of knowledge of relevant legal regulation was higher: 10 respondents (approx. 48% of all respondents) replied that these expenses are paid in addition to the agreed salary, while the same answer was indicated only by 30% of the employees.

Portugal. 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. That was the answer chosen by most of the employers (45.5%). As concerns amounts for covering additional expenses (transport, travel and other expenses), the employee answered that they were paid in addition to the agreed salary. Most employers (72.7%) answered the same way. Considering daily allowance, the employee replied that it was paid in addition to the agreed salary.

Spain. There is a considerable number of answers excluding travel, living and accommodation expenses from salary and, as established by European regulations, noting that such expenses should be borne by the employer. In general, the knowledge about wage conditions or remuneration is correct, which is consistent with labour doctrine: salary is a priority for workers and constitutes the first demand on the Union agenda in most Member States.

There were differences in the data provided by the employees of individual states, with no significant general trends evident. It may be held that the variance of the answers by the employees also means that this issue is problematic and more difficult to understand for employees.

12. 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?

Italy. The majority of the respondents (approx. 57%) did not consider that employers must inform posted workers in the written form about their working conditions. All respondents who answered that such obligation exists in their answers to question 18 indicated: the country of posting, the duration of posting period and salary, additional benefits and travel allowances (9 respondents). With the sole exception of the links to the official websites, all other information has also received quite satisfactory answers. It can be concluded that the knowledge on the posting of workers' regulation is generally scarce but it keeps adequately increasing concerning certain categories, especially for those workers (and companies) who have really approached the institute.

Lithuania. The respondents split in half (50%) – 3 respondents indicated that the employer must inform posted workers about working conditions in writing and 3 respondents answered that such information was not compulsory. The respondents (in total 3) who answered that such obligation of the employer exists in response to question 18 (where it was asked to indicate the specific working conditions), indicated the country of posting, the duration of posting period and salary (all options have been indicated by 3 respondents) and only one respondent indicated the conditions of returning to the country of origin. In summary, it could be stated that the employees are informed very selectively and receive significantly less information about their working conditions than legal acts provide. The employers

indicated different elements of information in their responses to the same question. The most popular choice was information on “duration of posting” (indicated by all 9 respondents). Other most frequently referred to information was concerning the country of posting and the salary. Only few respondents indicated information concerning the currency, conditions of returning, daily allowances, a link to official websites. Both the answers from the employees and the employers show that the level of understanding and knowledge of the information about posted workers is low on both sides.

Portugal. The employee acknowledged that the employer must provide information in writing but could not answer specifically which information is required. On the other hand, the employers specified several of items of information to be provided to posted workers, which means that the level of their knowledge is higher on this issue.

Spain. Most workers answered affirmatively and they are aware of the employer’s obligation to inform a worker in writing about the working conditions before posting. Similarly, there has been a number of correct answers with indications of specific conditions that must be reported.

It should be noted that the awareness of employees of all countries that the employer must provide specific information is satisfactory. However, the level of knowledge is poorer where it is requested to clarify what specific information has to be provided by the employer, except in the case of Spain where higher level of knowledge of employees has been observed.

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

Italy. Four respondents (80%) answered positively and 1 indicated that she or he had been informed about working conditions during the posting period but only in the oral form. It shows that, in fact, the situation is quite satisfactory and employees are informed about working conditions before the posting. The same situation can be seen when answering question No 20 – 3 out of 5 respondents indicated that the information they had received before posting was “partially sufficient”, and the remaining respondents replied they had been fully satisfied.

Lithuania. Three respondents answered positively, 1 indicated that he/she had been informed about the working conditions during the posting period but only in the oral form, and the remaining 2 answered negatively. It shows that, in practise, the situation is not satisfactory and employees are not properly informed about working conditions before posting. The same situation can be seen from answers to question No 20 – 4 out of 6 respondents stated that the information they had received before posting was “partially sufficient” and respectively 1 respondent had been fully satisfied and 1 – totally not.

Portugal. The employee had been informed and considered the information to be sufficient.

Spain. 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. It was noted that such information provided was partial. Therefore, this point should be negatively assessed.

In this case, the experience of the countries was different – from the negative assessment in the case of Spain to partial satisfaction in the case of Lithuania and Italy.

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

Italy. The majority of respondents (approx. 66%) indicated that they had received contact details of the employer's representative to whom they could apply in sending country, and all respondents (100%) confirmed that they had received such contact details about the authorised person of receiving employer. **Lithuania.** Half of the respondents (3) indicated that they had received contact details of the employer's representative whom they could contact in the sending country and 4 respondents had received such contacts about the authorised person of the receiving employer. **Portugal.** The employee replied that he knew about the contact person in both countries of origin and of posting. **Spain.** All the respondents reported that a contact person had been 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).

Italy. Answers to the questions concerning 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 had not been aware of their social security rights. **Lithuania.** Answers to the questions concerning social security rights, *inter alia*, in case of sickness, during posting period, show that the knowledge level of these issues is rather low among workers: 4 out of 6 respondents indicated that they had not been aware of social security rights. **Portugal.** The employee replied that he/she had been aware of his/her rights concerning social security issues. **Spain.** 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)?

Italy. While the majority have not provided any answers, 8 respondents confirmed their preference to apply to a public authority (both in the sending country and in country of posting); 3 respondents indicated that in such cases they preferred to apply to the employer. Finally, the remaining 5 respondents indicated their preference for the assistance of trade unions (mostly trade unions from the country of posting).

Lithuania. Four respondents indicated that in such cases their preferred to apply to the permanent employer (sending employer) and only 1 respondent in such case would use the right to apply to the responsible state institution of the posting country; the remaining 1 respondent noted that he/she would use the assistance of a trade union in the country of origin.

Portugal. The employee responded that he would apply to a representative of the enterprise where he/she has been posted (or to the contact person designated by the employer) or to the trade union in country of origin (sending country).

Spain. Among the entities to contact in the case of a violation of rights, the public authority (Labour Inspectorate) of the country of origin (sending country) and the trade union that operates in the company or territory of the country where the worker has been posted on a recurring basis have been mentioned. The fact that the employer (in the country of origin) has been mentioned repeatedly shows, to a certain

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

In this case, the opinions of the respondents from individual countries differed, although the main entities identified as those which can help protect workers' rights were the same, however, their popularity was different in different states. It can be assumed, as noted by Spain, that such situation can mean that employees are not aware of or do not trust state authorities.

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?

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

Lithuania. Only 3 respondents out of 6 indicated that they knew about special websites in each EU country where the information relevant for the posting of workers was provided. The same 3 respondents indicated that they had checked these websites and were looking for relevant information. None of them was satisfied with the information found: 2 respondents indicated that the information had been partly useful and the remaining respondent (1) mentioned that he/she was unable to use and consider the information because of language skills (no mentioned was given of the country and language details). The comparison of the answers to the same questions shows that both the employees and the employers are not very familiar with such information instruments and that the level of knowledge and use of the above mention websites is not very high.

Portugal. The employee has used internet sites for information on posting and found information only partly useful (same as 33.3% of employers).

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

The data obtained show that both the employees and the employers are not very familiar with such information instruments and that the level of knowledge and use of the above-mentioned websites is not very high, except in the case of Spain where more employees replied that the information was useful. In this case as well, it would be desirable to achieve higher satisfaction by employees in the information available.

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).

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

Lithuania. Only 2 respondents indicated that they had had information concerning trade unions in the receiving company: 1 respondent indicated that the trade union itself had contacted the posted worker and 1 respondent stated that he/she had found the relevant information on his/her own. Only 1 respondent out of 6 indicated that his/her cooperation experience with the trade union was successful. All the answers to the question about applicable collective agreements (Q 31) were negative: 2 respondents indicated that they had not had any information about such collective agreements and 4 respondents could not provide an answer to explain the situation (answer the question) at all.

Portugal. Considering information on trade unions, the employee replied that he had found information by himself and had received help from trade unions.

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

It can be observed that the experience of employees in communicating with trade unions or in getting information about them is not adequate in all the countries surveyed.

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)?

Italy. No tendencies regarding findings to questions No 34, 25, 26, 27 and 28 and regarding the age of the respondents have been noticed. **Lithuania.** No tendencies have been identified from the replies to questions No 34, 25, 26, 27 and 28 and concerning the age of the respondents. **Portugal.** No relation can be identified. **Spain.** 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)?

Italy. No tendencies regarding findings to the above-referred questions and regarding the level of education of the respondents have been noticed. **Lithuania.** No tendencies have been identified from the replies to the above-mentioned questions and regarding the level of education of the respondents. **Portugal.** No relation can be identified. **Spain.** There is no conclusive correlation. In fact, the majority of the respondents had higher education, 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)?

Italy. No tendencies regarding findings to the above-mentioned questions and membership of respondents have been noticed. **Lithuania.** No tendencies have been identified from the replies to the above-mentioned questions and regarding membership of the respondents in trade unions. **Portugal.** No relation can be identified. **Spain.** 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.

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)?

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

Lithuania. Eighteen replies in total have been received from the respondents – representatives of trade unions: 11 of enterprise level, 5 of branch/territorial level, 2 of national level (all acting in Lithuania). A little more than half of the respondents indicated that they had encountered posted workers from other EU countries – 10 out of 18 (approx. 56%). Poland has been referred to as the most popular country (mentioned 8 times). Other countries mentioned by the respondents – Germany (mentioned 3 times) and Latvia (mentioned 1 time). After evaluation of individual answers and their comparison with the level of trade union indicated, no tendencies have been noticed. The answers concerning the experience with posted workers from EU countries differed a lot in the case of enterprise and branch/territorial level. And both answers from the national level trade unions, contrary to what could be expected, indicated that they had experience of encountering posted workers (but as it would be seen later, not personally or directly).

Portugal. Only one answer has been received, so no tendencies can be identified. The respondent answered acting as a member of the trade union's administrative body. In this case, this is a national level confederation, which had dealt with workers posted in Portugal, from Spain.

Romania. A total of 12 answers from representatives of trade unions have been received: 8 of enterprise level, 2 of branch/territorial level and 2 of national level. All 12 trade unions are established and operating in Romania. Most of the trade unions' representatives, who have filled in the questionnaire, were chairmen (7 persons – 58.33%), followed by members of the trade union administrative body (4 persons – 33.33%) and 1 ordinary member (1 persons – 8.33%). 50% of the respondents indicated that they had encountered posted workers from other EU countries in Romania. The Member State that had been most often mentioned is France – 4 times, followed by Germany – 2 times, and Italy, Portugal, Spain, Greece and the Netherlands – 1 time each. The individual answers provided by the trade unions have been analysed and no conditionality rule has been found between the level of the trade union and their experience with posted workers. In fact, the trade union, which met posted workers from most of the EU Member States (7), has a branch/ territorial level. We should also note that the answer provided by this trade union included also the UK. This indicates either that they did not pay much attention to the question or did not know/ forgot that the UK left the European Union in 2020. As far as the trade unions, which had not encountered posted workers from EU states are concerned, 5 out of 6 are of enterprise level.

Spain. 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.

The general trend can be seen that the respondent trade unions deal with posted workers often. However, no more distinct correlation has been observed between the level of trade unions or their experience in dealing with posted workers.

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)?

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

Lithuania. The majority of the respondents noted that they had encountered posted workers from non-EU countries – 13 out of 18 (approx. 72%). Three countries have been named: the most popular – Ukraine (mentioned 13 times), Belarus (mentioned 9 times), and Kazakhstan (mentioned 1 time). No tendencies have been identified from the replies to questions No 5 and 6 and regarding the level of trade unions. The answers concerning the experience in encountering posted workers from non-EU countries differed a lot in the case of enterprise and branch/territorial level. Both answers from the national level trade unions, contrary to what could be expected, indicated that they had had experience with posted workers.

Portugal. In this case, the respondent answered that it had not had any experience with any employees from non-EU countries.

Romania. 58.33% of the respondents answered affirmatively whether they had encountered any posted workers from non-EU countries – 7 out of 12. The most frequent answer was India – 5 times, then Pakistan and China – 2 times each, followed by Japan, Afghanistan, Ukraine, Moldova, Turkey, Russia, Serbia, Tunisia – 1 time each. There was also 1 answer for the Arab countries, but the respondents did not specify clearly which one. After analysing the individual answers provided by the trade unions and comparing the two sets of answers from Q5 and Q6, we have found out that 5 out of 7 trade unions with experience in dealing with posted workers from non-EU countries are enterprise level trade unions. Another interesting finding is that the answers, which contained the highest number of non-EU states (8 countries), have been provided by a branch/ territorial level trade union, the same who had most experience with EU posted workers.

Spain. Only 1 out of 13 questionnaires reported that the trade union had not encountered any workers posted to Spain from non-EU countries. 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.

The general trend observed is that the respondent trade unions often deal with the workers posted from non-EU Member States, except Spain where only one respondent replied as having such experience. No distinct correlation between the level of trade unions and their experience in dealing with posted workers

have been observed, except in the case of Romania where it could be seen that the majority of trade unions encountering non-EU workers were enterprise level 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)?

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

Lithuania. The majority of the respondents replied that they had encountered the workers posted from non-EU countries – 13 out of 18 (approx. 72%). Several countries have been indicated: the most popular were Germany (mentioned 11 times) and Sweden (mentioned 8 times). Others: Norway (4), Belgium (3), Poland (3), Denmark (2), Austria (1) and the Netherlands (1). No tendencies have been identified from the replies to questions No 7 and 8 and regarding the level of trade unions.

Portugal. Cannot determine any tendencies, but the answer was that it had encountered workers posted to Luxembourg, France and Spain.

Romania. Almost half of the respondents (41.67%) answered affirmatively whether they had encountered any workers posted to other EU Member States (5 out of 12). The EU member state mentioned most was Italy – 3 times, followed by Germany and Spain – 2 times each, and then by France, Greece and the Netherlands – 1 time each. And again, the UK was given as an answer, as in the case of O4. Also, a national level trade union representative answered that they had encountered workers posted to most of the EU Member States, but did not specify any of those Member States. After comparing the data from Q1, Q7 and Q8, no tendencies regarding the findings and the level of trade unions have been found. But, as in the case of encountering posted workers from EU or non-EU member states, the same trade union – a branch/ territorial level, provided the answer with the highest number of countries (7 countries). Likewise, the UK has been mentioned among EU Member States.

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

The general trend observed is that the respondent trade unions quite often deal with the workers posted to other countries. However, no correlation between the level of trade unions and their experience has been observed.

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?

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

Lithuania. Findings from the trade union respondents concerning sending countries are similar to the findings from the answers by the employers. In both cases, Poland and Latvia have been indicated as the most popular countries. The experience of trade unions with posted workers from non-EU countries also corresponds to the findings from the relevant answers by the employers: three countries have been named by both – Ukraine, Belarus, and Kazakhstan. The most popular countries for posting (from Lithuania) indicated by the employers also correspond to the findings about the trade unions – mostly the same popular countries have been indicated. In addition, the same most popular countries for their posting have been indicated by the employees.

Portugal. Yes, the employee answered that he had been posted to Belgium. The employers have also referred to France and Spain.

Romania. After comparing the data from Q4, Q6 and Q8 in the questionnaire addressed to trade unions and the ones from Q5 and Q7 addressed to employers, it turned out that some of the EU and non-EU countries noted in both questionnaires match: the EU member states have an approx. 30% match (4 out of 13 checked answers) – Germany, France, Italy, and Greece, and the match percentage for non-EU states is almost 35% (3 out of 11) – Japan, Ukraine, and Moldova. France and Germany are the most common EU member states mentioned both by the trade unions and the employers when it comes to posting of Romanian workers. Regarding the non-EU states, the three countries most often referred to in the answers of trade unions and employers did not occupy the first three positions in the list provided to Q6 by the trade union questionnaire and have been mentioned only 1 time each.

Spain. The most popular countries for posting as indicated by the employees correspond to the findings from the trade unions – France or Italy.

The general trend is that the answers by the employers/employees and trade unions actually coincided, no major deviations have been observed (Italy referred to one exception – one country, Romania).

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)?

Italy. In general, the respondents indicated several different ways of dealing/communication. The most popular way of dealing – posted workers apply themselves with different questions (the answer mentioned 6 times). Other popular answers – “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” has also been indicated one time. No specific tendencies between answers and levels of trade unions have been noticed.

Lithuania. Six respondents out of 18 indicated that they did not have contacts (did not communicate) with posted workers. Other respondents indicated several different ways of dealing/communication. The most popular way of dealing – posted workers apply themselves with different questions (the answer mentioned 8 times); other popular answers – close contacts with the employers hosting posted workers (mentioned 5 times) and contacting individual posted workers when possible (mentioned 4 times). Other answers – publishing and provision of general information about the trade union (2 times), communication on social networks (1 time). No specific tendencies in the answers and the two levels of trade unions (enterprise and branch/territorial) have been noticed. An exception is the respondents

representing national level trade unions – both respondents emphasised that they did not maintain direct communication with posted workers.

Portugal. 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.

Romania. The entire range of possible answers has been covered by 12 trade unions, which provided answers for Q9. 35.29% of the answers mentioned that they were in contact with individual posted workers where possible (6 out of 17 specific answers). The next percentage – 29.41% (5 out of 17 specific answers) – is allocated, in equal share, to constantly publishing and providing general information about the trade union, as well as to posted workers applying to trade unions with different questions. Only 1 trade union, at enterprise level, declared that they had close contact with employers hosting posted workers. One of the national level trade unions did not have direct contacts with posted workers at all, as well as 1 of the enterprise level trade unions. After analysing and comparing the data, no specific tendencies between answers to Q9 and the levels of trade unions have been noticed.

Spain. 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 dealing, such as close contacts 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.

It has been noticed that, in all cases, trade unions use very diverse methods for contacts with posted workers. In most of the countries, the methods for keeping direct contracts with employees are more popular (Italy, Lithuania, Romania), while in other cases, general provision of information prevails (Spain).

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

Italy. 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 for providing general information. General information about trade unions on websites was the most popular answer (mentioned 11 times). The second most popular answer was – “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 French.

Lithuania. Only 2 respondents out of 18 indicated that they “cannot answer” question No 10 (concerning methods of providing general information). All other respondents indicated several different methods of providing general information. General information about trade unions was the most popular answer (mentioned 13 times). The second most popular answer – providing general information about trade union in printed brochures (mentioned 9 times). Other methods have been mentioned only once – general information about posted workers’ rights on the internet, in printed brochures and information in

newsletters and on social networks. The findings show that the most popular method to publish and to provide general information about trade unions is “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 the provision of general information. Logically, the most popular language for the provision of information on trade unions was Lithuanian (mentioned 15 times). Other languages were English (mentioned 5 times) and Russian (mentioned 2 times).

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

Romania. Eleven out of 12 respondents indicated several different methods of providing general information. The most popular chosen answer was providing general information about trade unions on websites (7 times). It was closely followed by general information about posted workers' rights in printed brochures or booklets (6 times), then general information about trade unions in printed brochures or booklets (5 times), and the last general information about posted workers' rights on websites (4 times). There was also 1 answer specifying that a trade union provides information “orally”, meaning they have direct contact with posted workers, as well as 1 answer saying that they do not have any collaboration with posted workers, hence they do not disseminate information to this target group. Those respondents who answered affirmatively to Q10 indicated the main languages used for disseminating general information. The most popular language for providing information on trade unions was Romanian, with the percentage of 50% (8 out of 16 answers checked). Surprisingly, English was mentioned 7 times, thus amounting to 43.75%, very close to Romanian. Four trade unions (1 at national level and 2 at enterprise level) stated that they delivered information in both most often mentioned languages – Romanian and English. Japanese was also mentioned 1 time by an enterprise level trade union, the one which is hosting Japanese posted workers in Romania.

Spain. Trade unions publish and provide general information. The most commonly used methods are web sites, printed brochures or booklets, as well as general information about posted workers' rights on websites (100%). Although without absolute unanimity, other answers report that general information about posted workers' rights is provided in printed brochures or booklets (83%).

The data received from the states reveal a general trend that trade unions use very diverse methods to disseminate information. It is also common that the most popular language of communication is the national, followed by one of the “traditional” EU languages – English. Lithuania has also mentioned a third-country language – Russian (logical data as a large share of hosted workers in Lithuania are from the countries where Russian is widespread).

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

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

Lithuania. Six respondents out of 18 indicated that they cannot answer the question for what reasons they apply to trade unions. Three respondents indicated that workers apply with complaints about

potential violations of their rights and 2 respondents indicated that workers tried to receive general information about their rights. Seven respondents (approx. 39%) indicated that workers apply in both cases, that is, concerning two types of issues – to receive general information about their rights and to make complaints about potential violations of their rights. These findings show that both situations – the aim to receive general information and the need for specific consultation in case of a potential violation – are equally important to posted workers.

Portugal. The respondent answered that most often they want to receive general information about their rights.

Romania. According to the answers given by the trade unions in response to this questionnaire, 50% (5 out of 10 specific answers) stated that posted workers apply to trade unions for general information about their rights, as well as for complaining about potential violations of their rights (in equal share). One of the trade unions chose “both” as an answer; this answer means receiving general information about their rights and complaining about potential violations of rights. There was also 1 trade union that could not give an answer to Q12 and 1 trade union that specified they did not have contact with posted workers.

Spain. It was stated in almost all the questionnaires that both options were used – posted workers that apply to trade unions attempt to get general information about their rights and complain about potential violations of their rights.

A clear trend can be observed that both issues – receiving general information about workers' rights and complaining about potential violations of their rights – are equally relevant and similarly frequent in all the countries.

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

Italy. The respondents indicated several types of information. The most popular types of required information: working time and rest periods (8 times); information concerning annual holidays, 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: 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, that shows 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 should be placed on clear regulation and information on these issues.

Lithuania. Seven respondents out of 18 indicated that they “cannot answer” the question what specific types of information workers usually need. The remaining respondents indicated several different items. The most popular type of required information – information concerning remuneration for work, including minimum salary and other payments for work (mentioned 15 times). Other most popular types of information relate to working time and rest periods (mentioned 8 times) and reimbursement of additional expenses (mentioned 5 times). Other information required: health and safety issues (mentioned 4 times), annual holidays (mentioned 3 times), conditions of temporary workers (mentioned

2 times), conditions of accommodation (mentioned time). In general, it can be clearly seen that the most required information relates to all types of payment during posting. Regulation of any type of payment for posted workers can be evaluated as complicated also from employers' perspective (see point N1). Thus, it can be stated that more emphasis should be placed on clear regulation and information on these issues.

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

Romania. From the total of 12 trade unions filling in the questionnaire, only 9 gave specific answers to this question. The most frequent types of information that posted workers usually need, as mentioned by the respondents, are (in equal share of 16.28% of all checked answers) other payments for work (7 times) and reimbursement of additional expenses (e.g. travel, accommodation) (7 times). Other answers provided are working time/ rest periods (5 times), annual holidays (4 times), minimum wage (4 times), health, hygiene at work (4 times), conditions of employer's accommodation (4 times), equality of treatment (2 times), and protective measures (2 times). There was also 1 trade union that could not give an answer to Q13, and trade unions (1 at national level and 1 at enterprise level) that specified they did not interact with posted workers. According to these findings, trade unions state that the most important information necessary to posted workers is related to payment, and in particular to other kinds of payments as well as reimbursement of additional expenses. These are also the main issues discussed by employers' associations and trade unions as requiring more attention from decision-makers in this sector.

Spain. The most common answers concerned working time and rest periods, minimum wage, conditions of workers under 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 have been selected as the types of information required by posted workers.

The data show that two large blocks of information are sought most often: the first relates to work remuneration (in the broad sense) and the second relates to work and/or rest time. Other matters as well, although not among the most popular, are common and have been identified in all the countries.

13. 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)?

Italy. As far as posted workers are concerned, trade unions normally deliver information, in particular, about the relevant national and European legal regulation (in total 17 respondents) and provide individual consultations and assessments of on the legal situation of individual posted workers, as well as provide legal advice (12 respondents in total). The second group of activities consists of 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).

Lithuania. Common activities undertaken by trade unions concerning posted workers is the delivery of information – relevant national and European legal regulation (16 respondents in total); another activity closely related to the first one – individual consultations and evaluations of the legal situation of individual posted workers and legal advice (11 respondents). The second group of activities could be

identified as legal assistance: direct representation of a posted worker before state institutions (2 respondents) and legal representation in courts (1 respondent); mediation and communication with other experts and institutions which can provide relevant information about posting issues concerning individual cases (8 respondents). In summary, the information and consultation activities of trade unions constitute around 60% of all activities concerning posting issues (27 in total) and personal representation of posted workers before state institutions, courts and mediating with other experts amount to approx. 30% of all activities (11 in total).

Portugal. The respondent stated that all types of help were provided: 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 representation in courts, and contacts with other persons/institutions which can provide legal aid.

Romania. The most common support activity provided by trade unions, as seen from the analysis of the answers given to Q14 by 12 respondents, is disseminating general information about national legal regulation (8 times). This is followed by general information about EU legal regulation (5 times) and then, in descending order, contacts with other persons/ institutions which can provide legal aid (4 times), specific individual legal evaluation of worker's rights (3 times), legal advice (3 times), representation of workers before state institutions (2 times), and legal representation at court (1 time). There was also 1 trade union that could not give an answer to Q14 and 2 trade unions (1 at national level and 1 at enterprise level) that specified they did not interact with posted workers. An overview of the findings shows that 73.08% of the activities mentioned by the trade unions are related to information and consultation: providing general information on legal regulation, national and EU (13 out of specific 26 answers) and individual legal evaluation and legal advice (3 out of 26 specific answers). The rest of 26.92% consist of providing legal assistance – direct representation of posted workers before state institutions (2 out of 26 specific answers) and legal representation at courts (1 out of 26 specific answers), as well as contacts with other persons/ institutions which can provide legal aid (4 out of 26 specific answers).

Spain. Trade unions most often reported the following types of support provided to posted workers: general information regarding national legal regulation, specific individual legal evaluation of worker's rights, representation of workers before state institutions or bodies dealing with pre-litigation individual labour disputes and contacts with other persons or institutions which can provide legal aid. There is no conclusive correlation between these answers and the level of trade unions.

The same trend can be observed in all states – the help provided by trade unions is very diverse. In all cases, however, the most popular type of assistance referred to is provision of general information about legal regulation or employee rights. In addition, such assistance as individual counselling and assessment of an individual situation also constitute a considerable share of all assistance.

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)?

Italy. The respondents indicated the following methods of communication as most common: 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%) and communication through other trade unions – by

3 respondents (approx. 11%). The answers show, in general, that the level of trade union activism is not so high in the area of workers' posting in Italy.

Lithuania. The most commonly used method of communication as indicated by the respondents was direct communication with both sending and receiving employers (in total 9 respondents), communication with competent national authorities, *inter alia*, the national (Lithuanian) State Labour Inspectorate as indicated by 2 respondents, and communication through other trade unions as noted by 2 respondents (foreign trade union (1) and higher-level national trade union (1)). Even 8 respondents answered negatively, i.e., indicated that they did not communicate at all with other persons and institutions in the context of posting. The answers in general indicate that the level of trade union activism and their involvement in the phenomenon of workers' posting is rather low in Lithuania. The evaluation of this situation indicates differences in the knowledge and activity level of trade union members. Enterprise level trade union members are more active and informed, probably because they are exposed to posting situations in their daily practise.

Portugal. The respondent selected all of the means of communication.

Romania. The findings show that the most common method of communication in cases of cross-border posting is the one with foreign trade unions of other countries (7 times) as mentioned by 1 national level, 2 branch level and 4 enterprise level trade unions. Interestingly, other methods of communication were mentioned less often than expected – direct communication with sending employers – 3 times, and communication with competent authorities – 2 times. None of the respondents has direct communication with host enterprises, not even those at enterprise level, which post workers to other states (EU or non-EU). There was also 1 enterprise level trade union that could not give an answer to Q15 and 1 enterprise level trade union that specified they did not interact with posted workers. Surprisingly, 3 out of 12 trade unions filling in this questionnaire (other than those mentioned before) stated that they did not have any communication (either with host/ sending companies, trade unions from other countries or foreign national competent authorities) in cases of cross border posting. Two were enterprise level and 1 was national level trade union.

Spain. The majority of answers suggest that the types of communication usually used by trade unions are 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.

The experience of the countries is considerably different in this case and there are not many common trends. For example, one of the most popular methods of communication noted by Lithuania, Spain and Italy was direct communication with sending employers and communication with foreign national competent authorities. Meanwhile Romania singles out communication with foreign trade unions of other countries as the most popular method.

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

Italy. With the exception of “equal treatment”, the selection rate of all other issues was similar (one time) and did not take priority over others.

Lithuania. The respondents indicated the main 4 problematic areas: lack of legal and practical information on the posting situation in Lithuania; shortage of communication and goodwill from employers; workers are afraid or feel the language gap for communicating with trade unions; complex

regulation of remuneration. The problems indicated and the need for information correlate with the answers by other respondents, i.e., the answers to Q13 point out that during consultations on posted workers, trade union representatives usually receive questions on wage regulation; from the answers to Q 14 it is clear that an important part of trade unions' activity is connected with legal consultation and information, legal advice to posted workers and why trade union representatives need relevant and up-to-date legal knowledge.

Portugal. The respondent referred to social security issues.

Romania. The answers given by the respondents indicated a series of problems that posted workers have to deal with. They have been grouped in categories, related to salaries/ per diem (2 times), accommodation/ housing (2 times), access to medical services (2 times), family reunification (2 times), difference in salaries (1 time), overtime working hours (1 time), and access to education for children (1 time). There were 4 respondents who stated that either the respondent did not know or that it was not the case, as they did not interact with posted workers.

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

It can be seen in this case that there are many issues of concern – some of them have been repeatedly pointed out by individual countries (e.g., issues related to work remuneration, working time). Reference has also been made to very specific problematic aspects involving both the clarity and knowledge of legal regulation (in the case of Lithuania) and the relevant pandemic situation (Spain), and even such specific issues as family reunion and the right of children to education (Romania).

V. Conclusions

An assessment of the findings obtained from an overview of the answers given by the respondents from all partner countries allows identifying some general trends and issues.

First of all, it can be observed that the employers have the knowledge of general issues pertaining to the posting of workers in some cases and the difference in such knowledge is not quite significant. However, where they are requested to detail the information known and make it more specific, the situation changes – fewer employers have specific knowledge. A similar situation has also been observed in the analysis of the relevant replies by the employees. A similar trend is also seen in the answers to the questions relating to the pre-information / declaration system. The general rule about the need to provide such information was known to a larger part of the employers. However, when asked to state more specifically who was supposed to provide such information and where, the number of positive answers gradually decreased.

Secondly, it has been observed that the employers generally do not have sufficient knowledge of the guarantees applicable to posted workers. Only a small part of the employers was able to answer correctly that the same set of rights applies to posted workers. A particular attention should be drawn to the fact that the employers tended to “ignore” one of the essential guarantees applicable to posted workers – ensuring of equal opportunities between men and women and the application of the general principle of non-discrimination. This can mean that, in general, the content of these guarantees is not understandable enough for the employers and their meaning has not been fully perceived.

Thirdly, it can be observed that one of the major problems is the knowledge of the employers of the regulation concerning the payment of salary (its amount and structure) to posted workers. One of the potential reasons is rather complicated EU regulation, which, when considered in the light of different national legal acts, can be indeed difficult to understand and assess in terms of its details. The problem is presumably much broader than only the issue of knowledge/ ignorance by the employers. The problem can also be in the lack of specific and clear common regulation of the EU. The answers provided by the employees are also not fully satisfactory. The relevance of the questions relating to the payment of salary is also confirmed by the answers provided by the third group of the respondents – the representatives of trade unions. One of the most popular questions addressed by posted workers to representatives of trade unions is related to the payment of salary (including its constituents) in particular. Moreover, one of the additional problems indicated by the representatives of trade unions was the difficulties in considering the issues relating to the salary of posted workers.

Finally, an assessment of the answers provided by all the respondent groups in relation to employment relations and mutual relations between employees and trade unions shows that the level of mutual communication is not adequate. The employers have no experience of participation in collective bargaining, and the trade unions note the lack of good will communication between them and employers. It can also be seen that the employees do not utilise the whole potential of the possibility to contact trade unions in order to get the information of relevance to them. The customary ways of communication (most of them pertain only to the provision of general information about the trade union itself) have not been sufficiently developed as indicated by the representatives of trade unions themselves. It can be considered that trade unions themselves could be more active in communicating with posted workers and their employers (or hosting companies).

ANNEX 1.