



Fragmentation of information on the posting of workers in Slovakia*

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Introduction

Past research has identified that access to information about posting is one of the key barriers to the lawful application of complex national and EU-level legislation regulating the posting of workers (Kováčová et al., 2021; Danaj et al., 2022). The INFO-POW project assesses the channels of information and their use in the posting of workers, in a consortium of research institutions from five EU Member States, as well as social partners at both national and EU levels. INFO-POW has developed activities to identify and map both new and existing challenges and needs of undertakings – most specifically in the construction sector – in accessing and using relevant information regarding the process of posting workers.

This policy brief presents findings for Slovakia, focusing on the aspect of information fragmentation and the presentation of content. The aim of this policy brief is to, firstly, describe the manner in which information on the posting of workers is provided in Slovakia, including the actors, resources, information channels, and content. Secondly, the policy brief serves to provide recommendations to address the fragmentation of information and content specificities.

Keywords:
**posting of workers,
access to information,
fragmentation,
Slovakia**

The findings presented here are based on desk research which included a systematic mapping of 41 information channels about posting; seven interviews with public and private information providers and social partners (nine respondents); and original data collected through a pilot online survey targeting posting companies, collected between April and August 2023 (for the full report summarizing results for Slovakia, see Kureková et al., 2023).

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Policy context

Access to information has been regulated within the existing EU-level legislation about the posting of workers, mainly in the [Revised Posting of Workers Directive \(2018/957\)](#), which provides relatively clear guidelines on how such information should be provided in terms of distribution methods, content and standards. As one of the tools to improve access to posting information, Article 5 of the [Enforcement Directive](#) requires each State to create a single official national website for the dissemination of information on posting.

The single official national website should fulfil several criteria, such as being detailed, user-friendly, and accessible; being available free of charge in the official language of the Member State, and other languages which are most appropriate; and containing information on collective agreements, terms and conditions of employment in the Member State – as well as links to other websites and contact points, including social partners. A specific requirement is to provide contact details for the person at the liaison office who is in charge of dealing with requests for information. Furthermore, the information should be accessible, clear, accurate, up-to-date, transparent, and updated regularly, as stipulated by Article 3(1) of the [Revised Posting of Workers Directive \(2018/957\)](#).

The National Labour Inspectorate (NLI) is the institution responsible for the single official national website in Slovakia

The National Labour Inspectorate (NLI) is the institution responsible for the single official national website in Slovakia. Obligations to publish information on the working conditions of posted workers and the obligations of posting and user undertakings are transposed to national law through the [Act No. 125/2006 Coll. on Labour Inspection](#), while the [Labour Code \(Act No. 311/2001\)](#) lists the specific areas which are to be covered. Some additional details, such as the administrative obligations of the sending undertaking, and the latter's notification obligations towards the Inspectorate, are defined by the [Act No. 351/2015 Coll. on cross-border co-operation in the posting of workers](#). Additionally, the NLI must also provide information to Slovak citizens, as well as those of other Member States, on the working conditions in Slovakia and in other Member States (§6(1)(o) of Act No. 125/2006).¹

Our research reveals that information on public institutions' websites is fragmented in terms of the area covered, and according to their area of competence, such as social security, labour law, or tax law. More specifically, the provision of the bulk of posting information, as well as services to employers in Slovakia, is segmented across two main institutions: the National Labour Inspectorate (NLI) and Social Insurance Agency (SIA); while a handful of other bodies inform about related aspects of posting within their own institutional mandate, such as tax authorities stating the tax obligations for posting companies. This reflects the division of dif-

¹ Hyperlinks lead to the currently applicable wording of the Act in Slovak.



ferent elements of the posting agenda among different institutions, which to date have not been unified within the single national posting website, or in any other form. Although the interviewed authorities consider the NLI posting webpage to be equivalent to a single national website, we argue that the page does not meet the criteria defined in the EU legislation detailed above, for a unified single official national website in Slovakia.

Different aspects of information fragmentation

Below we outline various aspects of the fragmentation of posting information, including the characteristics of the NLI page, the division of competences and content across actors, and the scope and content of information.

Slovak official website on posting

The National Labour Inspectorate's webpage on posting is considered the single national posting website in Slovakia, but it does not contain information about social security aspects of posting

The National Labour Inspectorate is the enforcement agency of the Ministry of Labour, Family and Social Affairs, responsible for lawful application of labour law and decent work conditions. The NLI's webpage dedicated to posting is considered to be the equivalent of a single national posting website in Slovakia, and thus our findings presented below refer to this resource.

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 Inspectorate's competences. Moreover, 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 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 competence, as the NLI is not legally obliged to provide information on social security matters.

On the other hand, the NLI website does not contain posting information exclusively, but also details of health and safety at work, labour law and employment relations, and detailed contact information, including that of regional offices. Furthermore, in providing information on illegal employment and employment of third-country nationals, the National Labour Inspectorate goes beyond its legal obligations to provide information. In the 'Working conditions in Member States' subsection, links can be found to such information on other Slovak national and European websites.

Aside from the national language, the NLI website is also available in English, German, French, Hungarian, Polish, and Romanian. The content in the foreign language versions is not equivalent to the Slovak version; rather, information is

condensed. According to the representatives of the NLI, the website is most often used by posting undertakings and user undertakings outside Slovakia. Slovak posting undertakings usually employ the NLI as an intermediary source to access contacts and information about other Member States.

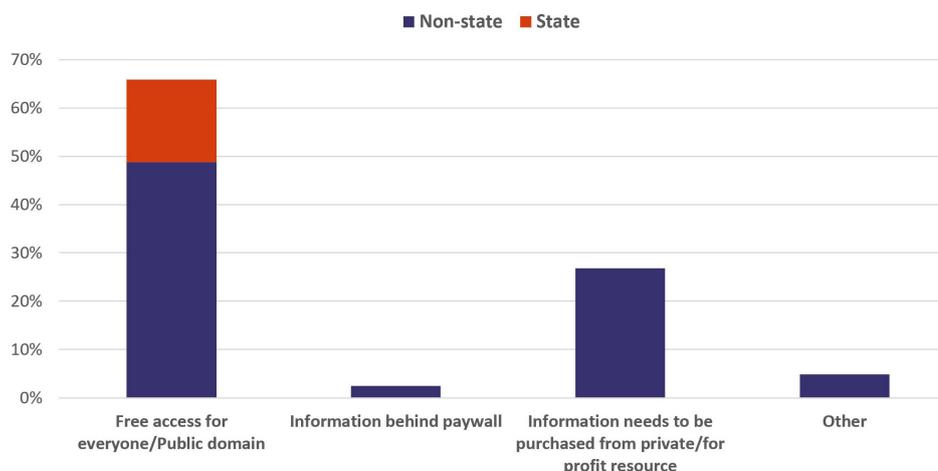
In summary, the NLI webpage on posting is rich in content, and was highly rated by the respondents of the INFO-POW pilot online survey conducted among construction companies; however, there is scope for better integration of posting information.

Actors providing information

Information on the public institutions' websites is fragmented based on the area covered, including social security, labour law or tax law

The mapping exercise in Slovakia shows that a variety of state actors provide information about posting. These include 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), European Union (Your Europe), European Employment Services, and the Embassy of the Slovak Republic in Vienna, Austria (Veľvyslanectvo Slovenskej republiky vo Viedni). Public institutions (including state actors, NGOs, and social partners) are heavily underrepresented in the provision of posting-related information, compared to other countries (cf. Kayran et al., 2023). Thus, a majority of information channels (83%) are provided by non-state actors, who are mostly consultancies; this might impose limits on free access due to the financial costs of such services.

All channels provided by state actors (7 out of a total of 41 channels included in the mapping exercise) were free of charge, and over half of privately funded channels (20 out of 34) also provide information freely. However, nearly one-third (29%) of all channels offer information either behind a paywall, or which needs to be purchased from private/for-profit resources (Figure 1). The cost ranges from 30 euros for one-time access, to 350 euros for annual membership. Information provided by private actors via free channels was on average less fragmented, in terms of covering the two key aspects of posting (labour law and social security law); however, it was also rather brief, and less detailed than information from public channels.

Figure 1: Costs of accessing information about posting by actor type

Source: Kureková et al. (2023)

Moreover, we also found that actors who typically provide posting information in other countries – i.e. employers’ associations and labour unions – are hardly active in Slovakia’s posting agenda. While employers’ associations in Slovakia provide content-specific workshops or meetings to their members based on needs (e.g. changes in legislation), no online information channel about posting existed on social partners’ websites at the time of our mapping. This gap seems to be filled by private information providers, which 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 their content and target groups, and possibly also in the means of dissemination and communication.

Scope and content of posting information

In terms of content, our mapping exercise shows that most of the provided information relates to the ‘hardcore’ provisions regulating working conditions. Registration for social insurance/contributions is often described in detail, especially for workers posted from Slovakia: in fact, 70.5% of channels contain this information, which is the highest percentage of all items mapped. Other highly mentioned topics include working times/work hours, minimum wages/collective agreements, and overtime and other additional supplements, including bonuses and wage supplements such as night and weekend shifts. Occupational health and safety when posting from Slovakia stands out from other ‘hardcore’ provisions as being relatively less covered, being mentioned in only 19% of channels for which information was available.

A closer analysis shows that the information on several key themes is limited 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), as well as leave and holiday. Collective agreements in Slovakia are barely covered, and detailed information on collective agreements applicable in a certain sector is scarce. The channels mapped rarely provide hyperlinks to the websites of social partners or other contact information. None of the channels for which information was available offered details of redress and appeal (in case of sanctions) and compensation. Sanctions themselves are not often mentioned (11.5% when posting to Slovakia, 27% when posting from Slovakia).

“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

From the point of view of information providers, they feel competent to inform only about their area of responsibility. Furthermore, the interviewed representatives of the NLI and SIA said that they face a dilemma between complexity and clarity when providing information about posting rules, regulations and procedures. They spoke of the need to find a good balance of density and language to avoid confusing the reader, who is typically expected to have a non-legal background. The representative of the SIA stated that the website content, created by the legal department, is reviewed by the communications department, which typically requires a shorter text. The SIA’s strategy on its website is to make users aware of the process of posting, rather than providing full answers to their problems.

In this regard, respondents believed that when in need of further information, workers, as well as posting and user undertakings, can contact the authorities personally by phone or email. Both key public institutions provide consultations on demand, either through dedicated hotlines (SIA) or through liaison officer(s) responsible for the posting agenda (NLI). More complicated cases are dealt with in the form of written responses, where complex advice is provided on specific situations and cases. The NLI also has a network of regional offices, where staff members are trained to provide general information about posting. Furthermore, in the instances of more substantive legal changes, conferences or workshops are organized and promoted via social media. The national and regional offices of the Inspectorate provide webinars, seminars, or trainings related to legislative changes.

Challenges of fragmentation and content formulation

Fragmentation was found to be prevalent in the provision of information in multiple ways, across actors and across sources. Information provided is divided between channels by areas of law – i.e. labour law and social security. Additionally, a large number of channels from both public and private actors offer fragmentary

pieces of information. Some of the information provided by private actors is also behind a paywall, while other key facts cannot be found without making additional and targeted enquiries. This results in specific challenges for companies.

A key problem stemming from the fragmentation of actors and channels of information in Slovakia is the fact that companies are unable to get full information in one place, but need to explore different channels with varying degrees of detail, and possibly costs. Navigating a complex set of rules through this patchwork of channels increases the risk of non-compliance.

Next, establishing a balance between complexity and clarity of information is a major challenge, with implications for both information providers and users. Results of the pilot online survey indicate that access to information about posting as such is not a large barrier to participation, but understanding the available information is a greater problem than other issues, such as costs, digital skills or language barriers. Insufficient detail, clarity or missing content incur further costs of finding the information, and create additional hurdles to the full application of posting rules and regulations.

The fragmentation of posting information, and the gaps in scope or detail, might explain the relatively high number of private actors that complement the public institutions' provision. Their services might be less accessible to some enterprises, although their activities might generally contribute to better compliance with posting regulations. Accessibility to paid information is likely to introduce some degree of inequality between larger and smaller companies, including self-employed posted workers.

Policy recommendations

Based on these findings, we emphasize the following recommendations. First, we recommend that all information related to the posting of workers is made available on one channel, inclusive of social security law information. This channel should be clearly labelled as the single official national website on the posting of workers, and contact points should be clearly identified; perhaps also for different types of issues and questions that might arise within the posting agenda. Alternatively, hyperlinking between the NLI and SIA websites could be done in a more obvious and user-friendly way.

Second, in other countries, such as Belgium and Austria, the role of private consultancies and law firms seems to be supplemented by social partners' more active engagement in supporting posting undertakings. In order to increase free and reliable access to information about posting, we recommend improving the ca-

capacity and expertise of employers' associations and labour unions in the posting agenda. Social partners can play a vital role in providing information about posting, and can effectively and actively complement the role of public institutions in this area (see e.g. De Smedt and De Wispelaere, 2023; Danaj et al., 2023).

Third, greater engagement of social partners can also effectively address the need for more specific and detailed information. Arguably, social partners are involved in wage and working conditions negotiations, and can provide accurate information about applicable sectoral or company-level arrangements to companies and workers. Alternatively, the opportunity to consult public institutions about specific questions of posting rules and regulations could be more explicitly stated on the respective institutions' posting websites, to make companies aware that they can seek and receive detailed guidance via public information channels, free of charge.

These improvements can contribute to better compliance with posting regulations, which will effectively result in lowered costs related to posting, more equity among companies, and better access to rights and decent work and living conditions for posted workers. This is a valuable cause, given that the posting of workers continues to be an important, and probably expanding, channel of intra-EU labour mobility in Slovakia, as well as in the European Union.

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