



POWBRIDGE

Bridging the gap between legislation
and practice in the posting of workers



Funded by
the European Union

POW-BRIDGE NEWSLETTER No. 3

At the final stage of **the POW-BRIDGE** project implementation, we report on the main research and deliverables, namely the comparative working paper, policy briefs, video podcasts and the final conference.

COMPARATIVE WORKING PAPER

In **the comparative working paper**, Sonila Danaj, Eszter Zólyomi, Rahel Kahlert, Nicolas Prinz and Veronica Sandu investigate how the Posting of Workers Directive interplays with and is influenced by other EU and national rules and regulations on labour law, migration law, social security, health insurance, temporary agency work, and company law and how this might lead to potential inequalities, unfair competition, and exploitation of posted workers. The authors identify gaps between national policy and implementation practice through the insights collected from 92 interviews with employers, public authorities, social partners, and non-governmental organisations from six EU Member States (Austria, Hungary, Italy, Poland, Slovakia, Slovenia) and two candidate countries (Serbia and North Macedonia). The publication is available [online](#).

POLICY BRIEFS

POW-BRIDGE partners produced **eight policy briefs**, addressing the most salient issues, gaps, and reforms relating to posting and identified in Austria, Hungary, Italy, North Macedonia, Poland, Serbia, Slovakia, and Slovenia. All publications are written in English and in the country's national language to make them accessible to all interested audiences and the general public. The policy briefs are available [online](#).

- In [The tension between national antidumping measures and European Court of Justice decisions: the case of Maksimovic and others versus Austrian public authorities](#) Sonila Danaj and Rahel Kahlert (European Centre) discuss the tension between national anti-dumping measures and the judicial regulation of posting by the European Court of Justice decisions through the example of the case 'Maksimovic and others versus Austrian public authorities,' and how this decision might affect Austrian authorities' efforts to prevent and prosecute any potential violations committed by certain posting companies. The authors describe the details of the 'Maksimovic and others' joined cases, discuss the consequences of the ECJ decision, and how it is going to influence posting rule enforcement in Austria and the wider EU. They conclude with some take away messages and recommendations.
- In [The revised Posted Workers Directive and its implications for employers in Hungary](#) Eszter Zólyomi (European Centre) discusses practical implications of the revised EU Posted Workers Directive for employers posting workers from Hungary. Focusing on the new rules pertaining to remuneration, universally applicable collective labour agreements, and long-term posting, the author describes some of the challenges they may entail for posting employers in terms of increased administration and additional costs. The policy brief shows, among others, that Hungarian posting employers had already prior to the



revisions faced difficulties with accessing posting-related information and dealing with administrative requirements in the receiving countries where they carried out services. These are likely to be amplified by the new requirements.

- Rossana Cillo and Fabio Perocco (Ca' Foscari), co-authors to the [Italian authorities' challenges in the monitoring of the posting of workers](#), focus on the main difficulties encountered by the Italian public authorities when monitoring the posting of workers at the workplace/sectoral level, the national level, and the transnational level. The brief is based on insights gathered through 10 interviews conducted with Italian public authorities and social partners between June and October 2020. The authors identify challenges arising from language barriers, assistance services reaching posted workers, lack of sufficient human resources well-trained in issues regarding posting, cross-border collaboration. The authors provide recommendations at the different levels of governance.
- [The case of North Macedonia: Posted workers – developing patterns and trends](#) by Klimentina Ilijevski and Aleksandra Iloska (“PUBLIC”) describes the main characteristics of the posting of citizens of North Macedonia to EU and non-EU member states, with a main focus on the construction sector. The practice demonstrates that the regulatory framework represents an enabler of different patterns of posting: 1) the Law on Labour Relations, which creates various irregularities due to the absence of clear by-laws and procedures; and 2) the Law on Posting that has been further operationalised with bilateral agreements and is designed to respond to the labour shortages identified in the German labour market in the construction sector. The policy brief also provides recommendations on how to address the identified policy gaps.
- The co-authors of [Social security coordination in the posting of workers from Poland: Identifying challenges and proposing solutions](#) Anita Brzozowska, Kamil Matuszczyk, Justyna Salamońska (Centre of Migration Research, University of Warsaw) focus on social security coordination by framing it in the context of free movement of labour and services in the EU and pointing to the empirical results of research carried out in Poland, which describe challenges faced by public authorities, employers and posted workers. The policy brief aims to provide an overview of the main challenges in this area and propose recommendations to improve the functioning of social security coordination in practice.
- Katarina Stanić (Center for Social Policy) in [Posting from a candidate country and its implications for the social protection of workers: the case of Serbia](#) explains that posting workers is not a straightforward concept and is often confused with some other forms of mobility. Four situations are related to the concept of posting: a) “regular” posting as defined by the EU posting directives; b) temporary illegal emigration; c) emigration to EU with the help of official institutions; and d) posting of third-country nationals. The Serbian policy brief provides common recommendations for all of them.
- The policy brief [Challenges encountered by employers in the posting of workers in Slovakia](#) by Lucia Kováčová, Ivana Studená and Lucia Mýtna Kureková (Centre of Social and Psychological Sciences) presents the main obstacles Slovak employers face in the posting of workers as well as policy recommendations addressing these obstacles and improving the implementation practice in the posting. It focuses on three main obstacles, namely the access to information, issues with determining the remuneration for posted workers,



and constrained capacities of public institutions preventing a more effective support framework for employers.

- In [The challenges faced by Slovene posting companies](#) Suzana Sedmak, Elizabeta Zirnestein, and Klemen Sirok (University of Primorska) summarise the main challenges Slovene companies face while posting their workers to other EU countries as well as give recommendations and possible solutions for these challenges. Slovenia is a country with a relatively large number of outgoing posted workers. Slovene companies find the posting of workers a complex and lengthy process, especially when trying to obtain all the necessary legal information when they post workers to other EU countries and, consequently, complying with all the relevant legislation.

THE VIDEO PODCASTS

The video podcasts in the form of practical guides for posting companies in the eight project countries (in local language with English subtitles) can be accessed for free on VIMEO and YouTube:

Practical guide for posting employers in Austria / Praktischer Leitfaden für entsendende Unternehmen aus Österreich, [Vimeo](#) | [YouTube](#)

Practical guide for posting employers in Hungary / Információ magyar munkaadóknak az EU más országába történő kiküldetéséről, [Vimeo](#) | [YouTube](#)

Practical guide for posting employers in Italy / Guida pratica sul distacco per i datori di lavoro in Italia, [Vimeo](#) | [YouTube](#)

Practical guide for posting employers in North Macedonia / Практицен водич за упатување работодавците во Република Северна, [Vimeo](#) | [YouTube](#)

Practical guide for posting employers in Poland / Praktyczny przewodnik dla pracodawców w Polsce delegujących pracowników, [Vimeo](#) | [YouTube](#)

Practical guide for posting employers in Serbia / Praktični vodič za poslodavce iz Republike Srbije koji upućuju radnike narad u inostranstvo, [Vimeo](#) | [YouTube](#)

Practical guide for posting employers in Slovakia / Praktický návod pre zamestnávateľov vysielajúcich zamestnancov zo Slovenska do zahraničia [Vimeo](#) | [YouTube](#)

Practical guide for posting employers in Slovenia / Napotovanje delavcev iz Slovenije: Praktični vodnik za delodajalce, [Vimeo](#) | [YouTube](#)



POWBRIDGE

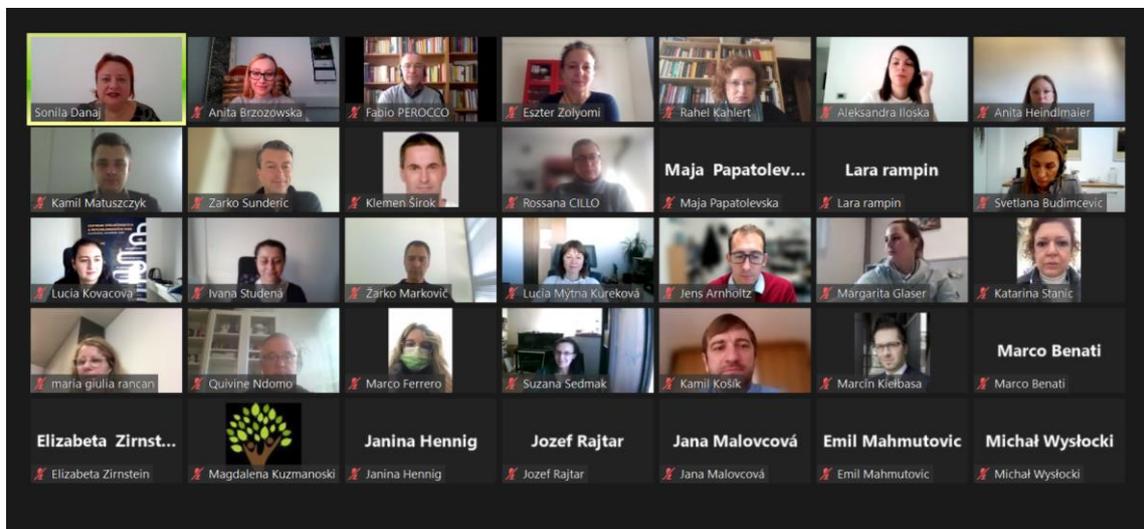
Bridging the gap between legislation and practice in the posting of workers



Funded by
the European Union

FINAL INTERNATIONAL CONFERENCE

The project's Final Conference organised by the Ca' Foscari University of Venice took place on November 9th 2021, in an online format. The conference brought together 85 participants from all project partners, associated partners and representatives of public authorities, social partners and the research community to share and discuss the project results. In the following sessions, project partners presented findings on the posting regulatory framework and its intersection with other national regulations, public authorities' practices and challenges with posting, posting companies' practices and challenges, and posted workers' protection mechanisms and challenges. During the round table session moderated by Sonila Danaj, participants heard and discussed the insights provided by professor Silvia Borrelli, University of Ferrara, Associate Professor Jens Arnholtz, University of Copenhagen, and Mr. Jean-Baptiste Boeri, DG Employment, Social Affairs and Inclusion, European Commission. Participants could also watch the video podcasts produced in the frame of the POW-BRIDGE project.



CONTACT

Project coordinator:

Sonila Danaj (European Centre for Social Welfare Policy and Research), danaj@euro.centre.org

Local coordinators:

Fabio Perocco (Ca' Foscari University of Venice), fabio.perocco@unive.it

Justyna Salamońska (Centre of Migration Research, University of Warsaw), jj.salamonska@uw.edu.pl

Klimentina Ilijevski (Association for Research, Communications and Development "Public"), klimentina@public.org.mk

Žarko Šunderić (Center for Social Policy), zarko.sunderic@csp.org.rs

Elizabeta Zirnstein (University of Primorska), elizabeta.zirnstein@fm-kp.si

Ivana Studená (Centre of Social and Psychological Sciences, Slovak Academy of Sciences), ivana.studena@savba.sk