

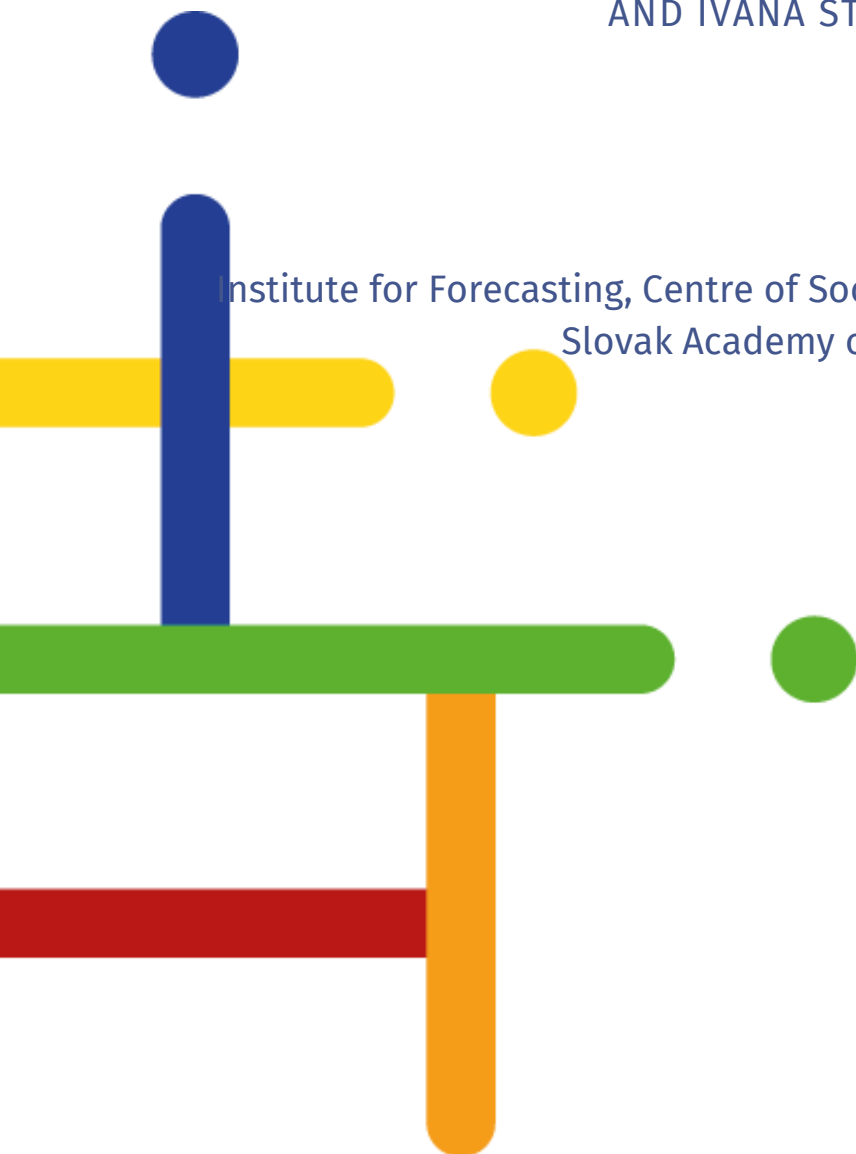
INFO – POW

Assessment of the channels of information and their use in the posting
of workers

COUNTRY REPORT SLOVAKIA

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List of abbreviations

ELA	European Labour Authority
NLI	National Labour Inspectorate
SIA	Social Insurance Agency

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Executive Summary

INFO-POW is a joint research project which comprehensively studies access to information about the posting of workers in selected EU countries, mainly from the perspective of posting undertakings (sending companies) and user undertakings (receiving companies) in the construction sector. This report presents national findings from Slovakia, which are based on the analysis of a unique data, comprising a mapping of online information channels; stakeholder interviews; a pilot online company survey; and participatory stakeholder engagement methods. Data were collected and analysed between December 2022 and October 2023.

Posting of workers in Slovakia has been rising in the past decade; it is expected to grow, as posting offers a functional way of filling the existing labour and skill shortages, while also enabling Slovak companies and self-employed workers to carry out business activities in the EU market. The total number of PDs A1 issued by Slovakia in 2021 was 106,212, while nearly 15,000 PDs A1 indicated Slovakia as the receiving country. Most posting to and from the country is taking place with Germany and Slovakia's neighbouring countries, thus reflecting existing patterns of trade and high internationalization of the Slovak economy.

Altogether, we mapped 41 online channels. The key finding of the mapping exercise is that private information providers predominate over public institutions, and that social partners are absent in the online arena of providing posting information. We also found that the single national posting website from the National Labour Inspectorate does not inform about all aspects of the regulatory framework for posting, which effectively contributes to fragmentary information. It is not explicitly labelled as the single national posting website, which could be confusing for readers who are not familiar with the NLI's competences. Information on social security is not provided on the website, except for hyperlinks to the website of the Social Insurance Agency. Limitations are found in the website's recency, granularity and language mutations. Moreover, the Slovak Insurance Agency, which informs about the transposition of social security regulation in the EU context (i.e. state-specific implementation), only provides this information in the Slovak language.

In effect, information about posting is fragmented across channels and across actors, and is provided at a fairly general level, making it more difficult for companies to navigate and evaluate the relevance of available information channels. Few channels are targeted at posted workers themselves, and little information is provided on the posting of workers in the construction sector specifically.

The key challenges faced by public institutions in providing information lie in finding a balance between the richness of information and accessibility. The complexity of posting is believed to be one of the factors contributing to the dominant role of private actors – mainly consultancies and law firms within the information market about posting in Slovakia. Private information providers numerically dominate information provision in Slovakia. Interviews revealed that they offer similar information to public providers, and often turn to the key public institutions that assemble the advice for a client, at a price. Beyond providing information about posting, they might offer a wider range of services that might be appealing, especially to larger companies.

We conducted an online survey among posting companies in the construction sector, and obtained 18 responses, mostly for posting undertakings comprising medium-sized firms. Survey results confirm that companies intensively search for information about various aspects of posting, and particularly value the accessibility of information, in terms of ease of understanding and recency. Regarding preferred channels of information in the future, most respondents chose institutional websites and personal contact. This reflects the reality of information provision as identified in the mapping and stakeholder interviews.

We provide four broad recommendations in order to improve access to information, and to better uphold the posting agenda in Slovakia: aiming for a stronger institutional and political ownership of the posting-related matters; improving the single national posting website; enhancing the role of social partners in information provision about posting; and contextualizing information about posting within the context of all migration and integration policy framework.

1 Introduction

INFO-POW is a joint research project that brings together research institutions from five EU Member States (Austria, Belgium, Italy, Slovakia, and Slovenia) as well as social partners at both national and EU levels. It aims to comprehensively study the access to information about posting in these countries, mainly from the perspective of posting undertakings (i.e. sending companies) and user undertakings (i.e. receiving companies) in the construction sector. To address this objective, the project partners collaborated to identify and assess companies' diverse challenges and needs in accessing and using relevant information on the process of posting workers, and the undertakings' resultant obligations. The key premise is the belief that improved overall access to information on applicable terms and conditions of employment, and administrative requirements in posting, will facilitate their correct application, implementation and enforcement by posting and user undertakings.

This report presents findings for the case of Slovakia. The nation has seen increasing numbers of incoming and outgoing postings, and its general figures for labour migrants are rising. This reflects continued labour and skill shortages in its construction industry, which are expected to persist in the coming years, as several large infrastructural projects are planned across the country. Currently the construction industry has gained a strong position in the Slovak industrial economy, and is highly internationalized. It is thus reasonable to expect a further rise of immigrant labour in this sector, including posted workers; this warrants a continued research focus on this intra-EU mobility tool.

Relative to its size, Slovakia has attained a strong position within the posting dynamics of the EU. The overall posting numbers were growing until the COVID-19 pandemic in 2019, which temporarily halted cross-border mobility. The total number of PD (portable document) A1 certificates issued by Slovakia in 2021 was 106,212. In the same year, 14,449 PDs A1 were issued indicating Slovakia as the receiving country. Generally, Slovakia is a 'net sender' – issuing more PDs A1 than receiving them (De Wispelaere et al., 2022). Most postings take place with Germany and other neighbouring countries, and reflect broader patterns of internationalization and foreign trade between Slovakia and its key economic partners. The country stands out for the number of postings of self-employed workers; this reflects Slovakia's broader institutional characteristics, with a large segment of bogus self-employment, due to significant differences in the tax and social security burden between employed and self-employed workers.

The research questions guiding this report are:

- How do transnational posting undertakings and user undertakings find and use information on the posting of workers?
 - What public and private information channels on the posting of workers are available to posting undertakings and user undertakings in each country?
 - What information is available? How accessible is it? And what is its quality?
 - What are the best practices identified?
- How do posting undertakings and user undertakings assess the availability, accessibility and quality of the available information on the posting of workers?

- How can access to and quality of information on the posting of workers be improved, to address the needs of posting undertakings and user undertakings?

This report presents answers to the above research questions, based on combined results of several interrelated activities, which were developed in the context of a mixed-methods research design and participatory research: namely, mapping of information channels; semi-structured interviews with key stakeholders; a pilot online employer survey; and a stakeholder consultation workshop. The country case study provides an evidence base for identifying information gaps, and to understand how posting undertakings and user undertakings in Slovakia find and use information in their interaction with national institutions. Consequently, we hope that the work presented in this report can prompt a discussion on methods of improving access to information on posting in Slovakia, and beyond.

2 Methodology

The research in this country case study utilizes a mixed-methods approach, drawing on and combining qualitative and quantitative methods of research. The qualitative component of the study is based on desk research and stakeholder interviews; these feed into a comprehensive mapping of channels of information, and evaluate access and barriers to attaining reliable, timely and accessible information about posting. The quantitative research component gathers systematic information directly from posting undertakings and user undertakings, who are involved in posting workers in Slovakia's construction sector. For this purpose, original empirical data were collected via a web-survey conducted with posting undertakings and user undertakings. These activities were supported by an online stakeholder consultation workshop, which presented and validated the mapping exercise and discussed the online survey design and dissemination approach. These and other stakeholders were invited to a final upscaling workshop at the end of the project, to discuss how the project results, from a national as well as cross-national perspective, can inform policy uptake. For a detailed overview of the project's research design, see Danaj et al. (2022).

2.1 Mapping Exercise

The main goal of this mapping exercise is to provide the first systematic identification of existing channels of information, and to map the different dimensions and characteristics of the currently available information. The INFO-POW project defines 'channels of information' as online and offline means of distributing content on rules, rights, obligations, entitlements, procedures, sanctions, redress, and institutions relating to the posting of workers. The mapping thus considered both online and offline information channels provided by State (the national and EU posting websites; institutional websites) and non-State actors (social partners, NGOs, consultancies) in each of the five countries. It covered all sectors of activity in order not to miss relevant channels of information. The list of channels was then narrowed down to the construction sector, to trace any sector-specific channels. In the mapping exercise, inclusion and exclusion criteria were set in order to ensure comparability of data across the countries.

Based on the literature and the specifications for access to information as prescribed in the [Enforcement Directive](#) (Article 5), the key themes covered by the mapping exercise were the type of information provider, availability of information, target groups, accessibility and quality, and scope and content of information. These areas represented the framework for a systematic review of the information channels. To facilitate the mapping process, a template was provided in a Microsoft Excel worksheet, together with instructions. Details of the methodological aspects of mapping are presented in the Technical Report accompanying the project's final mapping dataset prepared by Danaj et al. (2023).

For the Slovak case study, the gathering of information channels was initiated by searching for the Slovak translation of 'posting of workers' (vysielanie zamestnancov) on the Google search engine. After all relevant information was gathered and the search results were no longer relevant, specific types of

underrepresented channels were added to the search entry; for example, ‘posting of workers infographic’ (vysielanie zamestnancov infografika). Next, the search entry was used on other platforms, such as YouTube and Spotify, to look for videos and podcasts specifically. Lastly, the websites of key institutions and organizations were searched, including those previously identified using the Google search, to ensure that no other information was missed. The websites of institutions and organizations which were reviewed included public institutions (Ministry of Labour, Social Affairs and Family; National Labour Inspectorate; Social Insurance Agency; Ministry of Foreign and European Affairs), trade unions (Confederation of Trade Unions, Integrovaný odborový zväz), and employers’ associations active in the construction sector, namely Zväz stavebných podnikateľov Slovenska (Association of Construction Entrepreneurs of Slovakia) and Asociácia priemyselných zväzov a dopravy (Association of Industry and Transport Unions).

Desk research on information channels was further verified at the interview stage. The interviewed stakeholders were asked about information channels that were more difficult to identify via online search, such as workshops or printed materials. The Bratislava office of the National Labour Inspectorate, as well as the client centre of the Social Insurance Agency, were visited in person to enquire about and identify offline materials specifically. The total number of information channels identified in the mapping exercise is 41; these were then used to make inferences about the key findings of the mapping in Slovakia.

2.2 Interviews

The mapping of information channels was complemented by conducting interviews with key stakeholders. Six interviews with a total of eight respondents were conducted (*Table 1*). The respondents represented six institutions, comprising two national institutions (the National Labour Inspectorate and Social Insurance Agency), the European Labour Authority, a law firm, and tripartite social partners (a trade union and an employers’ association). Interviewees were purposefully selected based on the type of organization they represent and their position within it, while targeting those with the highest competence in the provision of information, in order to include all stakeholders (national institutions, social partners, European institutions, and consultancies). Respondents mostly acted as experts on labour law and employment relations in their organization. Half of the interviews were carried out in person in Bratislava; two took place via teleconferencing tools. A short background interview was conducted via telephone with a representative of the Ministry of Labour, Social Affairs and Family. All interview participants were explicitly asked for their permission to participate in the interviews, either through a written or online consent form that adhered to GDPR guidelines. Interviews were semi-structured with open-ended questions based on an interview protocol, in order to ensure comparability among countries; the text was translated into Slovak. A few questions which were specific to the Slovak context were added to the common interview protocol (i.e. about the role of private information providers and the aspects of the single national website).

Table 1: Overview of interviews

Interview number	Respondent number	Type/form of interview	Organization	Date of interview	Interviewers
1	1	In person	Social Insurance Agency	1.3.2023	LMK, AM
2	2	Online	National Labour Inspectorate	2.3.2023	LMK, AM
2	3	Online	National Labour Inspectorate	2.3.2023	LMK, AM
3	4	Phone	Trade union	2.3.2023	IS, AM
4	5	In person	ELA	9.3.2023	LMK, AM
5	6	Online	Employers' association	16.3.2023	LMK, AM
6	7	In person	Law firm	19.4.2023	LMK, AM
6	8	In person	Law firm	19.4.2023	LMK, AM
7	9	Phone, background interview	Ministry of Labour, Social Affairs and Family	3.3.2023	LMK

2.3 Pilot online survey

In addition to the mapping and stakeholder interviews, the project consortium prepared and launched a pilot online employer survey among posting and user undertakings in the construction sector, in the five project countries (De Smedt et al. 2023). The survey was developed in English in a consultative and participatory manner, between project partners and a broader body of associated partners and experts, and was then translated into respective national languages. Survey questions were organized around four main areas: firm characteristics and features of posting; means of finding and using the information; views on the availability, accessibility and quality of information; and recommendations for improving access and quality of information. The survey in its introductory text targeted user and posting undertakings, but given the difficulty in identifying this particular target group beforehand, the target population comprised all construction companies in the five countries, whose main place of residence was in the respective country at the time of the survey. It was launched on 30 March 2023 and closed on 14 August 2023, but effectively started in Slovakia in mid-April due to Easter holidays.

Survey dissemination involved multiple approaches. The primary dissemination strategy was to rely on key stakeholders and public institutions who regularly engage with construction companies and can use their existing networks to disseminate the information about the INFO-POW survey. In addition to social partners, this also included the National Labour Inspectorate and Social Insurance agency as the key public institutions engaged in Slovakia's posting implementation. Cooperation in this matter was also established with interview respondents. The Institute for Forecasting provided guiding texts for emails, newsletters and social media, as well as a social media card created by the European Centre. Altogether, 18 institutions were contacted in mid-April 2023 via email, with a request to disseminate the online survey among their members/clients or on social media. Out of the contacted institutions, five agreed to support the INFO-POW project and carried out the dissemination.

An innovative approach in Slovakia was to reach out to the main online job portal; we targeted construction companies in their database of clients, with an invitation to complete the survey, if they fulfilled the criteria. A dedicated email which included information about the survey was sent by an online job portal (Profesia.sk) on 17 April to over 2,400 email addresses; a reminder email was sent later. The survey was also included in newsletters sent by two employers' organizations (Slovenský živnostenský zväz, Zväz stavebných podnikateľov Slovenska) between 20 and 26 April. Information about the survey was shared via our institutional social media, namely Facebook and LinkedIn of the Institute for Forecasting. The Institute's Facebook post was advertised between 22 May and 5 Jun 2023. Overall, the post reached over 6,000 Facebook accounts and gathered 86 link clicks. The National Labour Inspectorate, which also served as the associated partner of the project, shared the survey on their Facebook page and on their website. We were also supported by a fellow research institute (CELSI).

In the following stage of survey dissemination, the efforts focused on directly targeting the construction companies in Slovakia. First, 1,740 emails in Slovak were sent on 13 June to addresses provided in the ORBIS database by the project partner responsible for implementing the pilot online survey (KU Leuven).¹ A reminder email followed on 26 June. Afterwards, a list of 50 companies based on the revenue indicated in the FinStat database² was created. Later, 15 companies that were in the top 50 based on number of employees (and had not been included already) were added. Five more companies were added based on a search on LinkedIn. Each company's website was visited in order to check whether their email address was included in the mailing list. Alternative addresses were also noted. A professional LinkedIn account was utilized to search for human resource managers or other staff with related positions in all 70 companies. Overall, 55 InMails on LinkedIn and 38 individual emails were sent.

At the close of the survey, 18 full responses were gathered in which respondents indicated that the company was registered as a legal entity in Slovakia. However, 29 full responses (and 65 partial

¹ To be able to use email addresses collected through the Orbis database for delivering invitations to the survey, a PRET analysis (Privacy and Ethics) was conducted by KU Leuven and was approved. This means that the proposed processing of personal data meets the requirements of the General Data Protection Regulation (GDPR).

² FinStat is a database gathering main information about Slovak businesses and organizations: <https://finstat.sk/databaza-firiem-organizacii>

responses) were obtained from respondents completing the survey in the Slovak language. In the analysis, we chose to work with the sample of 18 companies who indicated that they are registered in Slovakia, to follow the project's overall approach to analysing the survey data.

3 Country profile: construction and posting characteristics

3.1.1 The construction sector in Slovakia

Slovakia is an advanced, highly internationalized and open economy; it has a strong presence of manufacturing and construction industries, which have been driving the overall economic growth in recent years. Productivity growth in the country has been mostly driven by participating in global value chains, especially in the automotive and electronics sectors. A competitive export-led industry in these activities was developed as a result of large foreign investment flows, which encouraged growth and productivity performance. Based on the World Bank Doing Business 2020 Report, Slovakia achieved a full score in the “ease of trading across borders” dimension, ranking first among 190 economies (ECSO, 2021).

Construction output in Slovakia has been shown to resist inflation; it rose by 2.5% year-on-year between 2021 and 2022, as a result of new inland construction, reconstruction and modernization (Statistical Office, 2022). In 2019, Slovakia’s share of exports of all construction-related products accounted for 65.6% of total production value, 11.3% being the EU-27 average (ECSO, 2021). However, construction works abroad were on the decrease, constituting 11% of the total volume of construction. Output of the construction industry amounted to €580.9 million in 2019. The industry recorded its highest turnover yet, although real growth was measured at 3% because of high inflation (Statistical Office, 2022a). The narrow construction sub-sector’s³ contribution to the gross value added was 6.2% in 2020, which was above the EU-27 average of 5.1%. The gross value added in the narrow construction sub-sector in 2019 was highest in the Central Slovakia region (*Stredné Slovensko*) (29.9%) and the lowest in the Bratislava region (*Bratislavský kraj*) (18.9%) (ECSO, 2021).

In 2020, the total number of enterprises in Slovakia’s building construction industry was 16,007 (Statista, 2022a). The personnel costs, consisting of wages, salaries and social security costs, amounted to €328.4 million in 2019, which increased by €7.6 million compared to the previous year (Statista, 2022b). According to the European Construction Sector Observatory (2021), the number of enterprises in the broad construction sector totalled 123,905 in 2020. The data on construction companies collected for an online employer survey relied on the ORBIS database, according to which 125,252 companies were registered under the NACE-code F (Construction) on 14 December 2022. Companies were subcategorized further into F41 Construction of buildings (23,218 companies), F42 Civil engineering (1,174 companies), and F43 Specialized construction activities (100,821 companies).

³ The European Construction Survey Observatory distinguishes between a narrow and broader definition of the construction sector based on NACE rev.2 classification. The narrow construction sector comprises sector F – Construction, including F.41 (Construction of buildings), F.42 (Civil engineering), and F.43 (Specialised construction activities). The broader definition of the construction sector includes the narrow sector (sector F), as well as real estate activities (NACE L), architectural and engineering activities and related technical consultancy (NACE M), and certain manufacturing sub-sectors (NACE C) (see European Commission, European Construction Sector Observatory: Methodological Note (June 2019)).

3.1.2 *Employment in the construction sector*

In 2020, 235,532 workers were employed in the broad construction sector in Slovakia, which is 8.5% less than in 2010. Among those working in the narrow construction sector, 56% are craft and related trade workers, which represents a 11% decline between 2010 and 2020. However, a large increase in clerical support workers (91.4%) and technicians and associate professionals (35.3%) was observed. In the broad construction sector, small and medium enterprises employed 89.2% of workers in the sector in 2018 (ECSO, 2021).

While the number of self-employed workers in the narrow construction sector was on the decline between 2010 and 2020, self-employed workers in this sub-sector represented 26.8% of the self-employed in the general economy. According to the European Construction Sector Observatory (2021), this percentage hints at a highly fragmented construction market, as this is well above the EU-27 average of 11.7%. A decline of 13.4% could also be observed in full-time employment between 2010 and 2020. On the other hand, part-time employment in the narrow construction sub-sector rose by 100%.

A typical characteristic of the construction sector is the high incidence of self-employment. Precarious forms of work are common, such as hiring self-employed contractors, and increasingly utilizing 'flexikonto', or project-based fixed-term work (Kahancová, 2016). The precarious position of self-employed workers results from insufficiencies in job security, voice and bargaining coverage, responsibility for the quality of construction services delivered, and workplace health and safety issues. Employment of foreign workers, often disregarding legal terms and conditions, has been apparent (Pokorná, 2022).

According to the Alliance of Sectoral Councils, the number of workers in the construction industry needs to increase by about 8,000 annually (Slovak Spectator, 2022). Furthermore, there is a deficit of workers of all qualifications (Pokorná, 2022). Graduates of the Slovak Technical University are highly sought after, while the University is unable to meet the demand. This gap is being mitigated by creating job opportunities for students, and fostering cooperation between the University and companies (Šebejová, 2022). The Slovak government responded to the demands of employers' associations by revising the Law on Employment Services in 2018, and introducing procedures to facilitate hiring foreign nationals for occupations in specific regions (ECSO, 2021). Rising numbers of incoming postings can thus be explained in this context of labour shortage, and a continued demand due to upcoming large infrastructural projects in the country.

3.1.3 *Posting of workers*

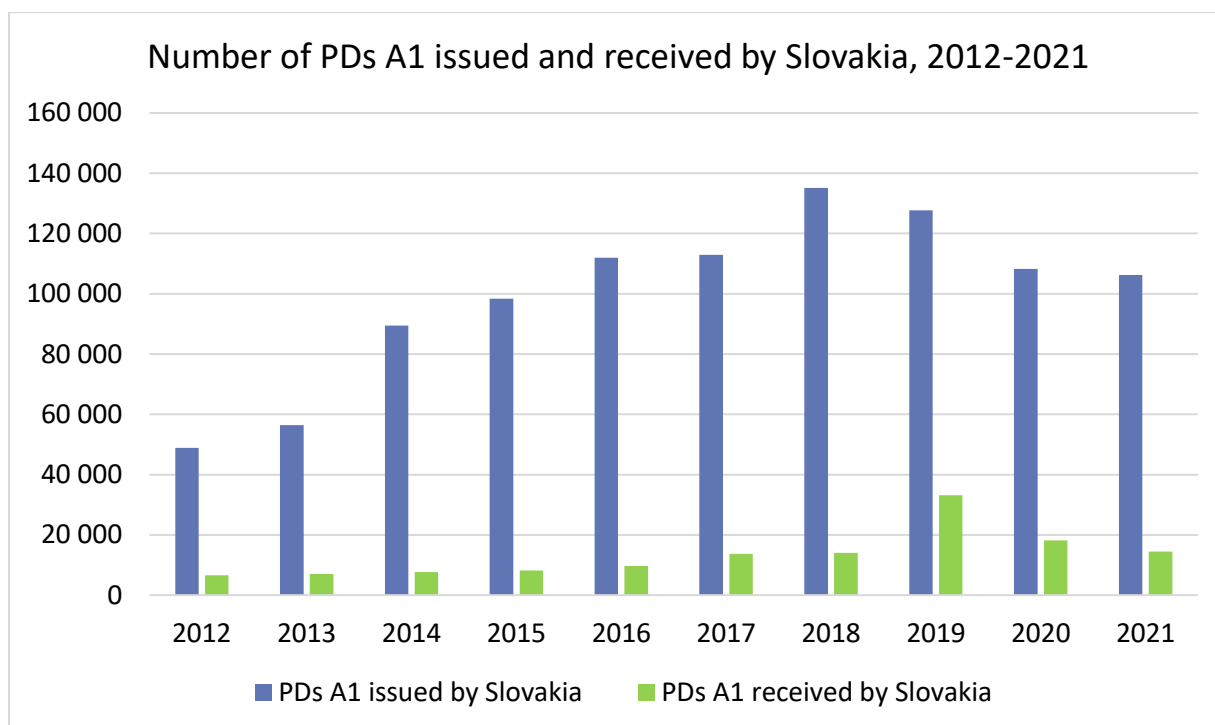
The total number of PDs A1 issued by Slovakia in 2021 is 106,212. Of these, 73.9% were issued under Article 12, 26% under Article 13, and 0.2% under another article.⁴ This makes Slovakia the ninth-largest

⁴ Article 12 and Article 13 refer to articles of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, also known as the Basic Regulation. Persons covered by Article 12 of the Basic Regulation are either employees or self-employed workers who are posted to another Member State to perform work. On the other hand, those covered by Article 13 pursue an activity as an employed/self-employed person in two or more Member States. Therefore, workers can be posted based on Article 12 or Article 13, based on whether they will be working in one Member State or more.

sending country in the EU in 2021. Posted workers under Article 12 amounted to 3.1% of national employment, and those under Article 13, to 1.1% (De Wispelaere et al., 2022). In comparison, Slovakia was the seventh-largest sending country in the EU in 2016, as 112,028 PDs A1 were issued that year (4.9% of the workforce) (Hollan & Danaj, 2018).

It is also relevant to note trends in posting relative to short-term labour mobility measured by the EU LFS data. Short-term labour mobility of Slovak persons has been on the decrease, amounting to a decline of 16% between 2007 and 2017 (DATAcube, 2018). However, during this period, the number of PDs A1 issued by Slovakia increased, reaching a peak of over 135,000 outgoing posted workers in 2018, and a peak of more than 33,000 incoming posted workers in 2019 (Figure 1).⁵

Figure 1. Number of PDs A1 issued and received by Slovakia between 2012 and 2021.



Source: De Wispelaere et al. (2022).

In 2021, 57.4% of PDs A1 issued by Slovakia according to Article 12 were granted to workers being sent to Germany. Other receiving countries were Austria (10%), the Czech Republic (7.5%), the Netherlands (5.1%), and Belgium (4.7%) (De Wispelaere et al., 2022). Generally, Slovakia is a 'net sender' – issuing

In this report, some data are presented as a total of PDs A1 issued, i.e. those issued under Article 12 and Article 13. In other cases, it is indicated whether the given number concerns posted workers or PDs A1 covered by Article 12 or Article 13, as it is not always possible to group data together.

⁵ According to Hollan and Danaj (2018), the number of PD A1 forms may not reflect the true extent of posting from Slovakia, as workers are also mandated to receive this form for business travel.

more PDs A1 than receiving, with the net balance being 64,014 PDs A1 issued and received according to Article 12 in 2021 (De Wispelaere et al., 2022).

Importantly, Slovakia stands out relative to other Member States in posting of self-employed workers. Half of those granted a PD A1 by Slovakia under Article 12 are self-employed, with the EU average being 6%; the comparison places Slovakia at the very top of the list of countries (De Wispelaere et al., 2022). While the share of PDs A1 issued by Slovakia accounts for only 2.9% of the total number of PDs A1, it represents almost one-third of the total number of PDs A1 issued to self-employed posted workers under Article 12(2) (De Wispelaere et al., 2022). Furthermore, the proportion of self-employed posted workers increased from 35% in 2014 to 50% in 2021 (De Wispelaere et al., 2022).

In Slovakia, persons working in construction account for most of the issued PDs A1 (52.5%). In 2021, out of all PDs A1 issued to construction sector employees, 90.7% were issued according to Article 12, and 9.3% according to Article 13. The second-largest flow of posted workers in construction is from Slovakia to Germany (23,148 PDs A1), the first being from Poland to Germany (53,914 PDs A1). The Slovakian construction sector posts 11% of employed persons abroad, ranking fourth among European countries (De Wispelaere et al., 2022).

In 2021, 14,449 PDs A1 indicated Slovakia as the receiving country; 9,345 of these were issued by Germany, and 1,232 by Poland. Based on data from 2016, 55.8% of workers posted to Slovakia worked in the industry sector, which includes the construction and automotive sectors (Hollan & Danaj, 2018). This is confirmed by the number of PDs A1 issued in 2021 according to Article 12, which indicate Slovakia as the receiving State: 64% of these concerned the industrial sector, out of which 7.8% were in construction.

In relative terms, Slovakia is less attractive as a posting destination, although the number of temporary migrant workers from countries outside the EU, such as Serbia or Ukraine, has been increasing in recent years. According to Hollan and Danaj (2018), migrant and/or posted workers coming to Slovakia are motivated by economic factors, such as the anticipation of higher wages and the possibility of saving money by working abroad. We expect the posting trend to grow further due to labour and skill shortages in the manufacturing industry, and an increasing trend of relying on (temporary) immigrant labour among companies based in Slovakia.

3.1.4 Social dialogue in the construction sector

In Slovakia, collective bargaining takes place at both industry and company level. National trade union membership was estimated at 11.2% by the ILO in 2019, which amounts to approximately 290,000 members (ILOSTAT, 2022). Established national-tripartite social dialogue is the highest level of bargaining. Coverage of collective agreements and trade union density have been on the decline in the past two decades, while company-level bargaining has been gaining strength, and the use of extension mechanisms is still limited. These circumstances weaken the enforceability of collective agreements (Kahancová, 2016).

Sectoral social dialogue and bargaining structures are present and effective in the construction sector. While trade union membership is low, bargaining covers a larger number of employees thanks to the

extensive membership base of the sectoral employers' association: Zväz stavebných podnikateľov Slovenska (ZSPS). However, the higher number of self-employed workers and the increasing use of fixed-term contracts have a negative effect on union membership (Kahancová, 2016). According to a 2015 Eurofound report, the construction division of Integrovaný odborový zväz (IOZ) organized 67 establishment-level trade unions in construction companies. Union density in the sector was measured at 5–6% in 2011, although sectoral bargaining coverage was estimated to be 10–30%, with 207 construction companies being covered by the sectoral collective agreement in 2014 (Eurofound, 2015; Pokorná, 2022). In 2023, 52 trade unions of construction companies are part of the IOZ, and trade union density is reported at 6.5%. Additionally, 129 construction companies are covered by the sectoral collective agreement in 2023, leading to coverage of approximately 40% of employees in the construction sector.⁶

The collective agreement, which is currently in force and is applicable to the construction sector, was agreed upon in 2012 by Integrovaný odborový zväz (IOZ) and Zväz stavebných podnikateľov Slovenska (ZSPS). In 2015, this collective agreement was extended and became a 'higher-level agreement', thus applicable to the entire construction sector. As stated in Amendment no. 9 of the collective agreement, the validity and effectiveness of the agreement has been prolonged until the end of 2024. The parties have not yet decided on minimum wage rates for the upcoming period, and are still in negotiations.

⁶ Updated information was provided upon authors' request by a representative of the IOZ via e-mail in October 2023.

4 The national regulatory framework for access to information

The transnational character of posting necessitates the exchange of information between State institutions tasked with detecting and penalizing the circumvention and abuse of the posting rules. While the [Posting of Workers Directive](#) (Directive 96/71) created an obligation for Member States to designate State institutions for the implementation of the Directive, and bound them to cooperate and provide mutual assistance, the [Enforcement Directive](#) (Directive 2014/67/EU) defined the responsibilities of States in this matter. Article 5(1) specifies that Member States are to ensure that information on the terms and conditions of employment listed in Article 3 of the [Posting of Workers Directive](#) (Directive 96/71/EC) is “generally available free of charge in a clear, transparent, comprehensive and easily accessible way at a distance and by electronic means, in formats and in accordance with web accessibility standards that ensure access is granted to persons with disabilities.”

With the aim of fulfilling this obligation, each State should create a single official national website for the dissemination of information on posting, which is detailed, user-friendly, and accessible (subsection 2(a)). The website should contain information on collective agreements, terms and conditions of employment in the Member State, and links to other websites and contact points, including social partners (subsection 2(b)). The available information should be provided free of charge in the official language of the Member State and other languages which are most appropriate (subsection 2(c)). The accessibility and clarity of information provided is to be enhanced by the Member State (subsection 2(d)), and the information provided in country fiches is to be kept up to date (subsection 2(f)). The contact person at the liaison office in charge of dealing with requests for information should be indicated by the Member State (subsection 2(e)).

The [Revised Posting of Workers Directive](#) (Directive 2018/957) introduced Article 3(1), which lays out additional responsibilities for Member States to provide information. Firstly, States are to publish information on the single official national website transparently and without undue delay. Secondly, information on the website must be kept accurate and up-to-date by the State. Lastly, in the case that the information on the website is incomplete, this should be considered in the determination of penalties. Article 4 of the [Revised Directive](#) clarifies the process of exchanging information between State institutions.

At the Slovak national level, the transposition of these Directives was realized through [Act No. 311/2001 of the Labour Code](#), as well as [Act No. 351/2015 Coll. on cross-border co-operation in the posting of workers](#). The Labour Code defines a worker as posted if the posting takes place in the following way: “(a) posting under the direction and under the responsibility of the posting employer, under a contract between the posting employer as the cross-border service provider and the recipient of this service, if between the posting employer and the posted worker there exists an employment relationship during the posting period; or (b) temporary assignment to a user employer if there is an employment relationship between the posting employer and the worker during the posting period” (Korosiová & Havrilla, 2020, p. 153). The broader national regulatory framework related to posting is

described in detail in the POW-BRIDGE Country Report (Kováčová et al., 2021).⁷ Details of the transposition of Posting of Directive, and its Enforcement Directive on the aspects related to the access to information, are described below in section 4.2; while the following section outlines information, aspects related to terms and conditions of employment (4.1).

4.1 Legal instruments for information on employment terms and conditions

Regulations related directly to the posting of workers are complemented by national and transnational legislation which specifies the terms and conditions of employment. Rules related to the transposition of the [Transparent and Predictable Working Conditions Directive](#) came into effect on 1 November 2022.⁸ The transposition created further obligations on the employer in relation to the content of the employment contract, including the provision of the description of specific working conditions in a written form. Another instrument established by the Directive is the automatic annulment of contractual provisions and other agreements between the employer and employee that bind the employee to confidentiality on working conditions and remuneration, or prohibit the employee from engaging in other gainful activity.

Furthermore, special rules are laid down in the Labour Code for the content of the employment contract and of the information provided, in the case that the employee's place of work is outside the territory of the Slovak Republic. In such a contract, the employer is obliged to agree with the employee, in addition to the content of a contract for the performance of work in Slovakia, on the place of work in a State or States outside the territory of the Slovak Republic, and the period of performance of work in the State or States outside the territory of the Slovak Republic.

Moreover, the employer is obliged to provide the employee with written information on the currency in which the wages or part thereof will be paid, an indication of other benefits connected with the performance of work in the State or States outside the territory of the Slovak Republic in money or in kind, an indication of whether repatriation of the employee is provided for, and what conditions apply to it. If the period of work abroad exceeds four consecutive weeks, the employer shall provide this information (in paper or electronic form) to the employee before they leave for work in a State outside the territory of the Slovak Republic.

Employees whose employment relationship was established before 1 November 2022 are to be provided with this information within one month, only if the information has not been provided prior to 31 October 2022 and if they request the provision of such information.

⁷ See: <https://www.prog.sav.sk/pow-bridge-preklenutie-rozdielov-medzi-legislativou-a-praxou-vo-vysielani-pracovnikov/>

⁸ See: <https://www.ip.gov.sk/nalezitosti-pracovnej-zmluvy-a-informovanie-o-pracovnych-podmienkach-od-1-novembra-2022/>

4.2 Legal instruments for information on the posting of workers

4.2.1 *Transposition of the Posting of Workers Directive and the Enforcement Directive*

The key national institution overseeing and implementing the access to posting information is the National Labour Inspectorate, with some competences being covered by the Social Insurance Agency. The National Labour Inspectorate is an agency of the Ministry of Labour, Family and Social Affairs, which is tasked to monitor and enforce matters of lawful employment, illegal work, and decent working conditions. Additionally, according to §2 of [Act No. 125/2006 Coll. on Labour Inspection](#), it also monitors employment conditions of posted workers, and provides free advice to actors engaged in posting. It is obliged to publish information on the working conditions of posted workers and the obligations of sending and receiving employers on its website, based on §6(1)(n) of the aforementioned Act. According to §5(2)–(10) of the Labour Code, the information provided on working conditions should more specifically include:

1. the ‘hard-core’ provisions granted to workers posted to Slovakia (subsection 2),
2. the provisions applicable to long-term posting (subsection 3),
3. the notification obligations of receiving undertakings (subsection 4),
4. the possibility to provide working conditions which are more advantageous to the worker (subsection 5),
5. the types of posting (subsection 6),
6. the definition of a posting undertaking (subsection 7),
7. the definition of a posted worker (subsection 8),
8. the exception to the provisions on remuneration and leave (subsection 9), and
9. the possibility for workers posted to Slovakia to contact the Inspectorate (directly or indirectly) or make use of the judicial system, in the case that their rights or interests were harmed by the failure to comply with posting conditions (subsection 10).

The information on the employer’s obligations must also contain the content of subsection 10 of §5 of the Labour Code, as well as the administrative obligations of the sending undertaking and the notification obligations of the sending undertaking towards the Inspectorate, as defined by subsections 1 to 3 of §4 of [Act No. 351/2015 Coll. on cross-border co-operation in the posting of workers](#). Additionally, the Inspectorate must also provide information to Slovak citizens, as well as the citizens of other Member States, on the working conditions in Slovakia and in other Member States (§6(1)(o) of Act No. 125/2006). The content of these working conditions is also defined by §5(2)–(10) of the Labour Code, listed above. The mapping exercise showed that most of these elements of information were provided at the time we conducted systematic mapping of information channels, but some were not. In particular, definitions of posting undertakings and posted workers are not explicitly given, and the types of posting are not clearly described. There was also inadequate information regarding the working conditions in other Member States; at the time of mapping (early 2023) it included a table with an overview updated in 2016, but later information was unavailable.

Furthermore, a specific way in which individuals or companies can access (any) information is the [Act No. 211/2000 Coll. on the freedom of information](#), which guarantees everyone the right to access information which is at the disposal of the obliged persons (§3). This right does not apply to information that is not available to the person, such as analyses or expert statements. Certain information on the posting of workers or other issues related to work may be accessed by sending a request based on Act No. 211/2000. However, requests for an expert opinion or interpretation of a legal provision related to the problem of a particular natural person or legal entity are treated as advice, which is not subject to this Act.⁹

4.2.2 Notification obligations of undertakings sending posted workers to Slovakia

[Act No. 351/2015 Coll. on cross-border co-operation in the posting of workers](#) defines the notification obligations of undertakings sending posted workers to Slovakia in §4 subsections 1 to 5. These include obligations to provide the National Labour Inspectorate with information about the undertaking, estimated number of posted workers, personal information of the posted worker, specifics of the posting, information on the contact person, and changes to the aforementioned information (subsections 1 and 2). The host employer must also fulfil administrative obligations related to storage of the employment contact and records of paid wages, as well as tracking and storing records of working time (subsection 3). Upon request, the employer is obliged to make these documents available to the Labour Inspectorate (subsection 4). These obligations are to be fulfilled using a predetermined form or through the registration portal available on the Inspectorate's website (subsection 5). However, these rules do not apply to host employers in the case that the worker is posted in the road transport sector.

Likewise, the national legislation obliges user undertakings in Slovakia to report on their respective postings. Specifically, subsection 6 of the aforementioned paragraph (§4) of the Act No. 351/2015 Coll. on cross-border co-operation in the posting of workers, creates an obligation for receiving employers to provide information, upon request of the (national or local) labour inspectorate, for the purposes of identification of posting and monitoring compliance with posting rules. Further obligations are detailed in §23b of [Act No. 5/2004 Coll. on employment services](#).

⁹ See: <https://www.ip.gov.sk/slobodny-pristup-k-informaciam/>

5 Mapping national channels of information on posting

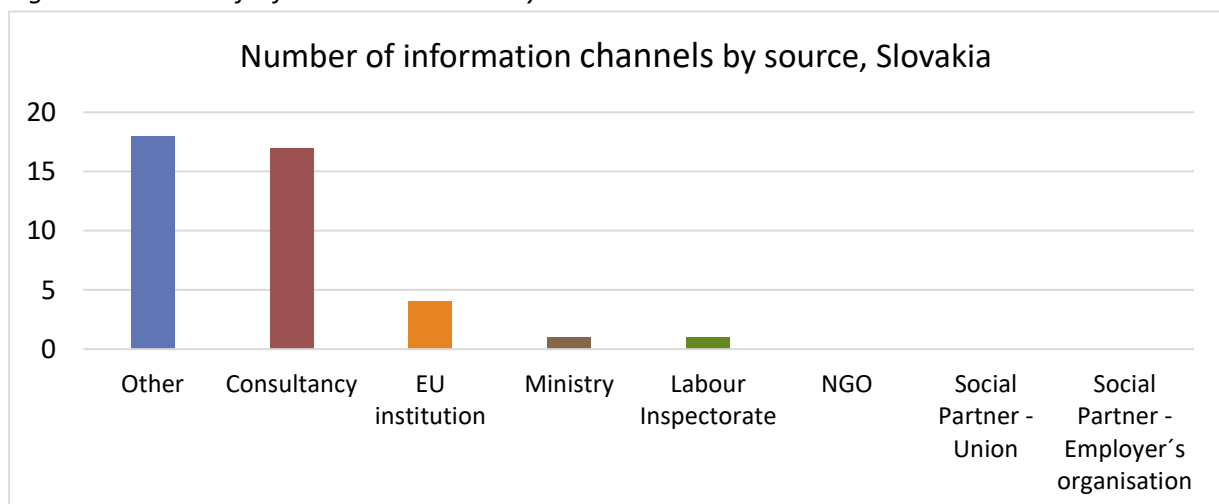
In the Slovak national mapping exercise, we have identified 41 information channels that satisfy the criteria for inclusion in the research design. These channels were systematically mapped and coded in the common mapping exercise template, and are accessible in a comparative database for all countries covered in the project (Kayran et al., 2023). The time period covered includes channels which have been updated or distributed between January 2017 and March 2023. Older channels were also collected; they were not included in the mapping exercise itself, and were not coded, but are available to the reader upon request. Only the information that was freely available was coded, whereas channels available behind a paywall or requiring a purchase were not accessed. Therefore, some items were left blank for these channels – mostly in sections 4 and 5, covering the quality, scope and content of information.

5.1 Information providers

In the Slovak mapping exercise, we have identified seven information channels provided by State actors (17%) and 34 channels (83%) by non-State actors. In Slovakia, a variety of State actors provide information about posting, including the National Labour Inspectorate (Národný inšpektorát práce), Social Insurance Agency (Sociálna poisťovňa), Ministry of Labour, Social Affairs and Family (Ministerstvo práce, sociálnych vecí a rodiny), Financial Administration of the Slovak Republic (Finančná správa Slovenskej republiky), the European Union (Your Europe), European Employment Services, as well as the Embassy of the Slovak Republic in Vienna, Austria (Veľvyslanectvo Slovenskej republiky vo Viedni).

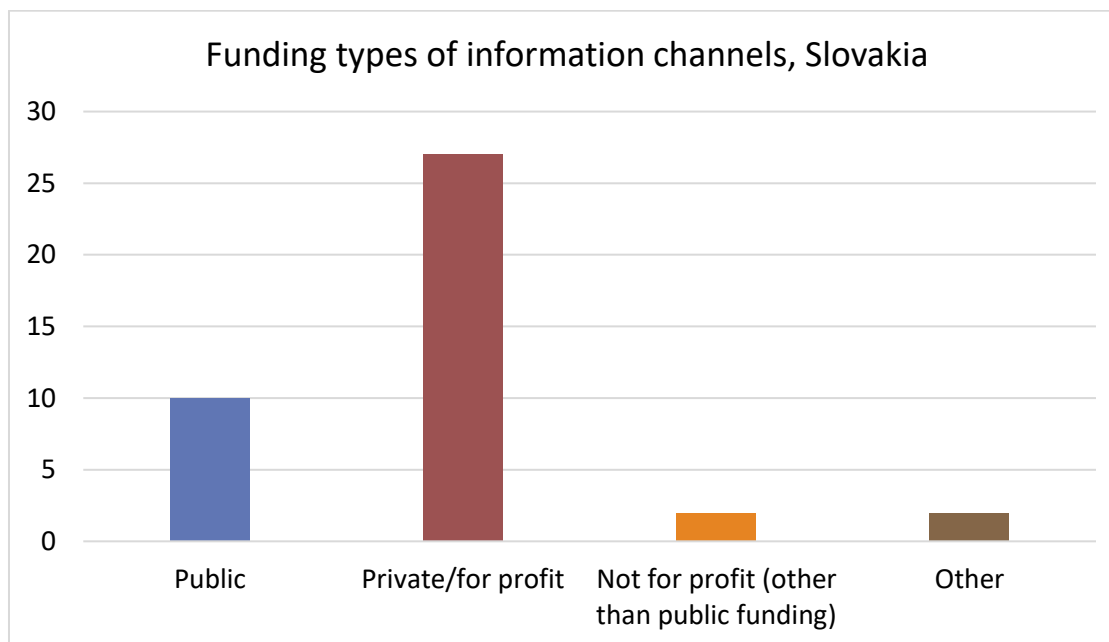
Most non-State actors providing information about posting were consultancies (17 channels), and ‘other actors’ (18 in total), including law firms, publishing houses, online journals, research and educational organisations. No channels were provided by a national NGO or a social partner institution, including unions and employers’ associations (*Figure 2*).

Figure 2: Number of information channels by source



In terms of the governance level of the actors, the majority of actors providing information on posting are active at the national level (35 out of 41); one actor was a regional-level body, and four (10%) information providers were EU-level actors (Your Europe, Euraxess, EURES, and EFBWW). No local level actors were identified. In relation to the actors' funding type, 27 channels were private/for profit (66%) and 10 were public (24%). The rest were either not for profit or other (two actors) (*Figure 3*).

Figure 3: Funding types of information channels



5.1.1 Public institutions

Public institutions (including State actors, NGOs and social partners) are heavily underrepresented in the provision of posting-related information, compared to other countries (Danaj et al., 2023). Information on the websites of public institutions is fragmented based on the area covered, including social security, labour law or tax law. No institutional website in Slovakia provides complete information on the posting of workers. The posting website of the National Labour Inspectorate is considered to be the single national posting website (as confirmed by the representatives of national institutions during the interviews), although it does not include the social security aspects of posting. We provide a detailed description and brief assessment of the website based on our research in Box 1. The mapping exercise showed that more information channels are provided by private actors rather than State or publicly funded actors. Although this was not clear from the mapping exercise, the interviews revealed that further information is provided in the form of personal or phone consultations, as well as formal decisions provided in a written form on a case-specific basis.

5.1.2 Social partners

According to the mapping exercise, no information on the posting of workers was provided by national social partners – neither unions nor employers' associations. This differentiates the Slovak context from other countries covered in the INFO-POW project, in which social partners (unions and employers' associations) play an active role in informing about posting (Danaj et al., 2023). However,

one online channel identified in the mapping is a social partner platform, provided at the EU level (constructionworkers.eu, from EFBWW). Furthermore, more nuanced results were revealed by the interviews with stakeholders, which will be described in detail subsequently (chapter 6).

5.1.3 Private actors

Private actors predominate over the public/State actors, in terms of the number of channels of information. The most prevalent actors providing information are consultancies. The role of private actors is further discussed in the next section, with findings from the stakeholder interviews, where we contextualize the role of State versus non-State actors in the provision of posting information to employers.

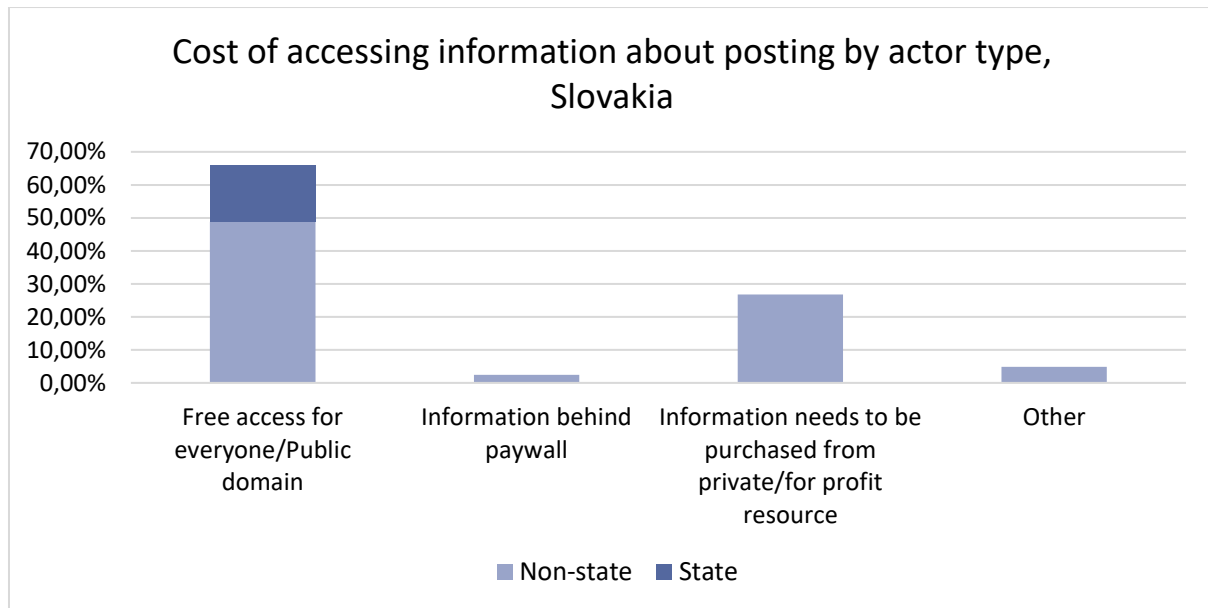
5.2 Availability of posting information and the targeted audience

Nearly all of the identified channels were online (95%), and only two offline sources were identified (offline training and a printed manual). Among online sources, 29 were websites, comprising company websites (20), publishing houses (6), educational organizations (1), a chamber of commerce (1), or online legal journal (1). Other channels included online trainings (4), online leaflet/pamphlets (1), online manual/guidelines (2), and videos (1). We identified no channels which provided information about posting in the form of online events (other than trainings), online infographics, or podcasts. Five channels combined two or three types of online channels.

Two-thirds of the channels are freely accessible (66%), and a small share are available after the user registers with their e-mail address. Nearly one-third (29%) of channels are either behind a paywall or need to be purchased from private/for-profit sources. The cost of access ranges from 30 euros for one-time access to 350 euros for annual membership. Information that is not free to access for everyone is provided by private actors, and judging by the accessible content, it appears to be more detailed and specific than information that is free. This is not surprising, given that private actors are profit-seeking and are not obliged to provide information for the public good. However, as will be discussed in chapter 7, the interviews revealed that public actors are also able to provide very specific information in response to a specific request.

All channels provided by State actors are available freely, while 59% of channels from non-State actors are free to access (49% of all channels included in the mapping were categorized both as channels provided by non-State actors and offered free of charge). In other words, all publicly funded actors provide channels which were free of charge, and close to half of privately funded channels also supply information without payment (*Figure 4*).

Figure 4: Costs of accessing information about posting by actor type



Almost all information channels (40) are targeting employers (98%). Out of these 40 channels, 29 concern postings from Slovakia, 2 deal with postings to Slovakia, and 9 include both directions of posting. More than half of the channels target user undertakings (59%), i.e. companies receiving posted workers in Slovakia. User undertakings are mostly targeted inside the country (87.5%), none are targeted only outside the country, and 12.5% concern both. Most channels do not target posted workers (73%). Out of those that do, 5 channels concern postings from Slovakia, 1 deals with postings to Slovakia, and 5 cover both perspectives.

A large majority (85%) of the channels contain information which relates to posting in general, and 12% offer details of both posting in general and the specificities of the construction sector. Only one channel, provided by the EFBWW, contains information on posting in the construction sector exclusively. Channels which contain information on both are provided by consultancies (2), an embassy (1), and publishing houses (2). All of these channels are either available free of charge or are accessible after free user registration. Additionally, 7 channels (22%) also contain information specific to the transport sector.

Box 1: Single national posting website

(<https://www.ip.gov.sk/vysielanie-zamestnancov/?ip=nip>)

The website of the National Labour Inspectorate is considered to be the equivalent of a Slovak single national posting website, as required by the Posting of Workers Directive. The NLI is the key institution responsible for the website's content and updates. The National Liaison Officer for posting is an employee of NLI. The competences and contact information of the national liaison body (address of the NLI, name of the competent officer, email address, and phone number) can be found in the subsection on posting; see 'Helpful information'.

The NLI website does not contain information on posting exclusively, but also information on health and safety at work, labour law and employment relations, illegal employment, and detailed contact information, including that of regional offices. On the other hand, it does not provide information about social security legislation and processes, which is another key aspect of posting regulation. This information is provided on the website of the Slovak Insurance Agency, which means that the information about posting in Slovakia is fragmented across actors and online sources.

As indicated in our interviews, the website is updated by public servants, typically in relation to legislative changes in posting regulation. Further changes and updates are made based on feedback received during advisory activities regarding posting, via phone or in relation to written queries. However, many subsections of the single national website refer to 2016 as the year of updating the information. While the information might be accurate, companies might be confused about its recency. In the 'Working conditions in Member States' subsection, links to other relevant national and European websites are provided, where information on the conditions in other Member States can be found; but this is of a very general nature, and some of the hyperlinks are inactive. Aside from the national language, the NLI website is available in English, German, French, Hungarian, Polish, and Romanian. The content is not equivalent in the foreign language versions; information is condensed. Moreover, the Slovak Insurance Agency, which informs about the transposition of social security regulation, only provides this information in Slovak.

The strength of the Slovak equivalent of a single national posting website is the fact that it covers additional issues which go beyond its legal obligations to provide information, such as illegal employment or employment of third-country nationals. It is quite dense in content and includes links to other relevant websites in the EU (although not necessarily other single national posting websites).

On the other hand, the NLI website is not explicitly labelled as the single national posting website, which could be confusing for readers who are not familiar with the NLI's competences. Information on social security is not provided on the website, except for hyperlinks to the website of the Social Insurance Agency. However, it is not clear that there is a difference between labour law and social security law in relation to the posting of workers, and that it is necessary to visit the SIA website. The user needs to be aware that this is the SIA's area of responsibility. Taxation rules are also absent from the website's content. In terms of specific content, the NLI only provides general information on sanctions, as there is a large margin of discretion. Information on the possibility to appeal against sanctions is also missing.

5.3 Accessibility and quality of posting information

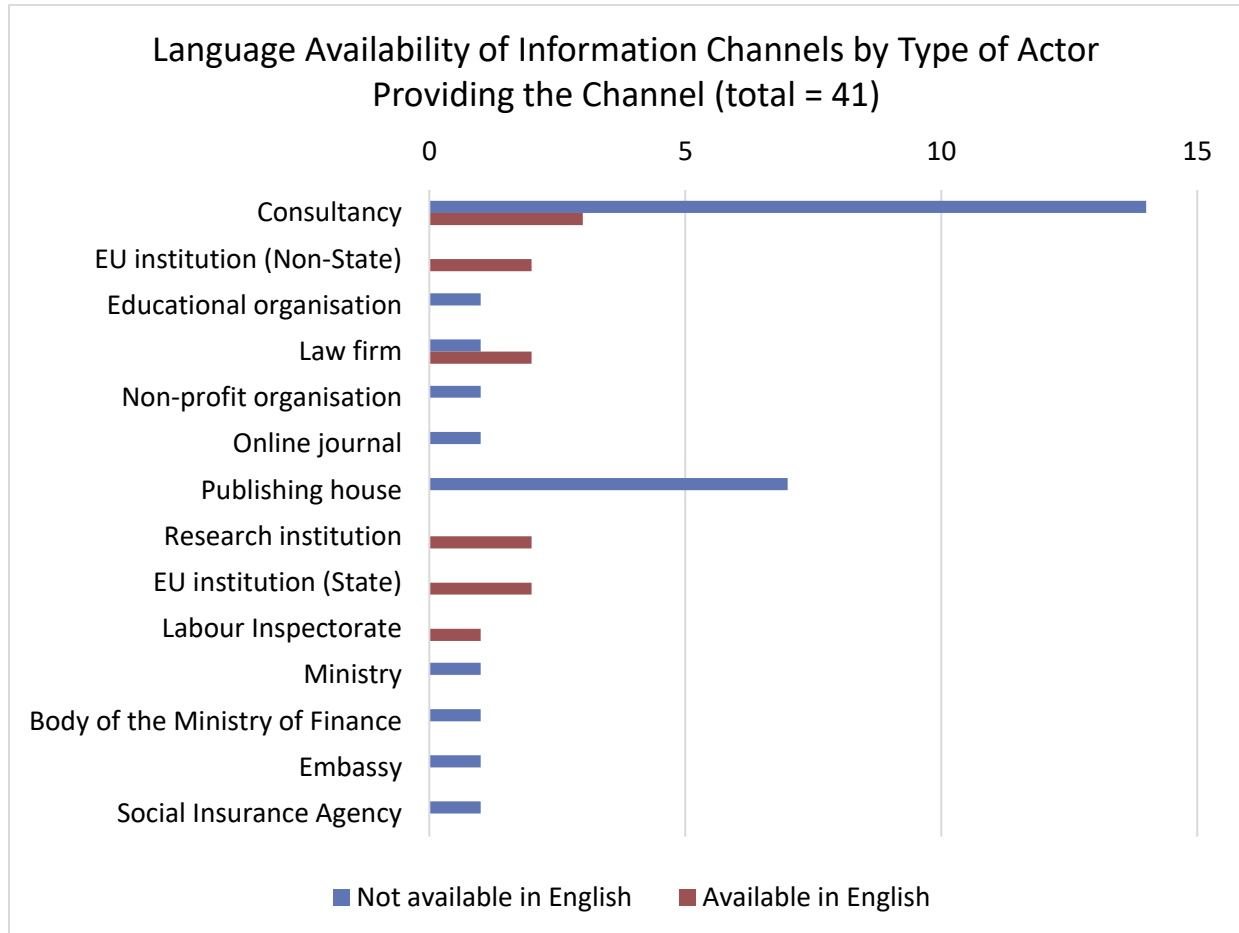
The accessibility and quality of posting information is assessed for fewer channels, as we did not have full access to 11 sources (out of 41), which had to be purchased. Coding was therefore based on information that was available to our best ability. Thus, the number of channels differs by an area which is assessed, which will be indicated alongside the results.

Most information is available only in the national language, which amounts to 68% of channels (28 out of 41). Furthermore, 17% are available in one additional language, and 7% in ten or more languages (7 and 3 channels out of 41, respectively). Channels provided by EU institutions are available in the largest number of languages. Out of 10 publicly funded channels, 6 are available in English, while out of 27 private/for profit channels, only 5 are offered in English. Thus, public channels are more likely than private channels to provide foreign-language alternatives. Out of the 6 public channels available in English, 3 publicly funded channels provide foreign-language information which is equivalent to the Slovak version, and 3 supply information mainly only in Slovak. All 5 privately funded channels which are available in a foreign language are equivalent. Publicly funded channels available in other languages are offered in 1 foreign language (3), 6 foreign languages (1), or 10 or more foreign languages (2).

The most frequent foreign languages are English or German. However, only 29% of all channels are available in English (12 out of 41). Occasionally channels are available in the languages of the neighbouring countries, namely Hungarian and Polish. Some are offered in all or many EU languages, as well as Macedonian, Norwegian, Russian, Albanian, Serbian, Turkish, and Ukrainian. Information available in English is provided by both State and non-State actors (*Figure 5*). The Labour Inspectorate is the only State actor to provide information in English, aside from two EU institutions (3 out of 7 channels provided by State actors). The Slovak Insurance Agency, which informs about social security regulation, only provides this information in Slovak.

Regarding whether the translated versions are equivalent or significantly reduced compared to the national language versions, 24% of channels contain translations which provide most of the information in the foreign language(s) (10 out of 41). Only 7% of channels provide information which is mostly only available in the national language(s) (3), and 68% of sources are either offline or no translation is available (28).

Figure 5: Language availability of information channels by type of actor providing the channel



All 41 channels were assessed based on their target audience. Almost all channels (40) target posting undertakings, 24 target user undertakings, and only 11 target posted workers. 70% of those channels which target posting undertakings are available only in the national language (28 out of 40), while 30% are available in at least one additional language (12 out of 40). Out of the 40 channels which target posting undertakings, 29 target those posting from Slovakia (Slovak sending companies), 2 target those posting to Slovakia (foreign sending companies), and 9 target both. Channels which target Slovak sending companies are mostly only available in the national language (25 out of 29 channels). On the other hand, 5 out of 9 channels that target both companies posting from and posting to Slovakia are available in multiple languages. Those that only target foreign sending companies are both available in multiple languages.

Furthermore, 24 channels target user undertakings. Of these, 63% are only available in Slovak, and 37% in multiple languages (15 and 9, respectively). Out of 21 channels which target user undertakings inside the country exclusively, 14 are only available in the national language and 7 are available in multiple ones. We identified 3 channels that target user undertakings both outside and inside the country, 2 of which are available in at least one additional language.

In the analysis of language availability and target audience, no significant difference was found between channels targeting posting and user undertakings. However, when undertakings were subcategorized into undertakings posting to or from Slovakia, and user undertakings inside or outside the country, it was found that channels targeting undertakings posting to Slovakia and user undertakings outside Slovakia were more often available in multiple languages.

Out of 41 information channels, 11 target posted workers, of which 3 were available only in Slovak and 8 in at least one additional language. Availability in multiple languages was not dependent on whether workers posted from or to Slovakia were targeted.

Information on the recency of the information was not available for 24% of the channels (10 out of 41). This was the case for 21% of private channels (7 out of 34) and 43% (3 out of 7) of public channels. Thus, private channels more often include the information about recency. Most channels (7) were last updated/distributed in 2020. In 2020, the Revised Posting Directive became applicable, which explains why most sources were updated at this time.

Out of 37 channels for which data were available, 30 only use text, 6 use video(s), and 1 is a seminar using multiple mediums. Out of 30 channels, 18 use limited hyperlinking to additional information, 8 hyperlink some information, and most relevant information is linked to external sources in 4 channels.

Out of 29 channels, no information about the national contact point is available in 21 channels (72%). We were unable to confidently assess whether information on the national contact point was provided for 12 channels. Sources that provide some information on the national contact point refer the user to the National Labour Inspectorate, but do not identify a specific person in charge.

Out of the channels which use hyperlinking to other websites (29), only 4 provide hyperlinks to the posting national websites of other countries (14%). Half of the actors providing the channels link to their social media accounts, and half of them do not.

5.4 Scope and content of posting information

In terms of content, most of the provided information relates to the ‘hard core’ provisions regulating working conditions.¹⁰ Registration for social insurance/contributions is often described in detail, especially when posting from Slovakia – 71% of channels (24 out of 34) contain information in this case, which is the highest percentage of all items mapped in this section. Other highly mentioned topics include working times/work hours (60% when posting from Slovakia, 18 out of 30 channels); minimum wages/collective agreements (69% when posting from Slovakia, 22 out of 32); and overtime and other additional supplements, including bonuses and wage supplements such as night and weekend shifts (59% when posting from Slovakia, 19 out of 32). Occupational health and safety when posting from

¹⁰ Provisions of the ‘hard core’ are those laid out in Article 3.1 of the Posting of Workers Directive (Directive 2018/957 of the European Parliament and of the Council of 28 June 2018).

Slovakia is mentioned less often than other 'hard core' provisions, in 47% of channels (14 out of 30 channels).

However, information on several key themes is reduced to the general rules set at the EU level, including aspects such as working times/work hours, occupational health and safety, minimum wages, overtime and other additional supplements, including bonuses and wage supplements such as night and weekend shifts, and leave and holiday.

While minimum wages and collective agreements were coded together, collective agreements in Slovakia are hardly mentioned. Detailed information on collective agreements applicable in a certain sector is scarce. Channels rarely provide hyperlinks to the websites of social partners or other contact information.

Information seldom includes other specific information related to doing business¹¹ (out of 30 channels, 5 when posting to Slovakia (17%), 7 when posting from Slovakia (23%)), or on taxation-related issues (7 out of 32 when posting to Slovakia (22%), 11 out of 33 when posting from Slovakia (33%)). Work permits were also often omitted from the information, as they were mentioned only in 22% of channels on posting to Slovakia (7 out of 32) and 29% when posting from Slovakia (9 out of 31).

None of the channels for which information was available, which amounted to 29 channels, provides information on the redress and appeal (in case of sanctions) and compensation. Sanctions themselves are not often mentioned (11.5% when posting to Slovakia (3 out of 26), 27% when posting from Slovakia (8 out of 30)).

Additional topics which were often brought up were the contents of an employment contract, reimbursement of travel expenses, board and lodging costs, specific information related to the road transport sector, temporary agency work, long-term posting, and protection of vulnerable workers. Most additional topics were provided by channels from public institutions, such as the Labour Inspectorate, Social Insurance Agency, European Union, and the Ministry of Labour, Social Affairs and Family.

In *Table 2* we provide information on how selected content issues were covered by State versus non-State actors. We find relatively similar coverage of working times and work hours and OSH information between State and non-State actors. More marked differences are evident with respect to information about minimum wages and collective agreements, covered by a higher proportion of non-State actors than State actors (76% versus 43%). For the registration for social insurance and social contributions, a higher share of State actors (86%) than non-State actors (67%) include such information.

¹¹ This item captures whether the website provides information that facilitates entrepreneurship and doing business in the case country: for instance, information about economic indicators on the sectors relevant to posting; how to set up offices, start a business, etc., in that country.

Table 2: State and non-State channels covering selected topics on posting from Slovakia

	Working times/work hours: Item 5b (30)		Occupational health and safety: Item 5d (30)		Minimum wages/collective agreements: Item 5f (32)		Registration for social insurance/contributions: Item 5h (34)	
	Yes	No	Yes	No	Yes	No	Yes	No
Non-State	14	9	10	13	19	6	18	9
	61%	39%	43%	57%	76%	24%	67%	33%
State	4	3	4	3	3	4	6	1
	57%	43%	57%	43%	43%	57%	86%	14%
Total	18	12	14	16	22	10	24	10
	60%	40%	47%	53%	69%	31%	71%	29%

5.5 Gaps in the posting information channels

Based on the mapping, we have identified the following gaps in the information channels on posting. First, basic information about posting is almost exclusively provided via online channels, regardless of the target group. We identified only a few offline channels of information, even after asking stakeholders for information or visiting institutional offices personally. This reflects the digitalization of public services, which effectively convey key rules and procedures for posting. However, for lower-skilled people (such as self-employed posted workers), this might create barriers in accessing information relevant to them. This seems especially important given that very few channels are targeted at posted workers themselves, and little information is provided on the posting of workers in the construction sector specifically.

Second, information that is provided, including that provided by national institutions, usually relates to the rules regarding posting on a European level. Specific country-level information, especially when posting from Slovakia, is largely absent. From this perspective, it might be helpful for the single national posting website to include links to other single national posting websites, to facilitate access to reliable sources of information in other countries.

Third, in terms of reliability and accessibility, gaps are evident in the timeliness of data, as channels relatively often (25%) do not contain information on when they were last updated/distributed. This could potentially lead users to follow outdated guidelines on posting, or create confusion about which rules should be applied. Most updates take place in relation to legal changes, but this might not be obvious to companies, especially those new to posting. Approximately one-third of channels are available in a foreign language, and less than one-third are available in English.

Fourth, we identified specific actor representation in the Slovak context, which differentiates it from other countries in the INFO-POW project (Danaj et al., 2023). It appears that the online information market is saturated with private actors of different types, which provide information and possibly other services related to posting (e.g. administrative support in fulfilling the notification criteria, preparation of posting contracts, communication with public institutions, etc.). Relative to private actors, public actors are underrepresented, while social partners in particular – both unions and employers' associations – are completely absent from the Slovakian posting information market. We believe that this creates scope for the more extensive presence of consultancies and law firms, many of which provide paid content only. This results in unequal access to information between regular companies and self-employed workers, among others.

Fifth, the Slovak single national posting website only covers employment and labour law legislation, but not social security information, which is only hyperlinked to the SIA website. Importantly, the NLI website is not explicitly labelled as the single national posting website, which could be confusing for readers who are not familiar with the NLI's competences. However, it is not clear that there is a difference between labour law and social security law in the posting of workers, and that it is necessary to visit the SIA website. The user has to be aware that this is the SIA's area of responsibility.

Finally, in addition to information being fragmented over multiple websites, different channels seldom hyperlink to other national or foreign websites. Most channels offer no information on the national contact point provided by the NLI. Some form of information on the national contact point is mentioned by 5 publicly funded channels, and only 2 privately funded actors. This fact could imply that, since privately funded actors provide services to those seeking information on posting, they fail to inform about the possibility to contact the national contact point free of charge.

6 Stakeholders' views on posting information

This section summarizes insights gathered from the semi-structured interviews conducted with a range of stakeholders, mostly legal experts, in March and April 2023 (see *Table 1*). In addition to validating broader results of the mapping exercise, we also aimed to gather evidence that would help us interpret some specific findings of the mapping exercise in Slovakia. First, we further inquired about content, tools, sources of information, intra-institutional exchange and dissemination of information. Second, we investigated challenges faced in the information provision by posting/user undertakings, as well as information providers (public institutions, social partners, private agencies), and gathered opinions about best practice and innovative examples of providing posting information. Furthermore, with specific mapping findings about Slovakia, we sought to better understand the role of private actors in providing information about posting. In particular, we aimed to apprehend how information content or tools might differ between different actors, but also the reasons for such a large private market in posting information provision. Understanding the potential for an enhanced role of social partners in this area was also of interest to us. The sources of statements provided in this section are indicated by abbreviations RX, which refer to the number allocated to each respondent. An overview of interviews and respondents can be seen in *Table 1*.

6.1 Information providers' insights on posting information

6.1.1 Content and tools

The fieldwork confirmed a general finding of the mapping exercise: that nearly all information provided by both public authorities' and private actors' channels is online. Other actors, mainly social partners, which we found to be absent from the online arena, engage with their members via other forms of communication.

The interviewed public authorities consider the online method to be the most effective way of providing information to a wide range of companies and individuals. In addition to the single national website, the National Labour Inspectorate (NLI) also uses its Facebook site to communicate with the public. The respondents were not aware of any additional offline sources, such as leaflets or brochures, which were not already included in the mapping.¹² In the past, the Inspectorate had used leaflets, but online channels and campaigns proved to be more effective means of dissemination and outreach (R3).

There is a clear division between the types of information shared by the two respective institutions, the National Labour Inspectorate and the Social Insurance Agency, in their responsibility for the posting-related matters; this confirmed the fragmentation of information about posting across different channels. First, the National Labour Inspectorate (NLI) provides information on its website, focusing primarily on the aspects of working conditions and obligations of employers posting to

¹² Some offline materials were provided during the visit to the Office of the Labour Inspectorate and the short background interview with a representative of the Ministry of Labour, Social Affairs and Family (R9). These were not included in the mapping, as the most recent materials were distributed in 2016. R1 also stated that leaflets on posting used to be available at their offices. However, employees of the Bratislava office were not aware of any leaflets.

Slovakia, which it is obliged to deliver according to the legislation (R3).¹³ According to the interviewed representatives of the Inspectorate, the website also covers issues which go beyond its legal obligation to provide information, such as illegal employment or employment of third-country nationals (R3). The Inspectorate provides links to only a few other Slovak national and European websites, where very general information on the conditions in other Member States can be found. However, it does not directly provide links to, for example, the Austrian national posting website, or posting websites of other key posting partners (e.g. Germany, the Czech Republic, Poland). Moreover, links are randomly organized on the website; it takes time and effort to identify them, and several were inactive at the time of our mapping.

Second, information related to social security issues can be found on the Social Insurance Agency's website (and not on the single national website of NIP). Likewise, the SIA's key tool for sharing posting information is its website; this has recently been redesigned to follow a more user-friendly, client/situation-oriented approach to providing information. Upon entering the website, users choose a specific status (pensioner, employee, employer, etc.) or the applicable situation (pension, sickness, entrepreneurship, etc.), which then offers further categories to identify tailored information and advice. All relevant categories provide the option 'Work abroad' to users, which will lead to the section on applying for a PD A1. The respective information about posting is only available in the Slovak language.

The National Labour Inspectorate acts as the national liaison authority, according to the Posting of Workers Directive, and the contact information of the national liaison officer is provided on the website (R2). The interviews with key public institutions revealed that beyond their respective websites, both key institutions provide consultations on demand, either through dedicated hotlines (Social Insurance Agency) or through liaison officer(s) responsible for overseeing posting (NLI). More complicated cases are dealt with in the form of written responses, where complex advice is provided on specific situations and cases. NLI also has a network of regional offices, where staff members are trained to provide general information about posting (R2). Furthermore, in the instances of more substantive legal changes, conferences or workshops are organized and promoted via social media (Facebook). Thus, the national and regional offices of the Inspectorate provide webinars, seminars, or trainings related to legislative changes (R3). The Social Insurance Agency does not organize any webinars or trainings, but is willing to participate in those arranged by others (R1).

Social partners do not inform about posting through online platforms, but choose different means to support their members. They raised the important role of mutual information sharing and peer learning among their member firms, as a unique and efficient way of sharing practical experiences in posting-related matters. In the interview with a representative of an employers' association, it was stated that while the association does not provide information online, it facilitates the exchange of information between companies, and organizes roundtables where specific problems faced by companies are deliberated (R6). The association promotes institutional websites to their members with caution, especially those of other Member States, because they cannot verify that the information

¹³ The respondent is referring to §6(1)(n) of Act No. 125/2006 Coll. on Labour Inspection.

provided there is correct. Rather, they organize working groups among employers, in order to promote networking and the exchange of information among companies (R6).

Other respondents, including the representative of a trade union, confirmed that trade unions did not carry out activities related to posting, nor produce any such informational materials (R4, R6). Trade unions also do not participate in discussions and roundtables related to the issue of posting, and are perceived as non-active by other stakeholders (R6, R7). *Table 3* below summarizes the stakeholders' different roles and approaches in providing posting information to companies or individuals.

Table 3: Types of content and tools provided by specific actors

Actors represented in interviews	Non-interactive	Interactive
Social Insurance Agency	Information provided on the website relates to the rules on social security.	Individual consultations available via phone lines. Complex enquiries dealt with in a written form.
National Labour Inspectorate	Information provided on the website relates to the rules on labour law.	Provides webinars/trainings related to legislative changes. Individual phone consultations, in person/online advice by regional offices.
Trade union	None.	None.
ELA	European institutional websites provide information on the European level. Leaflets are handed out at joint inspections.	Webinars, meetings with stakeholders. Does not approach companies, but supports national stakeholders and institutions through campaigns.
Employers' association	None.	Facilitates exchange of information between undertakings and organizes roundtables.
Law firm	None.	Provides comprehensive legal services to undertakings, including those related to the posting of workers.
Ministry of Labour, Social Affairs and Family	The website provides little information on posting. Brochures and reports prepared in the past.	Information and guidance provided on demand, typically to social partners.

6.1.2 Sources of information for information providers

Most respondents identified the European and national-level legislation related to posting as their primary or only source of data (R1, R2, R7, R8). Other relevant legislation, such as employment law or social security law, were raised as sources for country-specific information, and also affected the enactment and enforcement of posting. Employees of the National Labour Inspectorate also receive trainings from the Ministry of Labour, Social Affairs and Family, or during workshops offered by ELA (R2). Information needs arise mostly in relation to EU-level or national legislative changes. In recent years, information campaigns or other targeted activities were organized in response to legal amendments: for example, changes in the EU-level posting regulation for the transport industry in 2022 (R3, R5), or the notification requirement for user and posting undertakings, which is implied by legislative changes in the national law applicable from January 2023 (R6).

The interviews revealed means and forms of information dissemination beyond those identified in the mapping exercise. First, a common way to share information about posting takes place within and between companies. In the case of transnational firms based in different EU States, intra-company transfer of information is common. Second, over time, knowledge about the posting process and its legal requirements has accumulated, along with a learning process by firms as well as public information providers (R1). This might explain why, despite the growing numbers of incoming or outgoing posted workers in Slovakia, public institutions have not experienced an excessive demand for posting information. Generally, the information recipients' experience was that staff (NLI, SIA) have become much better qualified and open to respond to different inquiries (R7). Generally, information is better structured, more easily accessible, and procedures seem to be clearer (R1, R7, R8).

6.1.3 Intra-institutional and international exchange of information

The different forms of cooperation in information access and dissemination were identified as being functional, while the respondents also pointed to areas for possible improvement. First, the National Labour Inspectorate cooperates with the Ministry of Transport and Ministry of Labour, as well as with social partners – especially employers' associations, who are also mentioned on its website (R2). Cooperation contracts are signed with major social partners, regarding the provision of information. Until recently, the cooperation with trade unions was rather desultory, but there are expectations for revamping this in the near future (R3). However, this cooperation was not mentioned by the trade union representative (R4), who also mentioned European-level trade unions and research institutions as possible partners for future projects (R4).

Second, a potential umbrella-level coordinator role of the Ministry of Labour, Social Affairs and Family has not been adopted by this institution, although it is naturally closely linked to the NLI and SIA. The website of the Ministry provides little information on posting, under the title "Determining Applicable Law" – which does not appear as a search result for the query "posting of workers" (R5). Its tentative engagement in posting matters was also demonstrated by the fact that we were unable to obtain a full interview with a representative of this Ministry or its agencies (e.g. EURES), as it was difficult to identify an officer with responsibility for posting.

Third, the ELA's role in improving intra-institutional cooperation within Slovakia, as well as across borders, was mentioned several times. One example was the ELA-initiated review of institutional

websites, which provided opportunities to exchange views on information provision and its possible improvement. Another stakeholder noted the national ELA liaison officer's strong contribution to a more systematic exchange between national institutions, agencies and ministries (R3).

Fourth, several respondents argued that cooperation with social partners was inadequate, even though they are seen as potentially strong partners in supporting State institutions' dissemination activities (R5, R7). With respect to cooperation with the tripartite labour union body, the employers' association member commented:

"No cooperation takes place in this matter. Nor have we felt any interest/initiative in this area in the past, in general as well as in relation to employment of foreigners."

Representative of an employers' association

6.1.4 Dissemination of information

According to some respondents, it is sufficient that information targeted at undertakings is provided in English and in German, even when companies outside the EU are looking to post workers to Slovakia (R1, R2, R3, R7, R8). A trade union representative stated that English and German are insufficient, and believed that information targeted at posted workers should be provided in all EU languages (R4). Generally, however, public officials agreed that it is unrealistic to present the information in all EU languages, and keep it updated. However, the interview with a law firm highlighted that companies find it important to communicate in their mother tongue, not least because the regulatory framework in posting is very complex. This was given as one reason for relying on private actors (i.e. law firms) to navigate posting-related matters (R7, R8).

Complementing the mapping results, we learned during the stakeholder interviews that State officials are available for direct contact, to answer specific questions via e-mail or telephone (R1, R2, R3). The details on how to contact representatives of institutions are provided on the respective websites, and in official documents mailed to undertakings as decisions (R1). The questions received by the National Labour Inspectorate often concern specific changes to the legal framework. Generally, most relate to notification obligations, exceptions, and the definition of posting (R3). When road transport regulation was modified in 2022, most information activities were focused on this topic (R2).

Additionally, according to the interviewed officials, undertakings with experience of posting workers usually do not search for information online, as they are already in touch with administrative workers who can answer specific questions (R1, R7). Since legislation on social security does not change frequently, information provided to undertakings that post or receive workers is valid for a longer period of time (R1). Those requesting information from the Social Insurance Agency, and from the national liaison office at NLI via phone, are almost exclusively undertakings that post workers to Slovakia, and self-employed workers.

The information provided in the SIA call centre is monitored regarding its content and the form in which it is provided. Most enquiries concern whether the caller's prior request (e.g. application for PDA1) has been dealt with, or when they can expect the decision (R1). Undertakings outside Slovakia

are contacted by the Social Insurance Agency via a formal notification letter, if it has been decided that they are obliged to register in the Slovak social security system. This short letter is sent in English or German, and it includes a reference to the website.

Regarding timeliness of information, the Social Insurance Agency is prompted annually to check and update information on the institutional website. However, since the framework of social security law changes rarely, updates on specific situations are communicated mainly via press releases published on the SIA website. Employees (in regional offices or the back office) who provide individual consultations are retrained when rules are modified. The NLI's website is typically updated following legislative changes at national or EU level. This, however, means that much of this information dates from 2016, which might be confusing for information seekers, who might be uncertain about its recency.

6.1.5 Monitoring and enforcement of information provision

Our interviews did not identify a systematic effort by public institutions to monitor information provision or uptake. One respondent stressed the need to evaluate information campaigns and other activities, in order to develop a feedback loop on various aspects of information, and to support research about how people perceive and read different forms of communication and data (R5).

The National Labour Inspectorate measures the website's visitor rate; it is aware that it is mostly used by undertakings posting workers to Slovakia (R2). Changes are made to the website on the basis of client feedback, but mostly with respect to legislative changes and amendments. The European Commission reviews websites and gives feedback; however, there is no specific feedback questionnaire provided for this (R2). The website of the Inspectorate includes hyperlinks to other websites, and is one of the first search results on the Internet in relation to 'posting' (R3). All respondents appreciated direct phone communication with State institutions, most notably the Social Insurance Agency. Some expressed high satisfaction with this service, as well as with the reliability of the information provided (R6, R7).

6.2 Challenges and gaps in the provision of information

6.2.1 Posting/user undertakings' challenges

Fragmentation of information

State institutions' information on the posting of workers is scattered over multiple websites, which use hyperlinking. The Social Insurance Agency website only provides information on social security, and does not inform about employment and labour law. While this can be seen as a weakness, a respondent believed that the complexity of the issue does not allow for the provision of all information on one website without losing clarity (R1). More specific information can be obtained using personal contact (R1). Although the website contains only the most important information, it is still quite rich in breadth and depth. The issue of fragmented information was also raised by the employers' association (R6).

Company-level resources and (dis)trust of public institutions

Several respondents mentioned that companies might have issues with institutional distrust, and might fear the reputational or financial costs of being found non-compliant with the regulatory framework. This was most apparent in the interview with the employers' association representative, who explained this in the context of activities that they organize to maintain members' anonymity while giving support on specific questions related to posting (as well as other regulatory issues).

“Round tables are the shining example that yes, it can work. Although the more actors you include, the less interest companies have in opening up. ... We meet before the event, we talk internally, we discuss it amongst ourselves, they [firms] have the opportunity to put their views in writing, to add to it. Questions are formulated and posed in the webinar, without making it clear which company is asking.”

Representative of the employers' association

However, the option of seeking support via employers' associations, or from consultancies and legal firms, might be subject to firm size, and thus be conditional on company resources. For example, the interviewed law firm confirmed that they service large multinational companies mostly in the manufacturing industry (R7, R8). They work with the company typically from its start, and as a legal firm cover a wide range of needs, of which employment issues, including the posting of workers, represent only one area.

Gaps in specific content

Respondents representing public institutions confirmed that the information they offer is general, and not sector-specific. From the SIA's perspective, information specific to the construction sector is not provided, because the rules on posting are not restricted to sectors, except potentially for specificities of collective agreements (R1). According to the NIP, foreign employers often inquire about collective agreements through direct forms of interaction (phone, email). The Inspectorate must explain how collective agreements work in Slovakia compared to Western countries, where the social dialogue functions differently (R3). However, even if collective agreements are published on the single national posting website, they are only available in Slovak, and it is unreasonable to expect them to be available in multiple languages (R4).

The National Labour Inspectorate's website includes a list of representative sectoral collective agreements in its subsection on remuneration. There are no such agreements in place at this moment, according to the NIP respondent. However, in our opinion, and as discussed in section 3.1.4 of this report, the representative collective agreement for the construction sector from 2012 has been updated, and its effectiveness has been prolonged until 2024. This information is only available after the user follows a hyperlink to the website of the Ministry of Labour, Social Affairs and Family, and reads Amendment no. 9 to the Collective Agreement, under the subsection 'Construction'. This signals that the single national website's information on collective agreements is outdated.

According to the representative of ELA, the information queries from social partners and employers are most frequently related to remuneration (including specifics set by collective agreements). In relation to the transposition of the Directive on Pay Transparency, ELA considered creating a wage

calculator, but decided against it, as it would be a large burden to bear, and national actors should take responsibility for it (R5).

With respect to sanctions and remedies, the SIA does not inform about sanctions because no national social security-related sanctions specifically dealing with posting are in place in Slovakia. However, information on remedies is provided in the written documents which inform undertakings about the imposed sanctions; thus, there would be no need to also do so online (R1). On the other hand, sanctions related to employment and labour law violations can be imposed by the National Labour Inspectorate. Its website provides general information on the penalty amounts, as there is a large margin of discretion. According to the website, sanctions range from €300 to €200,000 for specific violations of the Slovak Labour Code. Additionally, the respondents from the Inspectorate believe that providing information on sanctions may discourage undertakings from posting or receiving workers (R3). Information on sanctions is further shortened in the English version of the website (R3).

Language

Translated versions of websites are seldom equivalent to the original version (R5). For foreign undertakings, the Bratislava office of the Social Insurance Agency is the first point of contact, but they might also be referred to the local branch of the Agency. It may be impossible for English and/or German-speaking employees to be present at these branches at all times (R1). According to the representative of the National Labour Inspectorate, the primary language used with foreign undertakings is English or Slovak/Czech (R2). ELA provides a translation facility to Member States, which can be utilized by both national institutions and social partners to provide information on their websites in other languages (R5). The legal firm's representative argued that foreign companies prefer to receive information in their mother tongue, as the context is complex and the regulatory framework is also country-specific (R7); this increases private actors' role in providing information or broader assistance.

Gold-plating and excessive red tape

A specific challenge was that recent national-level legislative changes imply a duplication of notification obligations in the instance of posting. In particular, the representative of the employers' association criticized the transposition of the Directive on Transparent and Predictable Working Conditions and Posting of Workers Directive as "gold-plating", which is not in line with the policy goals of the Directives. More specifically, the notification obligations of undertakings have doubled, as both sending and receiving undertakings report the same information to multiple institutions. The content of the information is also problematic, according to the association, as receiving employers are asked to provide information which they often do not possess, such as regarding the accommodation of posted workers, commercial contracts, or norms related to health and safety. The reason for introducing these rules was, according to the respondent, not only the protection of workers, but also the institutions' inability to obtain data from employers, and the lack of communication between the National Labour Inspectorate and the Central Labour Office. Additionally, the respondent criticized the fact that the burden of subjective responsibility for the social insurance of posted workers is carried by the receiving employer. This rule, and the obligation to provide information cards to the National Labour Inspectorate, were introduced with the transposition of the Posting of Workers Directive.

6.2.2 Information providers' challenges

Clarity of information provided vs. complexity of the issue

Respondents jointly identified that a great challenge is the conflicting need to provide information on the posting regulation *both accurately and succinctly*. Efforts are aimed at finding a good balance in terms of density and language, to avoid confusing the reader, who is typically expected to have a non-legal background (R1, R3, R4, R5, R8). The quotes below demonstrate these challenges:

"As a lawyer, I always struggle with this because it [the information provided on the website] is only half true. The information itself is correct but there are four other conditions. We always battle with this."

Representative of the Social Insurance Agency

"For us who work with this topic, it [posting information] is understandable, but we are facing a real challenge in speaking with the ordinary recipients."

Representative of ELA

The Social Insurance Agency representative stated that the website's content, created by the legal department, is reviewed by the communications department, which typically requires a shorter text. The SIA's strategy for its website is to make users aware of the process of posting, rather than provide the full solution to the problem (R1). Interestingly, European legislation does not prescribe how detailed the information provided by national institutions should be. Institutions can provide the entire wording according to the law; however, they anticipate that the website will be read by posted workers themselves (R1). Websites created by European institutions provide general statements on rights and obligations, which are specific to a given Member State, and may provide links to national websites. After following the national websites, companies might face a language barrier or be unable to find complete information. The interviewees highlighted the liaison body's useful role in providing further information.

"I would highlight the role of the NIP as a liaison body. Yes, we have described working conditions, we are trying to describe them in a simple way. But we cannot completely simplify them, and present them in a way that is no longer so clear. If there are any questions, they are about clarifying an issue that had been found on our website. Even when employers read the information, sometimes they need to confirm that they have understood. That's when our role as a liaison body is very essential in this matter."

Representative of the National Labour Inspectorate

Country-specific information

Several respondents confirmed that providing country-specific information (e.g. wage levels, work and employment conditions affected by a sectoral/collective agreement) is a real challenge. Public institutions typically refer to partner institutions, but other stakeholders seem less informed about the

posting information infrastructure in other countries. Below we summarize the key challenges as experienced by undertakings and providers (*Table 4*).

Table 4: Overview of challenges experienced by user/posting undertakings and information providers

Challenges	Experienced by undertakings	Experienced by providers
Fragmentation of information vs. clarity	Information is scattered over multiple websites and institutions.	Cannot provide information on all aspects of posting, as it would be overwhelming.
Complexity of regulatory framework vs. accessibility	Those searching for information are usually not lawyers, and experience difficulty understanding the obligations.	More resources needed in order to keep information updated and reliable.
Content/accuracy of the information	Content is too general.	Lack of regulation on sanctions.
Language	Foreign companies prefer to receive information in their mother tongue, as the context is complex and the regulatory framework is also country-specific.	It is not possible to provide and update information in all possible languages; online consultations are given in English or in Slovak.

6.3 Private information providers

Private information providers numerically dominate information provision in Slovakia. Interviews revealed that they offer similar information to public providers, and often turn to the key public institutions to assemble the advice for a client, for a price. Beyond providing information about posting, they might offer a wider range of services (as is confirmed by results from online survey), which might be appealing, especially to larger companies.¹⁴ It appears that private actors are often used in more complex cases of labour mobility, to help companies identify the legally appropriate and best option for a given employee (who is often highly skilled). However, more research is needed to better understand how the work of private and public actors might be similar or different. Below we outline how their role is explained and viewed by our respondents.

Public institutions were aware of a private market in posting, in terms of information provision, but also with respect to other services. Since each public institution has one website and does not pay for advertising, private actors providing information can be found easily on search engines such as Google

¹⁴ On this matter, survey results (presented in the next section) inform that approximately half of the respondents outsource selected administrative tasks related to the posting of workers, specifically the calculation of the gross wages, social security contributions to be paid for the posted worker(s), and additional allowances, but other tasks are performed internally within undertakings.

(R1), and therefore appear to dominate the information sphere. In fact, they also often rely on information provided by public actors.

"[Private actors] capitalize on this [providing services, including information]. They naturally work more actively on conveying half-truths, they aim to provide simplified information to demonstrate that they are able to arrange posting. But this not necessarily so (...) The consulting firm will contact us, we will elaborate the answer, and they take the commission as mediators."

Representative of the National Labour Inspectorate

The Social Insurance Agency does not cooperate with firms providing legal or consulting services directly. However, the consultancy and legal firms providing services to undertakings might contact the Agency with specific questions.¹⁵ Public institutions' stakeholders believed that there is no need to hire external services, as the information can be provided to the undertaking directly (R1); or they mentioned that only public institutions have the necessary experience to provide accurate information (R5). The NLI, on the other hand, sees the role of private actors as possibly improving rule compliance.

"The fact that they [private actors] mediate the information provision, that's basically – I can't say that it's convenient for us, but it helps, because it is compliance and that's exactly what we want – for employers to comply with their obligations."

Representative of the National Labour Inspectorate

The reasons for a strong presence of private actors in the information provision might be caused by further issues alluded to by the respondents. First, these include "typical practices" in firms where human resources responsibilities and accounting are outsourced to external staff, even in smaller companies. In that sense, the posting-related matters could naturally also be outsourced to external service providers, which specialize in different aspects of employment and social security (R1, R7, R8). Other respondents argued that this practice could be reinforced by the fact that there is no centralized point where undertakings can find information on the conditions of posting in other Member States, and no standardized processes except for PD A1 application are in place (R1, R2, R3).

Second, companies might be wary of the consequences if the State administration identifies that they are in breach of a legal regulation. By asking external providers to take over posting-related matters, they externalize the risks, while also diverting attention from malpractices which might happen due to a lack of information or capacity to navigate the web of information sources and legal requirements.

"They [companies] know that they can seek advice [from institutions]. But it's a double-edged sword. We know from informal discussions and meetings that companies are afraid to turn to them [institutions]. If they are unsure about the procedure they have chosen, not to put themselves under scrutiny and so on."

Representative of an employers' association

¹⁵ When private companies providing services on the issue of posting approach the Social Insurance Agency or National Labour Inspectorate to enquire about a specific situation, as public institutions they are obliged to answer regardless of who made the enquiry, based on the Act No. 211/2000 Coll. on the freedom of information (R5).

Third, the engagement of private information providers may cause a large administrative burden on companies (R6). This is reflected in the recent transposition of European legislation that introduced double reporting of posting (R6). Moreover, migration legislation generally, in which posting is only one of the available channels, was also raised as an issue. Companies that employ foreign workers (third-country nationals and EU nationals) turn to professional legal advice to help them navigate the country's complex framework of migration and integration law (R6, R7, R8). For example, the interviewed law firm typically first provides assistance with the broader framework of migration options, followed by targeted guidance on how to post a worker (or host a posted worker) according to legal rules and regulation, if this is identified as the appropriate migration route. Examples were highlighted where companies seek to learn how to effectively host or send out high-skilled employees in a way that secures them the most comfortable reallocation, in terms of continuing with one social security or tax system, rather than transferring across systems over time. This was seen to hold different risks for a posted worker's family in accessing a health care system, and so on.

6.4 Best practices and recommendations

Based on the stakeholder interviews, we have identified the following best practices.

- Provision of personal contact by the Social Insurance Agency, through call centres or office hours.
- Inclusion of other relevant information on single national posting websites, e.g. information on illegal employment, by the National Labour Inspectorate.
- Employers' associations organize roundtables for posting and user undertakings, where they can voice issues in a secure environment.

We would like to highlight these recommendations identified by the respondents, further complemented by suggestions from the authors of this report. We provide recommendations for the single national posting website in Slovakia separately in Box 2.

- Consider the introduction of a single digital portal and digitalization of the posting process (R1, R5).
- Provide information about EU Member States' posting-related regulations in a more structured approach and through a centralized point (R1, R5).
- Develop the organization of events by employers' associations (or other representative or umbrella bodies) in order to facilitate cooperation between institutions and exchange of information between companies. Support peer-learning also among smaller firms; these might be less represented by umbrella organizations.
- Support the enhancement of labour unions' role, particularly in providing information to employees as well as employers, and improve cooperation between social partners on the issue of posting.

- Provide information in formats other than text, such as trainings or videos, which might present the relevant content in a more accessible and detailed manner, and be freely available.

Box 2: Recommendations for the single national posting website

- Label the NLI website as the national posting website. Make it clear that NLI is the national contact point.
- Make it clear that employment and labour law information is provided on the NIP website, and social security information on the SIA website, and the difference between the two.
- Provide dates of when the websites were updated, and whether information given is up to date at a certain time.
- Improve the monitoring of information provision.
- Provide more information on sanctions and collective agreements, especially at a national level.
- Ensure that information in other languages is equivalent to that in the national language.
- Add a list of key single national posting websites (e.g. from the main posting partners), as an authoritative source of posting information.
- Make hyperlinking more effective, and regularly check whether provided hyperlinks continue to be active.
- Consider creating a single national posting website on a new domain called 'vysielanie' ('posting'), to more clearly signal the content and accessibility of information. Alternatively, provided that the division between employment/labour law matters and social security coordination is logical, hyperlink the respective websites in a more evident and user-friendly manner.

7 Posting/receiving companies' insights on posting information

7.1 Sample of respondents

The sample recruited for this analysis comprises companies registered in Slovakia, which identified themselves as a posting or receiving company (or both), and agreed to the data collection; we obtained 18 full responses. Among these, 10 identified themselves as posting companies, 1 as a receiving company, and 7 as both. Respondents who indicated their company was both were asked how they mainly identify: 4 answered mainly as a posting company, 3 receiving. Therefore, in total, 14 posting undertakings and 4 user undertakings were recruited. The analysis below refers to this sample of companies, unless specified otherwise. It must be noted that the survey designed for the purpose of the INFO-POW project is a pilot study, and the data cannot be weighted or statistically analysed (for details of the survey methodology, see De Smedt et al., 2023).

7.1.1 *Number of employees and economic activities*

The sample consists mostly of medium-sized undertakings of 50 to 249 active employees (7 responses), large undertakings of 250 to 499 employees (5 responses), and 500 or more employees (2). Four companies are small or micro-companies (1 to 9 employees: 2, 10 to 49: 2). No responses were provided by self-employed persons.

Five companies indicated they are not active in the construction sector, but operate in the manufacturing (2), engineering (2), and automotive (1) industries. The 13 companies which operate in the construction industry stated that their main economic activities were construction of buildings (7), civil engineering (4), specialized construction activities (8), or other (1).

7.1.2 *Posting profile*

Fourteen respondents of the survey indicated that they are (mainly) posting companies. The respondents' last calendar year of posting was either 2022 (12 respondents, 86%) or 2019 (2 respondents, 14%). In the last calendar year of posting, 4 companies posted between 1 and 9 workers, 4 posted between 10 and 49 workers, 1 company posted between 50 and 249 workers, and two between 250 and 499. None of the respondents posted 500 or more workers, and 3 respondents did not provide this information. The median of the number of posted workers is 15 and the mean is 68.1.

In the indicated year, workers were most often posted between 2 and 5 times (7 respondents) or more than 10 times (5 respondents). The options of 1 time and 6 to 10 times were selected once each. The countries receiving posted workers from Slovakia were Czechia (8), Austria (5), Germany (5), Hungary (4), Poland (4), Romania (3), Sweden (3), Belgium (2), Italy (2), Other countries (2), Bulgaria (1), France (1), Ireland (1), Luxembourg (1), the Netherlands (1), Slovenia (1), Spain (1), the United Kingdom (1), Norway (1), and Switzerland (1). In other words, neighbouring EU countries and Germany receive the

most posted workers from Slovakia; this generally aligns with the administrative data about posting (De Wispelaere et al. 2022).

In total, 4 companies were identified as (mainly) receiving companies. All receiving companies based in Slovakia indicated they had received workers in 2022. No companies provided an estimate on the number of workers, i.e. all selected “I don’t know”. Workers were received 1 time, 2–5 times, and more than 10 times (one respondent for each, one did not know). Posted workers were sent from Czechia (3 responses), Austria (2), France (1), Germany (1), and another country (1).

In summary, the Slovak sample in the pilot online survey comprised 18 companies. The majority of them were posting undertakings, mostly medium-sized companies, and in addition to the construction sector, they were active in the manufacturing industry. Posting undertakings sent workers mainly to the neighbouring countries and Germany, and user undertakings received workers also from neighbouring countries. The majority of postings were repeated postings, where workers were sent in larger numbers. While these findings are in line with the available administrative data, the survey did not include any self-employed posted workers, who are nonetheless very common according to the existing statistics.

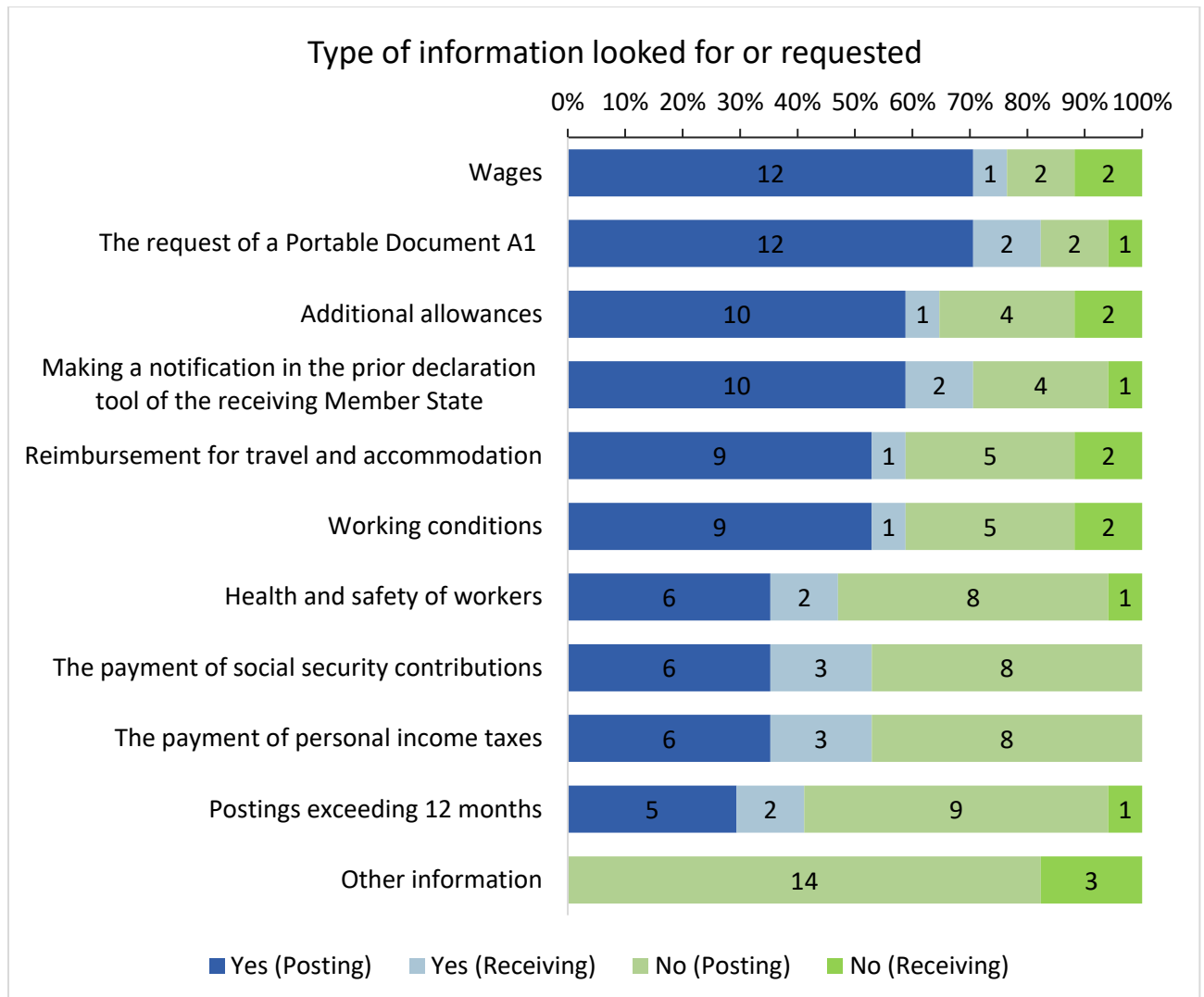
7.2 Survey findings

7.2.1 *Experiences with accessing and using information*

In this section we map undertakings’ experience of accessing and using information. We focus on the type of information; importance of different qualities of available information; frequency of information use and its usefulness; evaluation of the single official national website on posting; and outsourcing elements when posting.

All respondents indicated that they had been looking for information on the posting of workers (in the case of posting companies), and three out of four receiving undertakings indicated that information had been requested from them by (sub)contractors (*Figure 6*). The types of information which were sought or requested the most were related to the PD A1, wages, additional allowances, and the notification obligation in the declaration tool of the receiving State. However, user undertakings indicated that the types of information which were most requested by their (sub)contractors were those regarding payment of social security contributions and personal income taxes. In summary, companies intensively search for information about various aspects of posting.

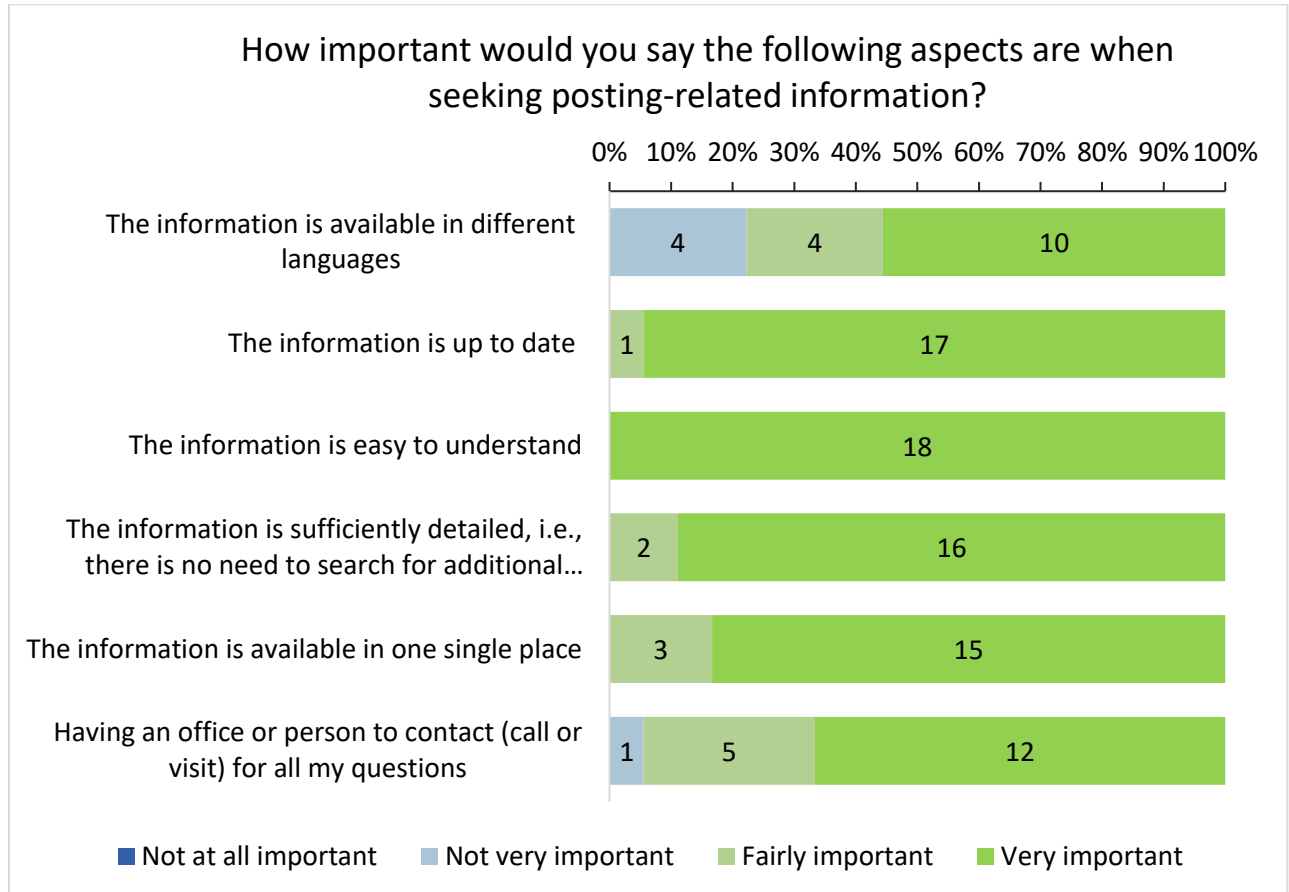
Figure 6: Type of information looked for or requested by Slovak companies



Note: The values in the bars refer to the number of responses.

Respondents were asked to assess the importance of six aspects of seeking posting-related information. The aspect which is very important to all respondents is information being easy to understand. Respondents also indicated that it is very important that information is up-to-date, sufficiently detailed, and available in a single place. The aspects that were seen as relatively less important are the existence of an office or person to contact with questions, and availability in different languages. Thus, respondents to the Slovak survey particularly value the accessibility of information, in terms of ease of understanding and recency. Overall, none of the listed aspects was considered to be not at all important, and all were considered as very important by at least half of the respondents (Figure 7).

Figure 7: Importance of selected aspects when seeking posting-related information, according to Slovak companies

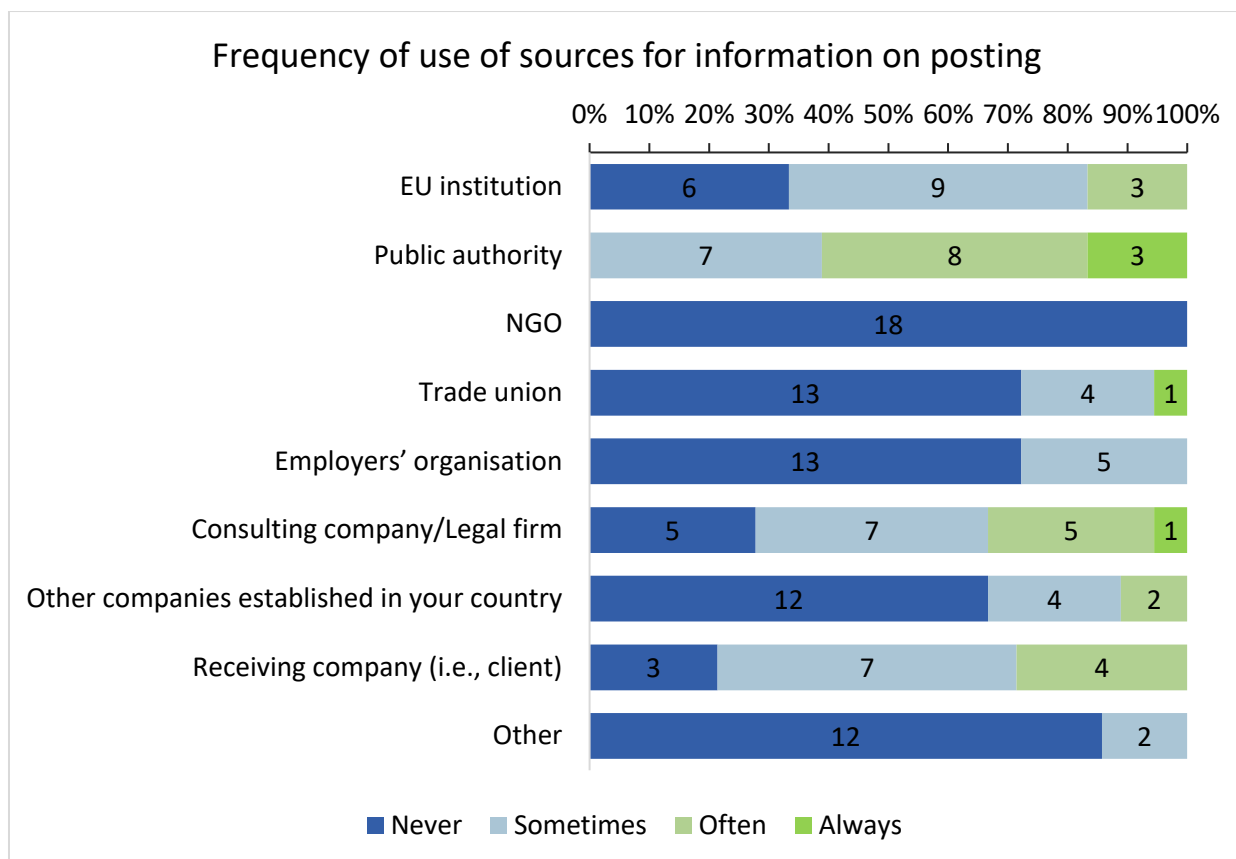


Note: The values in the bars refer to the number of responses.

Public authorities are routinely turned to by posting and user undertakings, and represent the primary source of information; these are followed by consulting companies or legal firms, and EU institutions (*Figure 8*). Employers' associations or trade unions are relatively less used as sources of information, although 28% of respondents said they had used such sources sometimes or always. All respondents indicated they had never used sources provided by an NGO, making these the least frequently used source. These findings are broadly in line with data we gathered via mapping and interviews, presented in the earlier parts of this report. This confirms that public authorities and private consultancies are the key actors in the provision of information, with a limited role thus far for social partners. Two respondents indicated that they sometimes use other sources of information, namely Technická inšpekcia¹⁶ and sources provided by the mother company abroad.

¹⁶ Technická inšpekcia is a joint stock company that was established by the State, represented by the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

Figure 8: Frequency of using sources of posting information



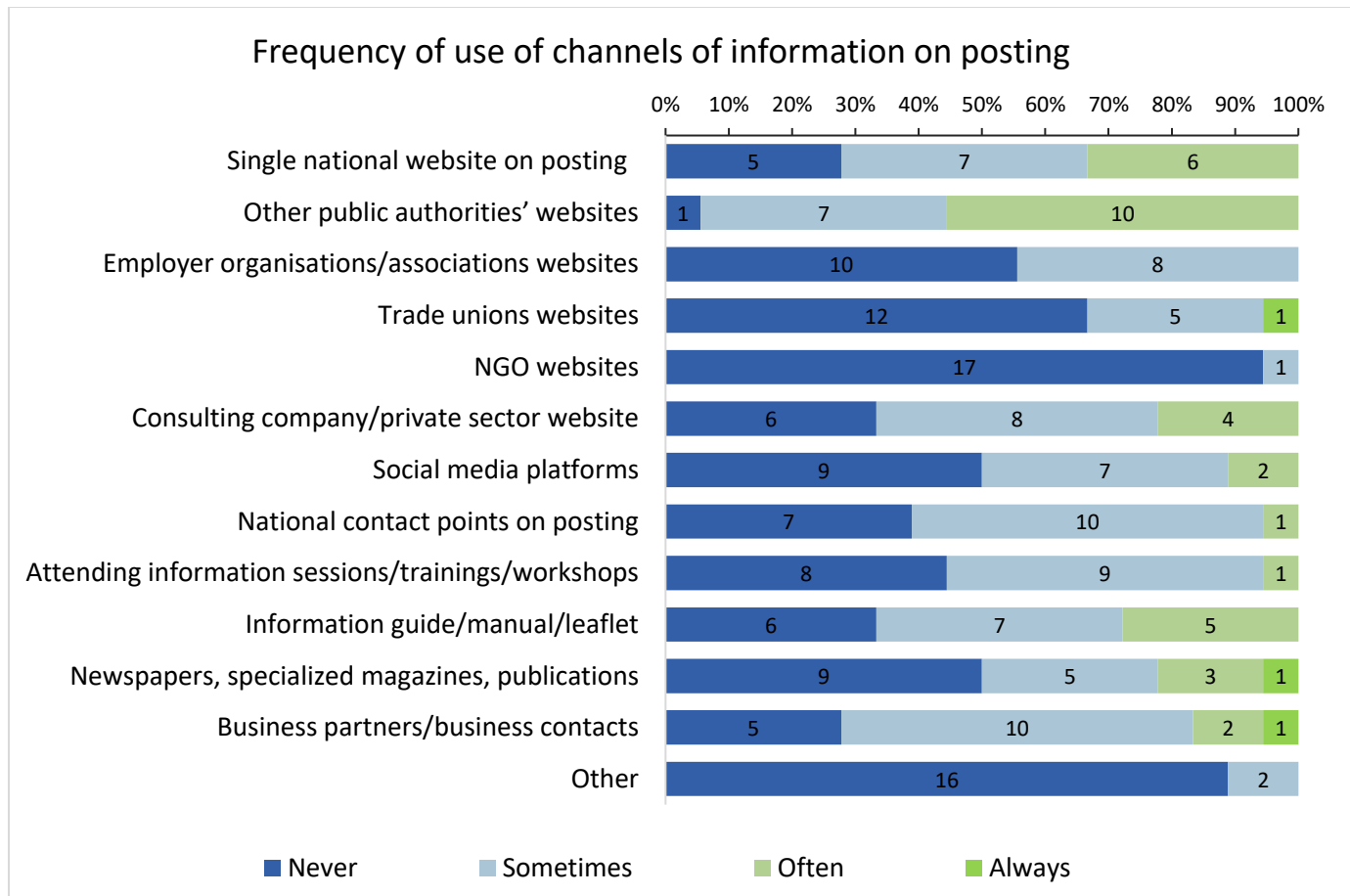
Note: The values in the bars refer to the number of responses.

The companies were asked to indicate their use of various channels of information. First, various websites are frequently used, together with direct contact with other businesses or the national contact point. Public authorities' websites are the most frequently used channel, followed by the single national website (Figure 9). This finding indicates that undertakings might not have a clear understanding of the existence of the single national website; this might be due to the already identified fragmentation of this website, and shared competences between the NLI and SIA.

In line with our findings on key actors in the provision of posting information, NGO websites are the least frequently used channels, followed by trade union websites, and the websites of employers' organisations/associations. One respondent said they always use trade unions' websites for information on posting.¹⁷ Two respondents indicated they sometimes use other channels, such as foreign websites and forums/advice, and other available websites.

¹⁷ While we were unable to find and/or access any channels provided by trade unions on a national level, one channel was identified on the European level, which could be the one alluded to by this survey respondent.

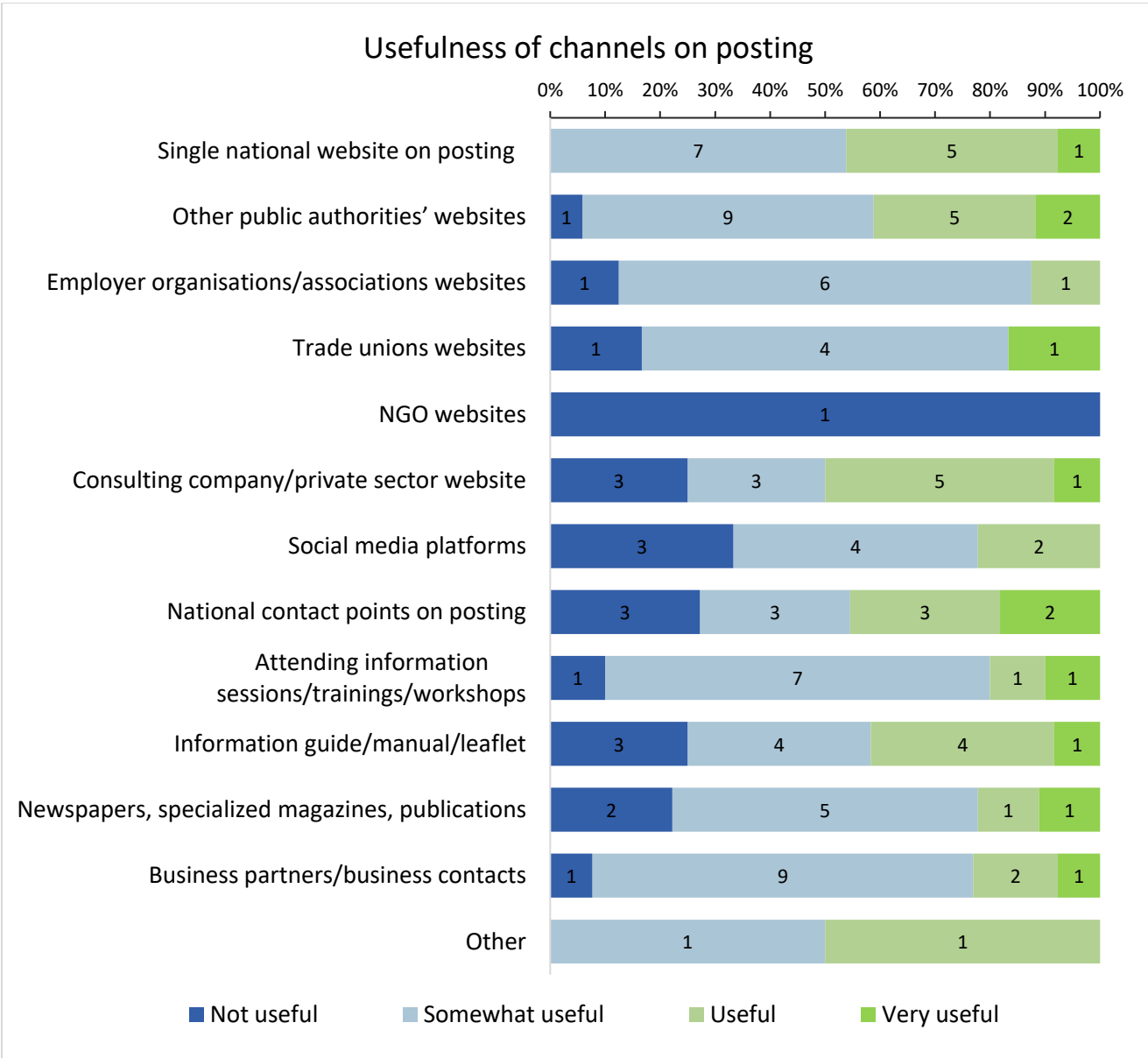
Figure 9: Frequency of using channels of posting information



Note: The values in the bars refer to the number of responses.

Regarding the usefulness of posting-related information channels (Figure 10), the single national website and other public authorities' websites were seen as most useful. Other highly rated channels include business partners/contacts, information sessions, and employers' organisations. Overall, the usefulness of the national contact point on posting was the most divisive. In summary, public authorities are the most frequently used sources and channels of information, and the provided information is considered highly useful. The role of business partners in providing useful information is a relatively new finding, which complements our previous results.

Figure 10: Usefulness of different posting channels



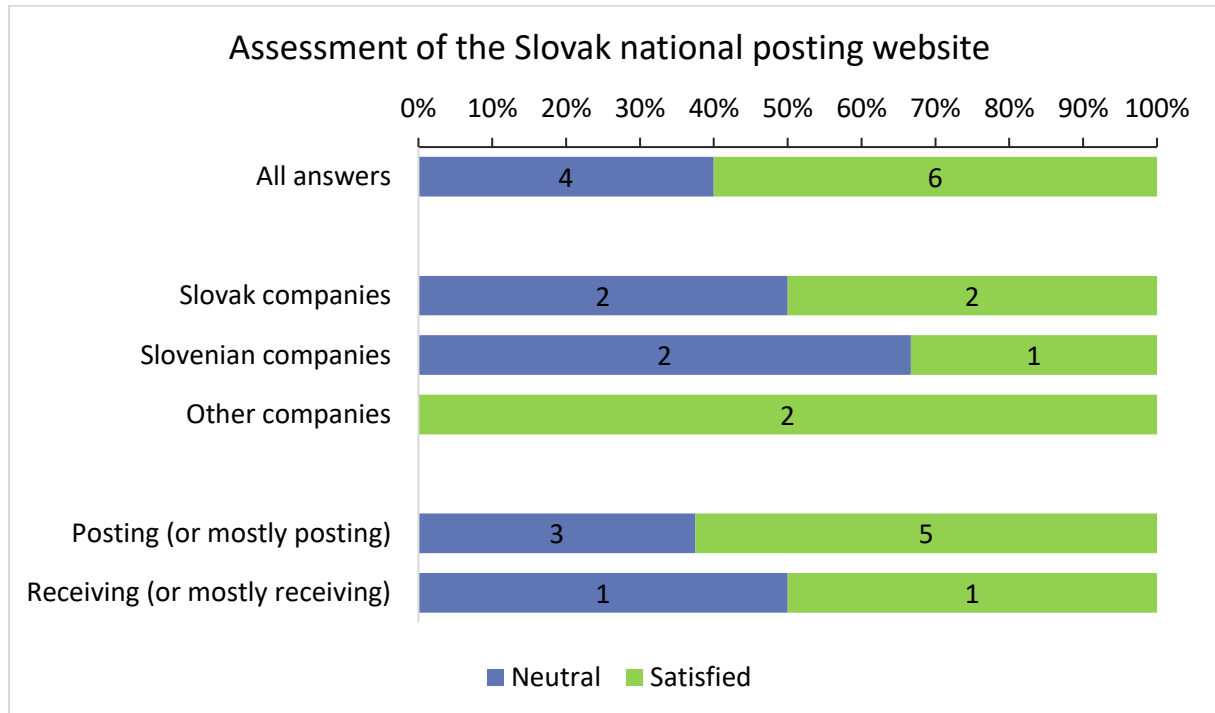
Note: The values in the bars refer to the number of responses.

The assessment of the single national posting websites consisted of three aspects: awareness, usage, and rating of the website. When asked about awareness of single national websites of the countries which they were posting to (i.e. not only the Slovak website), most posting companies registered in Slovakia indicated that they were not aware of such websites (9 out of 14 responses). Only 5 Slovak companies were aware of the single national websites of the receiving countries.

A similar question was posed to Slovak receiving companies; however, they were asked about awareness of the single national website on posting in their own country. This revealed that half of the

receiving companies registered in Slovakia were not aware of the Slovak posting website (2 out of 4). Ten companies in the survey also assessed the Slovak posting website, which included 4 Slovak companies (2 posting, 2 receiving), 3 Slovenian companies and 3 others (all posting) (Figure 11). These respondents also provided a rating of the Slovak national posting website; they were neutral (4) or satisfied (6). Therefore, the Slovak website was perceived positively by respondents.

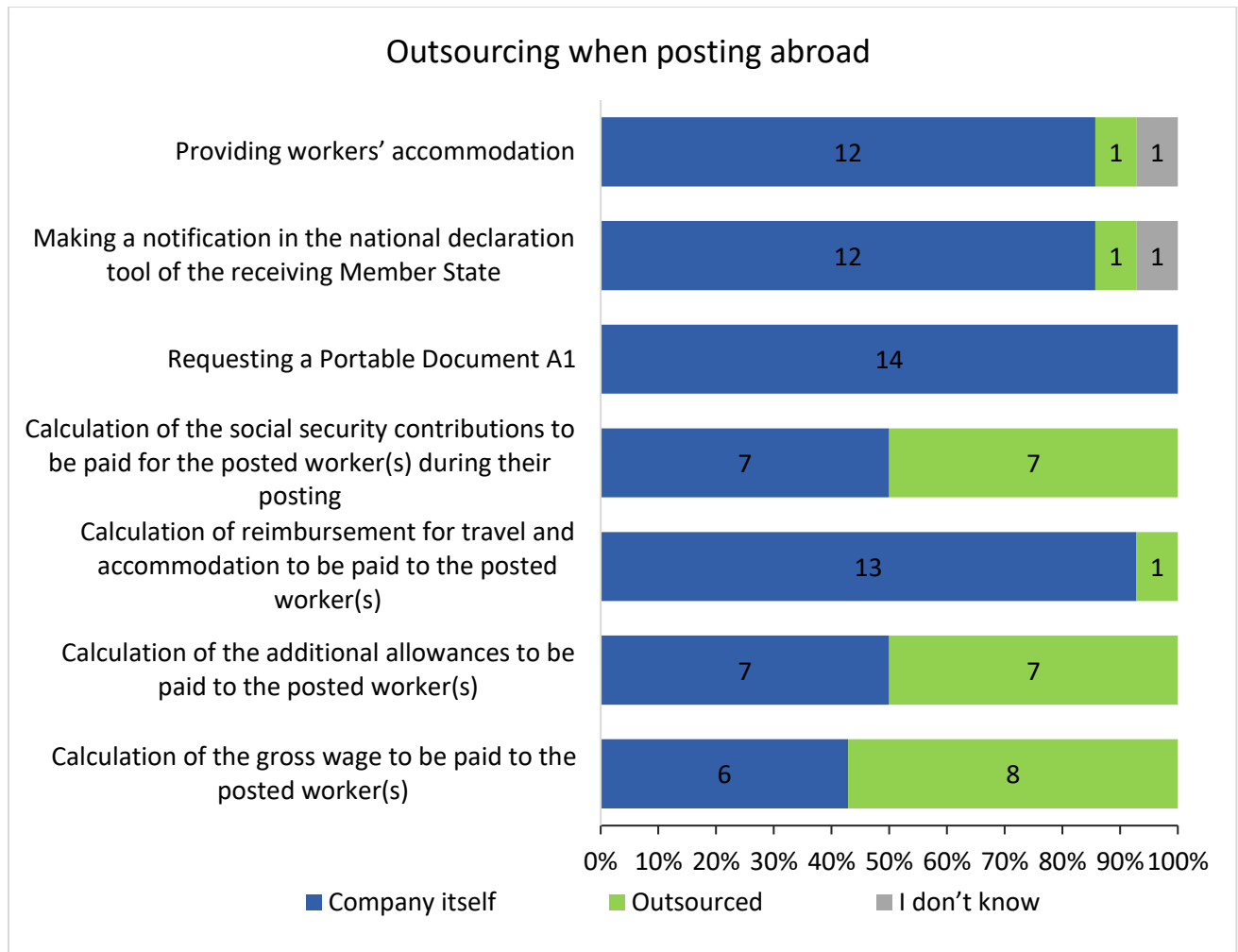
Figure 11: Overall assessment of the Slovak single national website on posting



Note: The values in the bars refer to the number of responses.

Approximately half of the respondents outsource selected administrative tasks related to the posting of workers, specifically the calculation of the gross wages, social security contributions to be paid for the posted worker(s), and additional allowances. All respondents stated that requests for the PD A1 are handled by the company itself. The companies also internally manage posting-related matters such as providing workers’ accommodation, the prior notification tool, and calculations of reimbursements for travel and accommodation (Figure 12).

Figure 12: Outsourcing when posting abroad

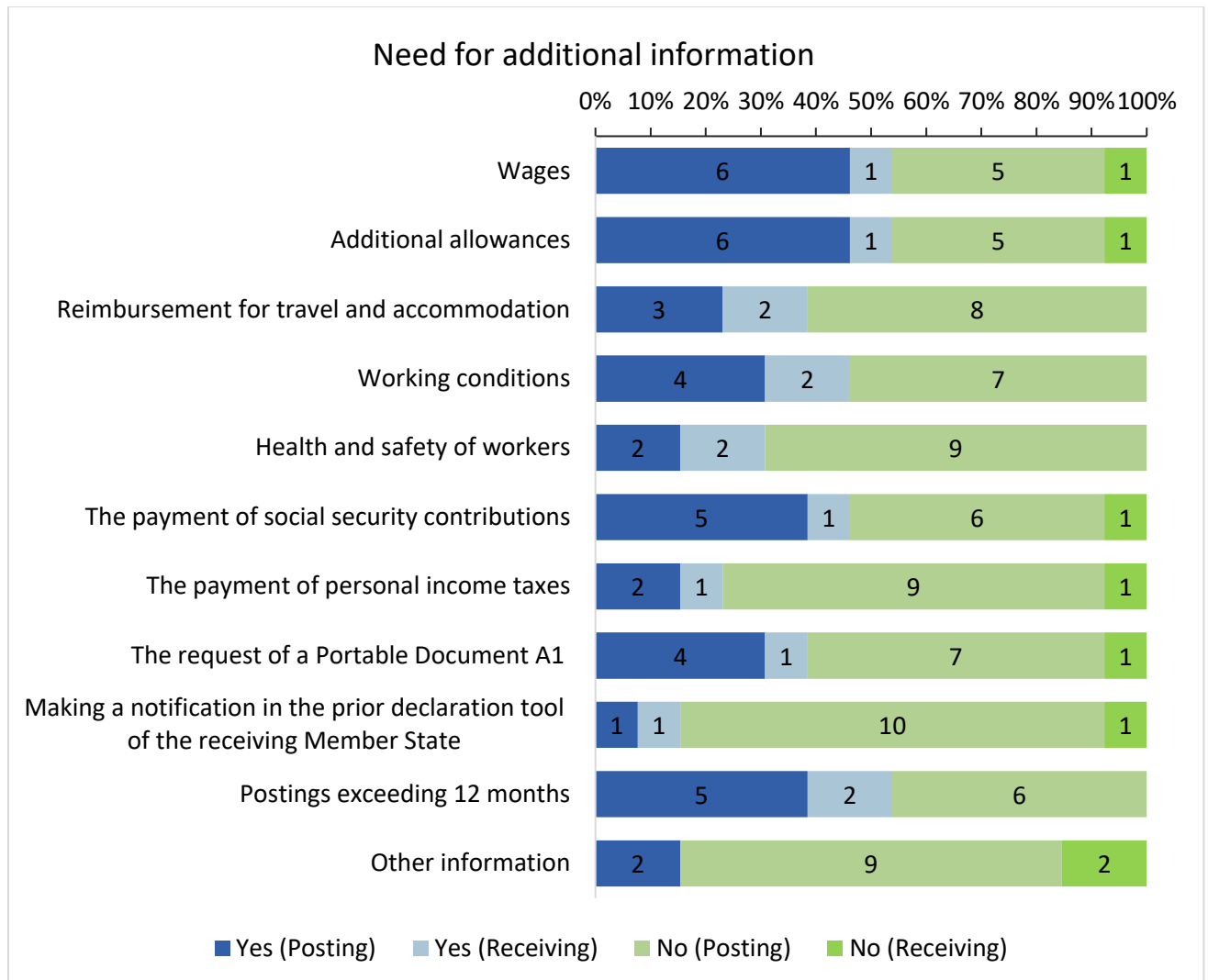


Note: The values in the bars refer to the number of responses.

7.2.2 Information needs and preferences

Most of the survey respondents (13 out of 18) expressed the need for additional information in order to correctly post workers abroad, or in order to correctly reply to questions from foreign service providers. Additional information is needed especially regarding wages, additional allowances, postings exceeding 12 months, payment of social security contributions, and working conditions. Aside from the given options, two posting companies indicated they were in need of additional information on obligations related to registration as a posting company, liability insurance, and the specificities of the construction sector (Figure 13).

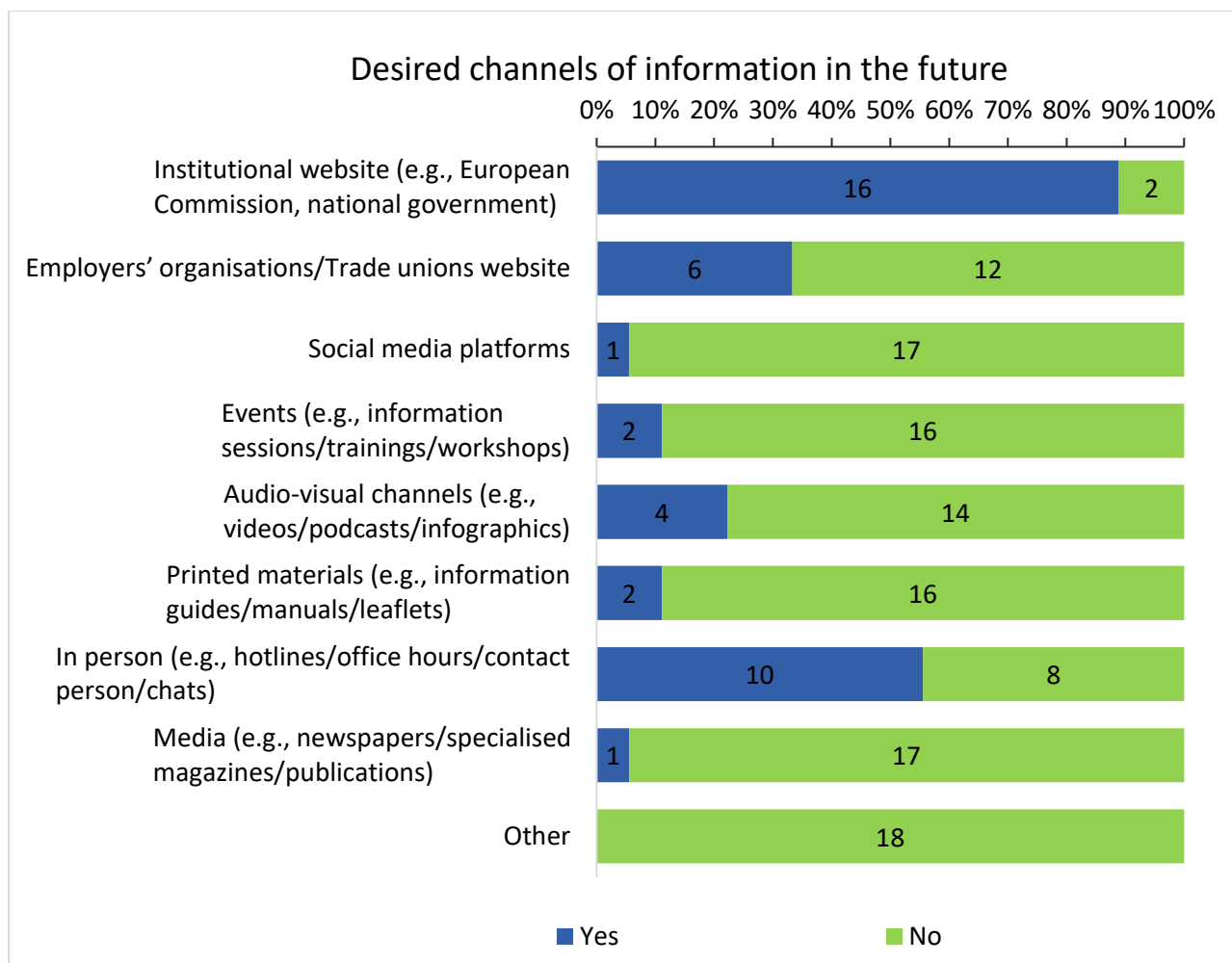
Figure 13: Need for additional information



Note: The values in the bars refer to the number of responses.

In terms of preferred channels of information in the future, most respondents chose institutional websites and personal contact (Figure 14). This reflects the reality of information provision as previously identified in the mapping and stakeholder interviews. One-third of respondents expressed they would also prefer to use sources provided by employers’ organizations and trade unions, which supports our recommendation for giving social partners an enhanced role in posting-related matters.

Figure 14: Desired channels of information in the future



Note: The values in the bars refer to the number of responses.

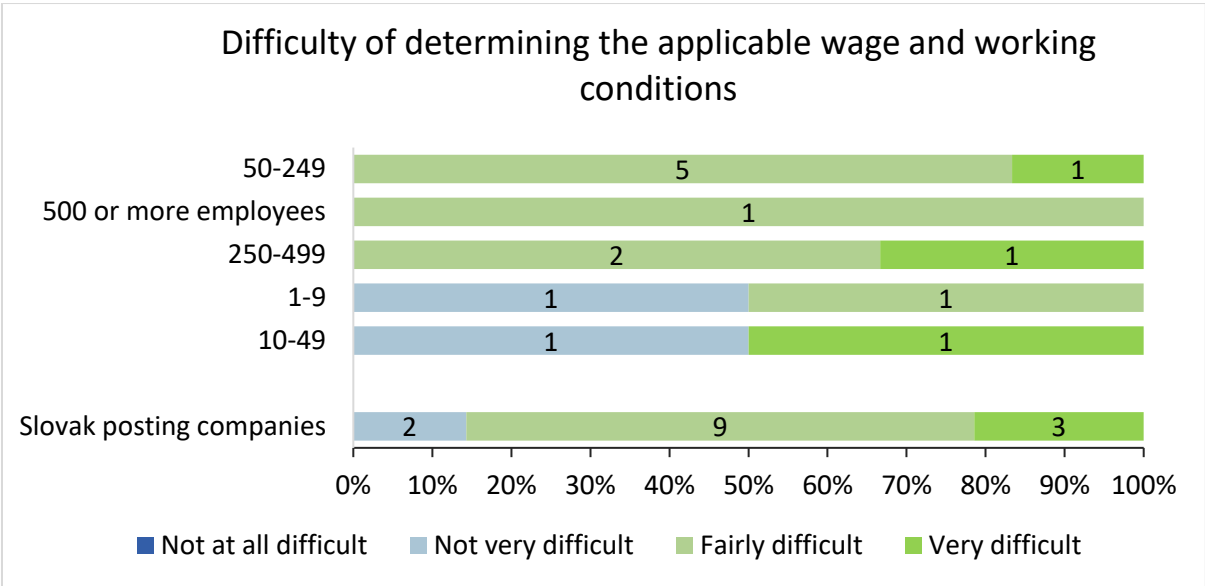
7.2.3 Barriers

The following set of survey questions investigated barriers in accessing posting information, including the main areas in which these barriers currently exist, and tools to improve compliance with the existing regulations.

In their assessment of the difficulty of determining the applicable wage and working conditions, most companies found it fairly difficult (9 respondents) or very difficult (3), while 2 believed it was not very difficult.¹⁸ It seems that smaller companies find it relatively easier to determine the wages and working conditions, which is somewhat counterintuitive (Figure 15). This suggests that their posting activities might be less complex than in large companies, which might experience more complex needs.

¹⁸ This question was asked only to posting companies; thus, the sample consists of 14 posting undertakings.

Figure 15: Difficulty of determining the applicable wage and working conditions

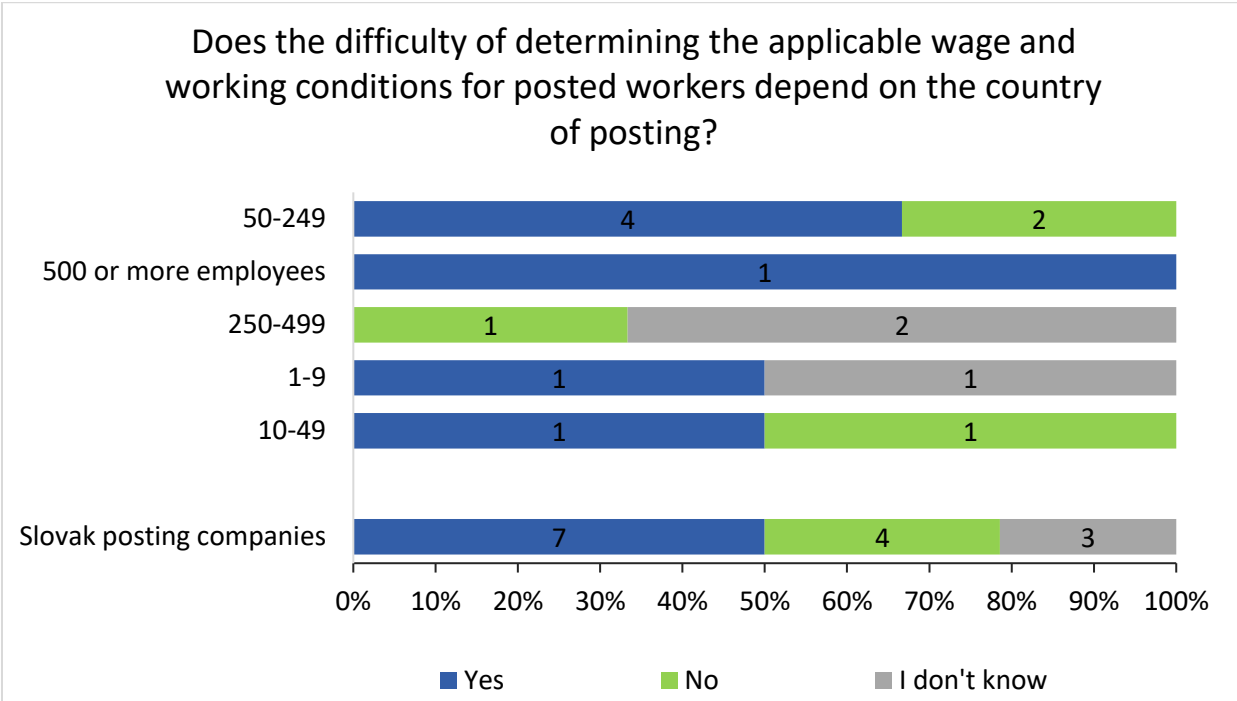


Note: The values in the bars refer to the number of responses.

Half of the respondents (7) indicated that the difficulty depends on the country to which workers are sent; 4 respondents answered that the difficulty does not depend on the country, and 3 did not know (Figure 16).¹⁹ Companies shared their more specific difficulties. For example, the rules are not always understandable due to the difference in wage scales for different professions, or regionally specific minimum wages in some countries; they referred to Austria, Switzerland, Germany, and Norway as examples where they encounter these specific barriers. Furthermore, respondents experienced difficulty in determining applicable wages for specific professions due to the lack of precise information, as well as the incompatibility in the occupation terminology between posting countries. A lack of available information, frequent changes in legislation, and the language barrier were also listed as the sources of difficulty.

¹⁹ As in the previous item, this question was asked only to posting companies; thus, the sample consists of 14 posting undertakings.

Figure 16: Difficulty of determining the applicable wage and working conditions for posted workers depending on the country of posting

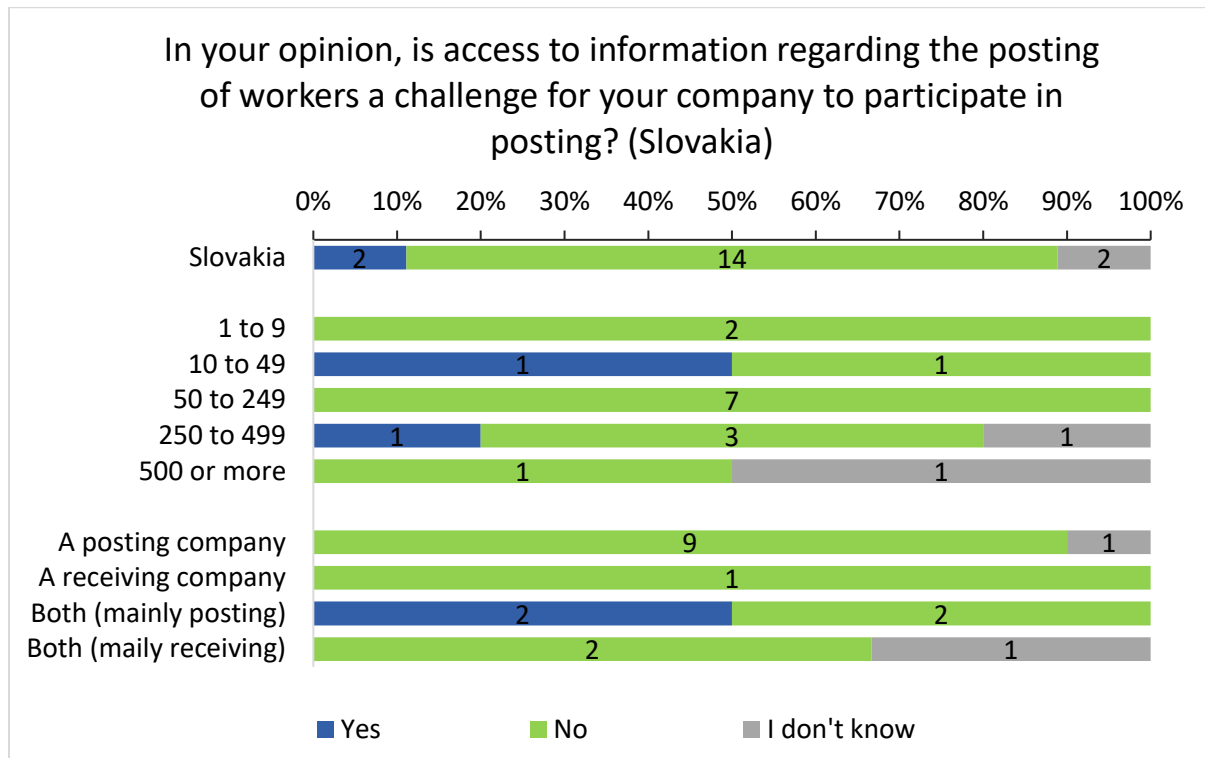


Note: The values in the bars refer to the number of responses.

Interestingly, among companies registered in Slovakia, only 11% indicate that access to information is a challenge for their posting activity (2 out of 18 companies) (Figure 17). By contrast, 78% do not believe that access to information is a challenge (14). The two companies in Slovakia that answered “yes” were both posting undertakings, and it appears that company size does not influence the perception that access to information is a challenge for posting. The results of this question may be influenced by the fact that the survey was completed by companies that are already posting or receiving workers; this excludes those companies which are unable to post workers due to a lack of access to information. This finding is in contrast with the results of the overall survey sample,²⁰ where a higher proportion (44%) of respondents declared that the access to information is a challenge (53 out of 121 responses).

²⁰ All responses were supplied in full, in which the company was registered in one of the project countries (Slovakia, Slovenia, Italy, Belgium, Austria). The total number of responses is 121.

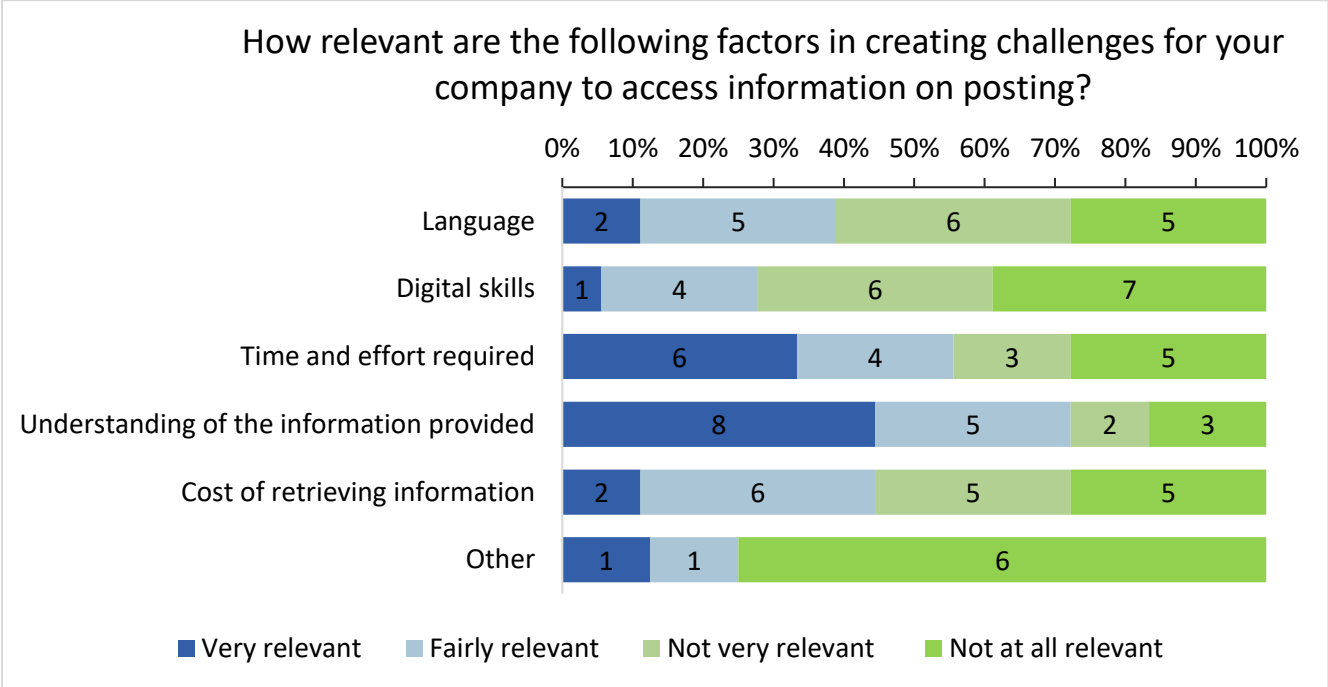
Figure 17: Perception of access to information regarding the posting of workers as a challenge for companies registered in Slovakia



Note: The values in the bars refer to the number of responses.

Respondents indicate that understanding the information provided is the greatest challenge related to accessing information: 44% of companies consider it very relevant (8 out of 18) (Figure 18). The assessment of the required time and effort is the most polarized, as 33% consider these factors very relevant in creating challenges, and 28% consider them not relevant at all. On the other hand, digital skills, language, and cost of retrieving information are not considered relevant factors by a majority of the respondents. In written responses, respondents added that “the reliability of information and clearly listed obligations are fairly relevant”, and also that feedback from authorities on the fulfilment of obligations would be helpful. Furthermore, they stated that the amount of information requested from posting companies is excessive and creates an administrative burden.

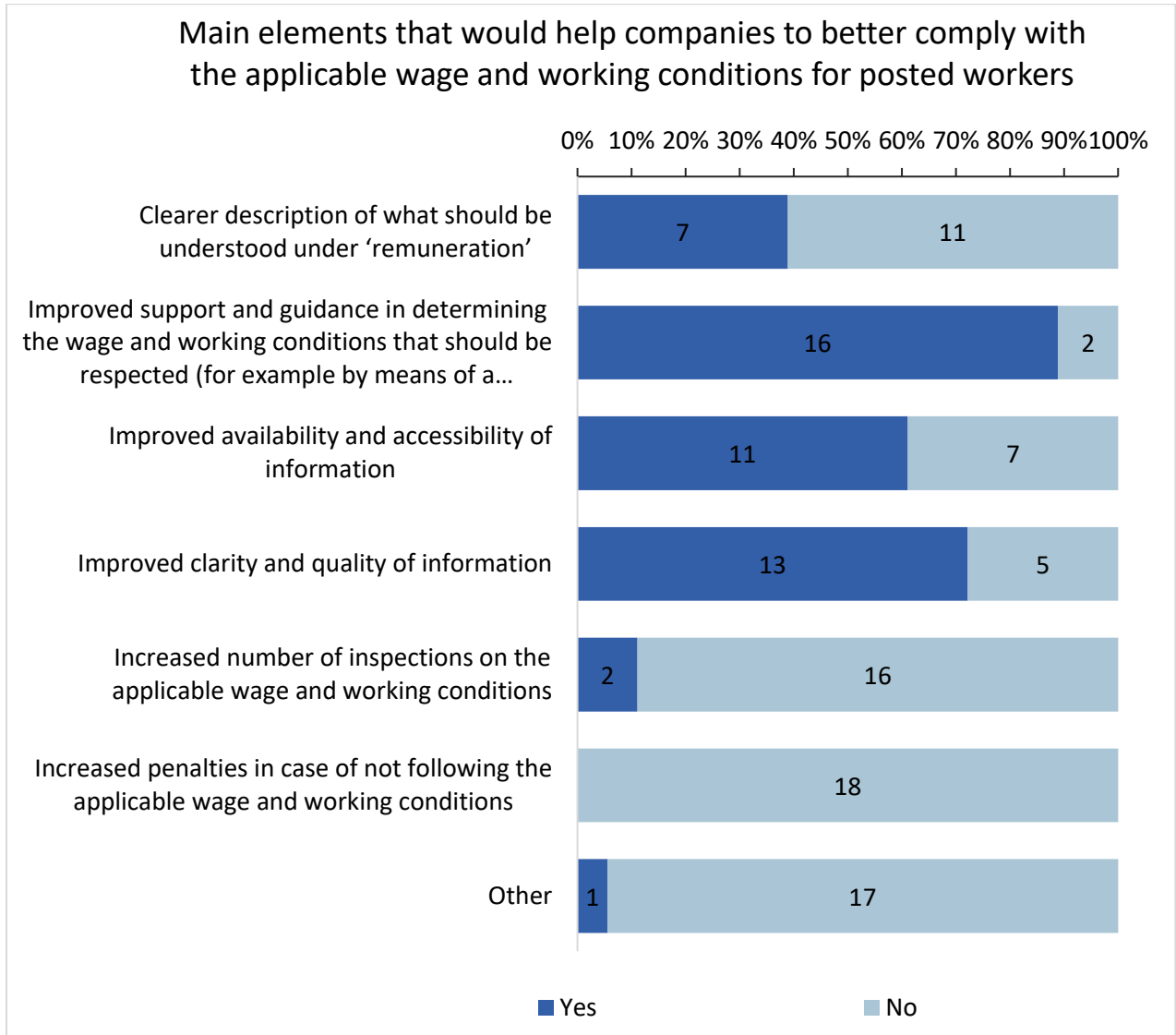
Figure 18: Relevance of selected factors in creating challenges for companies in accessing information on posting



Note: The values in the bars refer to the number of responses.

Respondents were asked to choose three elements (out of seven options) which would help companies with compliance in relation to wages and working conditions (Figure 19). Most respondents chose improved support and guidance, improved clarity and quality of information, and improved availability and accessibility of information. The elements found to be the least helpful were increased penalties and inspections. One respondent suggested that the rules on applicable wages for posted workers could be part of the ‘posting’ module in software used for calculating wages.

Figure 19: Helpful elements in compliance regarding applicable wages and working conditions for posted workers



Note: The values in the bars refer to the number of responses.

7.3 Best practices and recommendations

Rather than an indication of best practice, we received varied input from the respondents, which was both critical and constructive. A respondent critically reflected as follows:

"(...) it's chaotic. The EU adopted a law but the employer is still unable to find unified information. It's necessary to create a single website, where the obligations of all Member States are summarized and updated. Bureaucracy has reached monstrous proportions."

Anonymous survey respondent

Another critical reflection referred to Austrian authorities' dubious process of inspections, carried out at the worksites where workers from Slovak companies are posted. The critique noted that the authority should contact the posting undertaking for clarification, rather than target posted workers directly. However, several respondents indicated they have also had positive experiences. These included the positive role of personal contact with the Social Insurance Agency, assistance provided by the trade union OZ KOVO, and the experience of posting to Hungary, where all necessary information is available online. These could be considered examples of good practice.

8 Conclusions

The posting of workers is a form of intra-EU labour mobility that is highly complex, due to regulatory frameworks in which national and transnational conditions overlap and interact. This in effect creates a complex web of conditions, rules and requirements to be observed. The INFO-POW project has mapped the accessibility of information that enables lawful application of these rules, in the context of Slovakia. We have studied which channels of information are available, and how they are used by posting and user undertakings. We focused on construction as the main European sector where posting of workers has taken place (De Wispelaere et al., 2020). In Slovakia, the construction industry has been growing, and is expected to rise further due to planned large infrastructural projects. Furthermore, already existing labour and skill shortages are forcing companies to increasingly rely on foreign labour, and this is likely to continue. In parallel, posting from Slovakia has risen markedly in the past decade, reaching over 100,000 workers in 2021.

This report presents comprehensive findings regarding access to information on posting in Slovakia; it provides unique data that have been collected using various methodologies between December 2022 and August 2023. First, we conducted a mapping of information channels, and described key analytical findings about various aspects of available channels. Altogether, 41 online channels were mapped. The key finding of this exercise is that private information providers dominate over public institutions, and that social partners are absent from the online arena of posting-related information provision. We also learned that the single national posting website does not inform about all aspects of the posting regulatory framework, and thereby contributes to the fragmentary nature of information.

Second, stakeholder interviews involved seven organisations, including public institutions, representatives of social dialogue, and a consultancy company. These helped us to validate and expand the results of mapping. We learned that beyond online information channels, public institutions, as well as social partners, engage with posting companies in the form of direct contact, including office hours, phone hotlines and roundtables. Furthermore, a common way to share information about posting takes place within and between companies. In the case of transnational firms based in different EU States, intra-company transfer of information is common. Generally, the experience of information recipients was that staff (NLI, SIA) have become much better qualified and open to respond to different inquiries. Generally, information is better structured, more easily accessible, and procedures seem to be clearer.

We received insights on key challenges regarding public institutions' role in providing information: in particular, finding a balance between the richness and accessibility of information. The complexity of posting is believed to be one of the factors contributing to the primary role of private actors – mainly consultancies and law firms – within the Slovakian information market on posting. Private information providers numerically dominate information provision in Slovakia. Interviews revealed that they offer similar information to that from public providers, and often turn to the key public institutions to assemble the advice for a client, for a price. Beyond providing information about posting, they may offer a wider range of services, which might be appealing, especially to larger companies. However,

more research is needed to better understand how the work of private and public actors might be similar or different.

Third, the online survey, conducted with posting companies in the construction sector, again offered complementary evidence regarding the overall information infrastructure, and its likely bottlenecks in Slovakia. The Slovak sample, based on a pilot online survey, comprised 18 companies. The majority of them were posting undertakings, mostly medium-sized companies, and in addition to the construction sector, were active in the manufacturing industry. Posting undertakings sent workers mostly to the neighbouring countries and Germany, and user undertakings received workers also from neighbouring countries. The majority were repeated postings, and such workers were sent in relatively larger numbers. While these findings are in line with the available administrative data, the survey did not include any self-employed posted workers, who are nonetheless very common in the existing statistics.

The survey results confirmed that companies intensively search for information about various aspects of posting. Respondents to the Slovak survey particularly valued the accessibility of information, in terms of ease of understanding and recency. Public authorities are routinely turned to by posting and user undertakings; they are the most frequently used sources and channels of information, and the provided information is considered highly useful. Consulting companies or legal firms, and EU institutions, follow in being regarded as key sources of information, complemented by the role of business partners in providing useful information. Employers' associations or trade unions are relatively less used. Our survey results, though gathered from a small sample, broadly confirm that public authorities and private consultancies are key actors in the provision of information, with a limited role thus far for social partners. In terms of preferred channels of information in the future, most respondents chose institutional websites and personal contact. This reflects the reality of information provision, as previously identified in the mapping and stakeholder interviews. One-third of respondents expressed that they would also prefer to use sources provided by employers' organizations and trade unions; this supports our recommendation for giving social partners an enhanced role in posting-related matters.

Companies shared their more specific difficulties in accessing information. For example, the rules are not always understandable due to the different wage scales for different professions, or regionally specific minimum wages in some countries. Furthermore, determining applicable wages for specific professions remains a very concrete challenge in day-to-day posting practice, due to the lack of precise information and the differences in the occupation terminology between posting countries. A lack of available information, frequent changes in legislation, and the language barrier were also listed as sources of difficulty. Survey respondents also indicated that those providing posting-related information should prioritize making it easy to understand, up to date, sufficiently detailed, and available in a single place.

In summary, while improvements have been made in the information available about posting, some challenges persist, and there is further scope to make the information more accessible and understandable. We outline key recommendations in the next section.

9 Recommendations

The posting of workers encompasses multiple legal areas; this creates an interplay of rules and regulations, covering labour law, social security law, and tax law as the main legal spheres. This results in coordination challenges among different institutions in terms of the provision of information, and barriers for companies in accessing this information, if it is provided in a fragmentary manner. A key finding of our work is the fact that information provision about posting in Slovakia is very fragmented between actors, as well as different channels. The core responsibility is split between the National Labour Inspectorate (labour law) and Social Insurance Agency (social security law), with other actors complementing the web of information channels. In fact, public institutions (including State actors, NGOs, and social partners) are heavily underrepresented in the provision of posting-related information, compared to other countries covered in the INFO-POW project (Kayran et al., 2023). Thus, a majority of information channels are provided by non-State actors, mostly consultancies; this might impose limits on free access, due to the financial costs of such services. Furthermore, we also identified a rather weak political ownership of posting matters in Slovakia, with a limited engagement of the Ministry of Labour, Social Affairs and Family.

A key implication of the multiple fragmentations of information in Slovakia (across actors, across channels) is the fact that companies struggle to obtain full information in one place; thus, they need to explore different channels, which offer information of varied quality, depth and breadth. Even the flagship information provider, which is the NLI's single national posting website, offers information which is relatively general and quite outdated. Thus, navigating the complex set of rules via this patchwork of channels increases the risk of non-compliance, and also increases inequalities among larger and smaller companies, or between regular companies and self-employed workers. We therefore outline the following recommendations with the aim of improving access to information about posting, and subsequently, compliance with its rules and regulations.

(1) A stronger institutional and political ownership of the posting-related matters

Posting of workers is a multidisciplinary issue, in terms of the legal and regulatory framework. Management of this complex framework would be facilitated under a stronger institutional and political ownership of this important and growing activity. At present, this seems to be lacking, as the Ministry of Labour, Social Affairs and Family has not fully adopted a potential umbrella-level coordinator role. Most competences lie with its implementing or thematically associated agencies – the National Labour Inspectorate, and the Social Insurance Agency – which, however, lack policy-making power or strong political influence.

(2) Improvements in the single national posting website

The website of the National Labour Inspectorate is considered to be Slovakia's single national posting website, as required by the Posting of Workers Directive. However, we identified several areas for possible improvements, which would help make information clearer and more accessible. We see two broad approaches to realize this: changes to the existing NLI website, or development of a new (integrated) posting website. For the first approach, we have outlined more specific recommendations in the respective parts of report, as well as in a policy brief prepared based on the findings of the Slovak

country case study (Moran & Kureková, 2023). For the latter approach, we point out a good example of a posting website which integrates all relevant content in one place: the Austrian posting website (<https://www.entsendeplattform.at>).

(3) Enhanced role of social partners in posting-related information provision

Actors that typically have a large role in providing posting information in other countries – labour unions and employers’ associations – are rather marginally involved in Slovakia. This is especially the case with respect to labour unions. Employers’ associations engage with their members on an *ad hoc* basis, typically when they need to lobby or convey a message about regulatory changes in posting that negatively impact their members. However, they do not present any posting information on their organisations’ websites. Importantly, this gap seems to be filled in Slovakia by private information providers, although this might create barriers to smaller companies with fewer resources. Furthermore, topics covered by private providers versus those by social partners are likely to differ in content and target groups, and possibly also in the means of dissemination and communication.

In order to increase free and reliable access to information about posting, we recommend improving the capacity and expertise of labour unions and employers’ associations, with regard to posting matters. They are reliable actors, which are *ex officio* in touch with the EU-level debates, legislative changes and agendas, and can situate companies’ and workers’ posting needs in the national context. Social partners can play a vital role in providing posting information, and can effectively and actively complement public institutions in this area (e.g. De Smedt & de Wispelaere, 2023; Danaj et al., 2023). This is also echoed in the results of our online survey, where companies indicated that they would appreciate a greater engagement of social partners.

(4) Contextualize information about posting in the context of all migration and integration policy frameworks

Our research in this and past projects revealed that companies not only struggle with access to information about posting, but equally face difficulties in navigating a broader set of migration and integration policies (Kováčová et al., 2021). This is especially relevant in the case of posting third-country nationals, where posting regulation interacts with other migration policies (ELA, 2023). Posting is one of several forms used by companies to legally realize the transfer of personnel, services or knowledge, for different purposes. Companies need help in identifying the most efficient and legally appropriate form of mobility, based on a specific context, needs or resources. Posting should be explained and contextualized within other applicable options, as employers often face difficulties in understanding and correctly identifying whether posting is the appropriate legal form, and if the type of activity they carry out falls under the posting regulations.

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