



Cross-national gaps in information provision for companies in posting*

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Introduction

Labour law aspects of posting are regulated by the [Directive 96/71/EC](#) on posting of workers in the framework of the provision of services, which was amended by [Directive 2018/957/EC](#), as well as the [Directive 2014/67/EU](#) on the enforcement of Directive 96/71/EC. In addition, social security aspects of posting are regulated under [Regulation \(EC\) No 883/2004](#) on the coordination of social security systems and its [Implementing Regulation \(EC\) No 987/2009](#). Posting companies must comply with all these EU regulations and national legislation of Member States that transpose and/or complement the EU legislation. Therefore, access to information on the relevant dimensions is key to comply with the multiple EU posting regulations.

Keywords:
**posting of workers,
labour mobility,
information, EU law**

“...the regulatory basis demonstrates that access to information is essential to enforcing compliance with posting rules by companies.”

Article 5 of the Enforcement Directive (2014) stipulates the Member States' obligations to provide information on the posting of workers free of charge in a user-friendly format and in accessible languages. The Enforcement Directive further states that a single official national website and various other channels should provide information and that a contact person at the national liaison office should oversee requests for information. Furthermore, and crucial to applying such rules, the 2018 Directive stated that lack of up-to-date information should be considered when monitoring companies' compliance with posting regulations (Article 3). Overall, the regulatory basis demonstrates that access to information is essential to enforcing compliance with posting rules by companies. Yet, to date, there are no comprehensive systematic assessments on the state of information provision and availability regarding posting. Previous studies on the topic focussed only on the single official national posting websites, finding considerable variation and room for improvement in the coverage and accessibility of the content provided (EC, 2019; ELA, 2023).

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In evaluating information provision on posting rules, we address the following question in this policy brief: *What are common information gaps in posting, why do they matter and how to address them?* We present our data from the mapping exercise of information channels on posting and based on our findings, we identify and suggest pathways in which these information gaps and shortcomings can be resolved. The mapping exercise was conducted in five countries, namely Austria, Belgium, Italy, Slovakia, and Slovenia, for the INFO-POW project (Danaj, Kayran and Prinz, 2023). The sample includes a total of 182 information channels: 36 channels in Austria, 31 channels in Belgium, 38 channels in Italy, 41 channels in Slovakia, and 36 channels in Slovenia (Kayran, Danaj, Zólyomi et al., 2023)¹. The mapping covered any relevant information channel targeted to posting or user undertakings, as well as posted workers (see *Box 1* for our definitions of posting-relevant information and channels).

Box 1: Definitions

Information on the posting of workers in this brief is understood as content on rules, rights, obligations, entitlements, procedures, sanctions, redress (complaint and/or appeal), and institutions related to the posting of workers presented in descriptive, instructive, and/or otherwise guiding format.

Channels of information are defined as online and offline means of distributing this content.

For our mapping exercise, we selected 11 of the most important dimensions², which we coded for. Each topic was also coded based on whether it concerns *posting from* or *posting to* each case country. While most key areas are covered in the mapping, specific aspects of each major topic area were not broken down to all possible details. For instance, while social insurance was coded for, the mapping did not consider and code for the information availability on the administrative registration requirement on requesting the portable document A1 (PD A1) or prior notifications tools, which are relevant aspects of social security registration and access of posted workers. This choice was taken to facilitate a comparable and feasible coding strategy across all themes and country cases, which could be further addressed in future research. A significant share of the sampled information channels are online sources, exceeding 90% of the sample. The sample includes information channels provided by public institutions (such as ministries

1 The cross-national information channels mapping data is publicly available at AUSSDA: <https://doi.org/10.11587/HS6WHC>

2 Work hours, occupational safety and health (OSH), wages, social insurance, work permit, additional wage supplements, leave and holiday, company support information, enforcement and sanctions, appeal and redress, taxation.

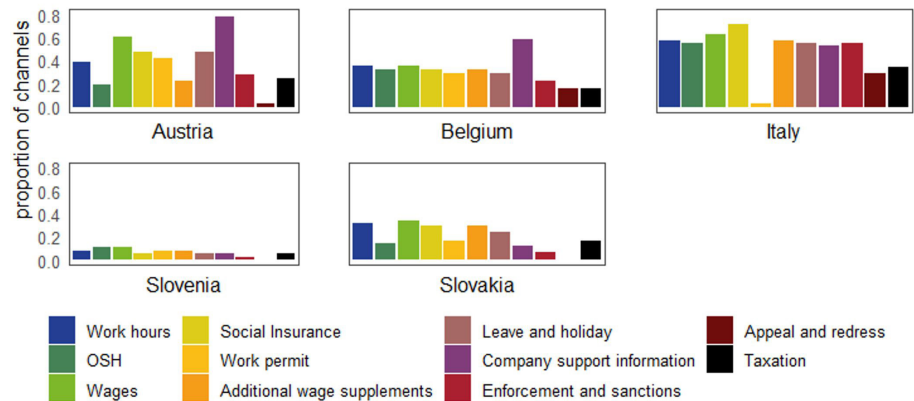
and labour inspectorates), social partners (trade unions and employers' associations), private for-profit consultancies and law offices, and non-governmental organisations. We note that our mapping of the channels only constitutes a sample of all information channels available and is not exhaustive. However, particularly in the case of online channels, the expert research teams of each national case have aimed to provide a comprehensive coverage of channels that is representative of the main sources.

Three common gaps in information provision: Evidence from five EU countries

1. Lack of coverage of certain law topics, which are key for posting companies

Our mapping data indicate that core labour law (such as on the topics of work hours and wages) and social security law topics (such as social insurance) are covered in at least 50% of the channels in almost all five countries, in some instances the shares reaching 60-70%. To demonstrate coverage across information channels, *Figure 1* visualises the proportion of channels in which each of the eleven content areas was covered in the context of *posting to* each case country, and *Figure 2* shows the same in the context of *posting from* the country.

Figure 1: Content coverage in information channels when posting to [COUNTRY]

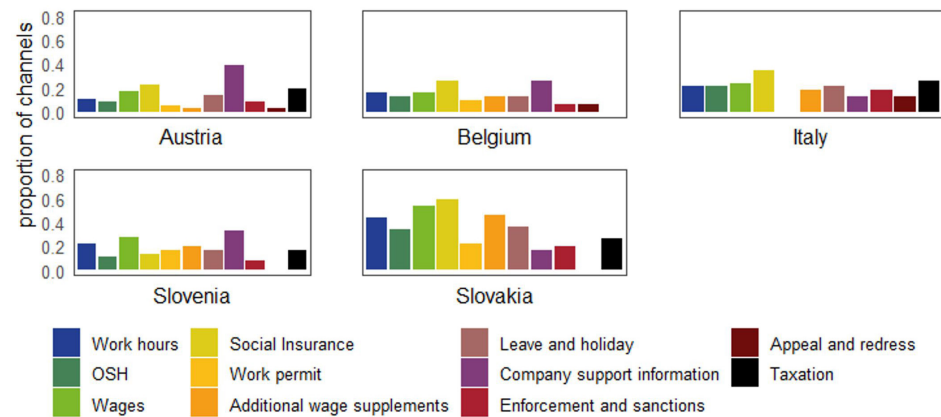


Source: Danaj, Kayran, and Prinz, 2023.

The coverage of labour and social security law varies when we examine the differences between information targeting *posting to* or *posting from* a country. For instance, we see relatively more scarce coverage of the labour and social security law issues in the information channels depending on whether the country is a predominantly sending or receiving country. The sending Member State remains competent for the social security aspects of posted workers and they remain to be covered in the sending country's national system (as stipulated by Article 12 of

Regulation 883/2004). Still, specific provisions to prevent wage and social dumping in the host country exist in many countries. In this respect, there is a complexity of the rules and regulations that companies must abide by when posting workers to a country. Thus, as expected, the topics of labour and social insurance laws are covered more on *posting to* Austria and Belgium and, conversely, are more prevalent in the context of *posting from* Slovenia and Slovakia. Even with such structural divergences in mind about the posting directions, these two legal topics are available from public sources that provide the information for free.

Figure 2: Content coverage in information channels when posting from [COUNTRY]



Source: Danaj, Kayran, and Prinz 2023.

“On certain topics related to posting rules, there is little to no coverage across available channels.”

However, posting workers touches upon multiple other legal areas in each country beyond the labour and social security laws. This means that other regulatory areas should also be made public and available to comply with the EU regulatory framework on posting and its mandates on information provision. Yet, even when such sending and receiving country differences are accounted for, there are apparent gaps in information on regulations pertaining to enforcement and sanctions, appeal and redress, work permits (linked to migration law), and taxation (see *Figure 1* and *Figure 2*). There is little to no coverage across available channels on specific topics related to posting rules. The coverage goes as low as there being not even one channel focusing on appeal and redress, such as in Slovenia and Slovakia. Italy, for instance, has no channel informing on work permits when *posting from* Italy and only 1 when *posting to* Italy.

In addition to the coverage gaps on these topics, the distribution of the information channels that provide such themes are also distinct, i.e., provided predominantly by non-state channels. For instance, in most case countries, consultancies lead as the type of institution providing such information in sanctions and redress topics, followed by employers' association, a notable exception to this is the case of Slovenia. A similar pattern emerges in the case of taxation. By contrast, whenever



multiple sources are available, no significant differences across the type of actor providing the information emerge regarding channels with information on appeal and redress and work permits as they are somewhat evenly distributed between public institutions and consultancies, indicative of relatively better availability when compared to the cases of taxation and sanction.

“Such a scattered picture of the information landscape inadvertently disfavours information access for companies.”

We note here that when assessing the coverage of topics, we measured this dimension in a binary way by looking at each channel and coding the presence or absence of a topic on which information is provided. Considering our large-scale comparative approach, we have not been able to take into consideration the depths of each channel when covering a topic. In some cases, for instance, there might be a few numbers of channels covering a topic, but those could be rich in detail. Future systematic analysis of information channels could provide such a depth indicator for coverage, which would also shed more light on the information quality.

2. Scattered and disconnected approach to the provision of information across different channels

As discussed above, there is a myriad of relevant dimensions for the posting of workers that information channels should cover for companies to have a comprehensive knowledge of them. In our mapping exercise, we coded for 11 dimensions and considered the directionality of *posting to* or *posting from* a country. This resulted in a total of 22 items that could be covered. Based on our data, we see that most of the information channels (where the content was publicly available and could be coded for) include less than 10 items (out of the 22) if we look at their overall coverage. This demonstrates that the topics available in each information channel are largely scattered, meaning the authorities and actors provide information mainly within the scope of their own institutional mandate or interest. Such a scattered picture of the information landscape inadvertently disfavours information access for companies.

When topics are broken down to *posting to* and *posting from* a country to evaluate the comprehensiveness of a source, we once again see that the characteristics of the channels vary depending on whether the country is a sending or receiving country. However, there is evidence of fragmentation even when we look at the relevant countries specifically for topics on incoming or outgoing postings. For instance, when we only look at the "*posting to*" topics in Belgium and Austria, only 11 out of 36 information channels in Austria and 9 out of 28 in Belgium cover more than 5 topics in each single channel, which is a strong demonstration how scattered the information is across different information channels (see also Moran and Mýtna Kureková, 2024).

One key information channel where the least amount of fragmentation should be observed is the single national posting websites, which are mandated by the Enforcement Directive. Looking at single national posting websites, even though Slovakia and Italy have reported their single national posting websites on the online list provided by the EC, both from aspects of coverage and the need to have a unified single national website dedicated to posting (Cillo and Perocco, 2023; Mýtna Kureková et al., 2023). Austria, Belgium, and Slovenia each have a single website with relevant content, complying with the basic requirements of the Directive (De Wispelaere and De Smedt, 2023). When looking at topics relevant for posting to Austria, the website has all 11 topics covered, Belgium has all topics covered except work permits and taxation. In the context of Slovenia, the coverage is lacking when it comes to the receiving perspective. The lacklustre coverage of posting to Slovenia in the single national website is arguably related to the country being predominantly a sending country (Vah Jevšnik and Toplak, 2023).

When looking at posting from Austria, the single website has no information, likely due to being a receiving country and reflecting the perspective of the Austrian public authorities. In the context of posting from Slovenia, the single website has all topics except for enforcement, appeal, and taxation. Belgium has information on three key labour law issues: work hours, OSH, and wages, on its single website from the perspective of outgoing posting – despite being a predominantly receiving country like Austria. We note, therefore, that a number of Member States, like Belgium, have gone beyond what is required by the Enforcement Directive, i.e., providing information on their country regulations, but also aim to facilitate and inform posting companies by also providing information to the companies posting from their territories as well – arguably to the benefit of their national companies.

“In all five countries, there is limited frequency of hyperlinking in online resources, which is a relatively easy and low-cost way of ensuring connectedness.”

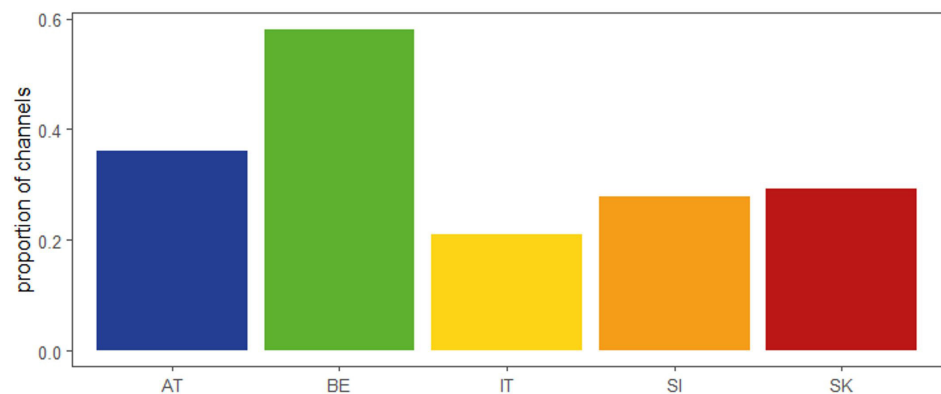
In addition to fragmentation, a second way of assessment we conduct is connectedness by looking at creating a network of resources that are easily accessible, even if not all topics are included in one channel. This could be done via hyperlinking in online resources, which is overwhelmingly the information provision mode coded in our mapping data. In all five countries, there is a limited frequency of hyperlinking in online resources, which is a relatively easy and low-cost way of ensuring connectedness. The frequency of the number of hyperlink connections out of online channels in each case: there are 18 out of 35 channels with some hyperlinks in Slovenia, 12 out of 39 in Slovakia, 10 out of 30 in Italy, 11 out of 29 in Belgium, and 14 out of 31 in Austria, where information channels have some degree of hyperlinking between information channels that connect most or some topics to each other. When looking at it comparatively, no actor type is doing better or notably worse.

3. Accessibility of information on posting

We look at the accessibility of information on posting across the information channels, focusing on two dimensions: language availability and mediums of presentation. Accessibility relates to the extent to which the information provided in each channel is presented in a way that can be easily understood and used by the relevant target groups in terms of the language and the types of mediums and tools used to convey the material to the target audience. Here, the focus is on whether information channels go beyond providing legal texts and textual information.

Our mapping provides evidence of a clear lack of sufficient languages available in posting information channels. Considering the transnational nature of posting, information availability in English provides advantages of reach and accessibility for the companies. As demonstrated in *Figure 3*, about 60% of the channels in Belgium, about 40% in Austria, about 30% in Slovenia and Slovakia, and around 20% in Italy provide an English translation of the material available.

Figure 3: Availability of English translation in information channels by country



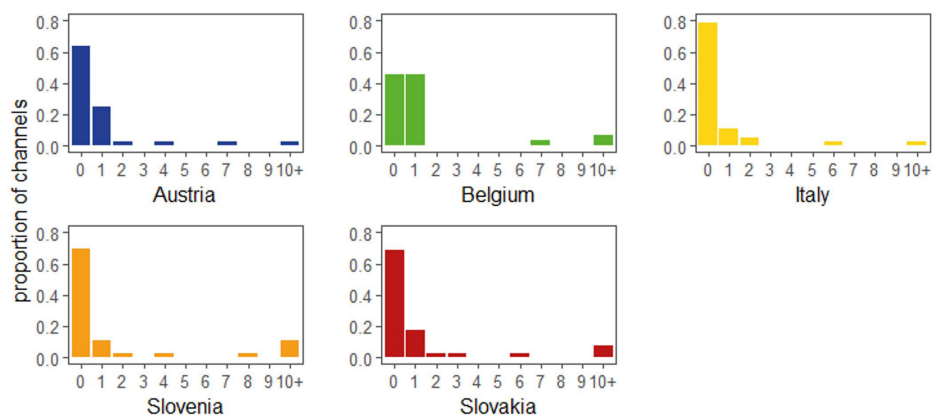
Source: Danaj, Kayran, and Prinz 2023.

“Our mapping provides evidence of a clear lack of sufficient languages available in posting information channels.”

Figure 4 visualises the proportion of channels where only the national language(s) were available in each country and the share of the number of additional languages. In *Figure 4*, 0 means that the information channel is only available in the national language(s) of the case countries, such as German in Austria or French, Flemish, and German in Belgium. Considering the languages in which material is available, other than the national languages, more than about 50% of the channels mapped in each country were not translated into a foreign language, including English. The proportion of channels where only the national language is available is the highest in Italy. Belgium and Austria seem to have the highest proportions of at least one additional language (other than the national languages) for which the information channel was available. The relatively higher language

availability in Belgium and Austria could also be understood as reflective of their positions as primarily receiving countries where the information channels aim mainly at foreign companies which are posting to these countries for which multiple languages other than their national languages are needed. In terms of the actors providing the information, in Belgium and Austria, public institutions have the largest share of information channels where foreign languages are available. Conversely, in Slovenia and Slovakia, consultancies are mostly the actors that provide channels with additional language availability.

Figure 4: Foreign language availability in information channels by country



Source: Danaj, Kayran, and Prinz 2023.

“Out of the 182 information channels in the sample across the five countries, 120 channels use only text for presenting the rules and regulations.”

Regarding the presentation of information, we considered whether the channels include infographics, charts, photos, videos, or any other medium that makes the information more digestible and easier to comprehend for the reader. Out of the 182 information channels in the sample across the five countries, 120 channels use only text for presenting the rules and regulations. In Belgium and Slovakia, there are no public channels that provide information in any medium other than text. The number of such channels with efforts for accessibility is also low, less than 5, in Austria, Italy, and Slovenia. Non-state channels are performing better in terms of accessibility of presentations compared to those provided by state actors. That is, they present the information in mediums other than text (8 channels in Austria, 7 in Italy and Slovakia, 6 in Slovenia, and 2 in Belgium).

Implications of the information provision gaps for companies in posting

What are the implications of these three common challenges identified when looking at the mapped information channels? Considering they are interrelated; we synthesise why these are important and timely challenges to address. The scattered and disconnected nature of the provided information by institutions



or actors leads to the fragmentation of the information on posting across various channels. This means that there are many channels that companies need to consult to find all relevant regulations and identify their obligations accordingly. Even on the single national websites, and despite their broader coverage, some topics remain under-covered or missing. Missing topics on posting rules, even on single national posting websites in an accessible and transparent way, implies a barrier to properly comply with the EU rules on posting. Notably, such information gaps would, thus, need to be considered when determining penalties in the event of infringements of the national provisions adopted according to the relevant EU Directive, making it difficult to enforce compliance on companies.

“Information provision is one of the main tools of prevention and its proper implementation is paramount to guarantee the protection of labour and social standards...”

Even with abundant information available in various channels, its fragmentation can give rise to claims of inaccessibility and lack of transparency, which ultimately might be used to justify a lack of compliance. Likewise, the lack of publicly available information in accessible formats has negative implications for compliance. Rule evasion and circumvention, as tactics used by certain companies, have already been identified in the literature (Berntsen and Lillie, 2015), which explains the increased importance given to access to information on posting by the Enforcement Directive and the amended Posting of Workers Directive of 2018. Information provision is one of the main tools of prevention and proper implementation of enforcement measures. Therefore, it is also paramount to guarantee the protection of labour and social standards and strengthen the position of monitoring and enforcement agencies.

Consultancies and other private actors who provide services to companies by informing them on posting rules seem to have a position of primary informers on taxation and company law. This means that accessing information on these topics requires a purchase from such services to be better informed on these aspects since they are not covered in public channels. Such costs may be feasible only to companies who can afford these services or large companies with designated departments that employ experts in such law areas. Other companies with fewer resources, both in terms of finances and staff, would, therefore, have barriers in getting access to information on these rules. This, then, further disfavours competition and equal opportunity to access the market between companies in the posting sectors, which are already significantly uneven (see also Vah Jevšnik and Toplak, 2023).

Policy Recommendations

Based on the above presented findings and their implications with future action, we provide the following recommendations for improvements:

- The issue of scattered and fragmented information can be addressed by taking a **more holistic approach to information provision** that covers a wider spectrum of posting relevant information including those related to labour and social security law, taxation, but also migration and other rules. This would also help to ensure that topical areas with currently scarce information, such as work permit or redress and appeal procedures, are better covered.
- **Better cross-referencing among the different channels of information**, for instance through greater use of hyperlinks, could tackle some of the challenges of information fragmentation and enhance access by reducing the need for companies to engage in lengthy searches on the internet to find the information they need.
- To improve accessibility, **information should be made available in more languages**, particularly in the languages of those countries where most posting to and from occurs. The European Labour Authority (ELA) offers translation services that Member States can take advantage of to provide their information in more languages than currently available.
- There is also a **need for a more coordinated approach to information provision between information providers**, especially public administrations as well as other public and/or private providers involved, to prevent and reduce overlapping and unnecessary duplication of information. Given the absence of a single, dedicated European platform or portal with comprehensive information on posting in all EU Member States, better streamlining of information would be required also at a transnational level.
- **Public information campaigns** could be used to **raise awareness about existing channels** with reliable and trusted information which posting companies can consult. Such public campaigns would be especially useful after the adoption of key legislative or policy changes relevant to the posting of workers in Member States.
- Finally, there is a need for **regular monitoring and evaluation and collecting feedback** from users/clients by information providers to ensure that the information they provide meets posting and user companies' needs.

References

Berntsen, L. and Lillie, N. (2015). Breaking the law? Varieties of social dumping in a pan-European labour market. In: M, Bernaciak. (Ed.), *Market expansion and social dumping in Europe* (pp. 43-60). Routledge.

Cillo, R. & Perocco, F. (2023). *INFO-POW: Assessment of the channels of information and their use in the posting of workers. Country report Italy*. Venice: Ca'Foscari University.

<https://www.euro.centre.org/publications/detail/4806>

Danaj, S., Kayran, E. N., and Prinz, N. (2023). *Information channels mapping tool cross-national dataset technical report*. Vienna: European Centre.

<https://www.euro.centre.org/publications/detail/4689>

De Wispelaere, F. and De Smedt, L. (2023). *Access to information on the posting of workers: Are we blinded by the importance given by EU legislation to the single official national website?*, Policy Brief 2023/5. Vienna: European Centre.

<https://www.euro.centre.org/publications/detail/4773>

ELA - European Labour Authority (2023). *Lessons learnt for single national websites on the posting of workers*.

https://www.ela.europa.eu/sites/default/files/2023-10/ELA_lessons-learnt-booklet.pdf

European Commission (2019). Report from the Commission to the European Parliament, the Council, and the European Economic and Social Committee on the application and implementation of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) 1024/2012 on administrative co-operation through the Internal Market Information System ('the IMI Regulation'). <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2019:426:FIN>

Kayran, E. N., Danaj, S., Zólyomi, E., Cillo, R., De Smedt, L., De Wispelaere, F., Kováčová, L., Moran, A., Perocco, F., Prinz, N., Toplak, K., Vah Jevšnik, M. (2023). *INFO-POW: Information channels cross-national mapping tool dataset*. Vienna: AUSSDA.

<https://doi.org/10.11587/HS6WHC>

Moran, A. & Mýtna Kureková, L. (2024). *Fragmentation of information on the posting of workers in Slovakia*, Policy Brief 2024/1. Vienna: European Centre.

<https://www.euro.centre.org/publications/detail/4852>

Mýtna Kureková, L., Moran, A., Kováčová, L., Studená, I. (2023). *INFO-POW: Assessment of the channels of information and their use in the posting of workers. Country report Slovakia*. Bratislava: Centre of Social and Psychological Sciences, Institute for Forecasting, Slovak Academy of Sciences. <https://www.euro.centre.org/publications/detail/4801>

Vah Jevšnik, M. and Toplak, K. (2023). *Company size and resources as determinants of access and use of information on the posting of workers: Evidence from Slovenia*, Policy Brief 2023/6. Vienna: European Centre.

<https://www.euro.centre.org/publications/detail/4834>

Vah Jevšnik, M. & Toplak, K. (2023). *INFO-POW: Assessment of the channels of information and their use in the posting of workers. Country report Slovenia*. Ljubljana: ZRC SAZU.

<https://www.euro.centre.org/publications/detail/4803>

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