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INTRODUCTION: POSTING OF WORKERS – COMPANY PROFILES, ACCESS TO INFORMATION, AND RULE COMPLIANCE

Sonila Danaj¹

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The posting of workers in the frame of the provision of services within the European Union (EU) is currently one of the most important forms of temporary cross-border labor mobility. The more recent data indicate that approximately 4.6 million portable documents A1¹ were granted by all reporting EU/EFTA countries and the UK in 2022, a number that has been growing, although not linearly, in the past 15 years (De Wispelaere et al. 2023). The growth in the use of posting across EU Member States reflects the freedom of movement of people and services in the larger European market, which, while it allows for greater flexibility in transnational labor mobility and use, its temporary, often project-based nature, also leads to vulnerabilities and inequalities for the workers involved. The growth has also revealed challenges in the enforcement of EU and national regulations and labor standards and multiple violations, such as underpayment, fraudulent posting, and irregularities with social security contributions (Bottero, 2020; Čaněk et al., 2018; Danaj et al., 2021; De Wispelaere et al., 2022). Under these circumstances, posted workers, especially third-country nationals, are quite vulnerable (Cillo, 2021).

The extant literature indicates that rule compliance is variously affected by the cross-border nature of the provision of services via posting. Firstly, the complexity of the overlapping national and EU rules is not easy to navigate and understand, especially for foreign companies with no or little experience in the receiving country (Cremers, 2019; Houwerzijl & Berntsen, 2019). The position of the firms in the supply chains, along with their connection to the receiving country, both play a role in these companies' efforts to comply with the rules, with smaller foreign companies at the end of the chain being the most likely to circumvent or evade the rules (Arnholtz, 2021; Berntsen & Lillie, 2015).

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¹ PDs A1 are issued to persons posted from one EU country to another to certify that they remain affiliated with the social security system of their EU country of residence and have no obligation to pay social security contributions during the period when they are providing services in another Member State.

While some companies intentionally go regime shopping among the rules of the sending and the receiving country and use cross-border mobility to evade some of their obligations, others are struggling (Houwerzijl & Berntsen, 2019). That is why among the factors that have been identified as influencing the irregularities and rule violations in the posting of workers has been access to reliable information. While multiple sources of information are made available by various actors, both public and private, extant research has shown that information in the posting of workers remains fragmented and inaccessible to part of the target audiences, especially those with fewer resources at their disposal (Danaj et al., 2021; Kayran et al. 2024; Moran & Mýtka Kureková, 2024; Vah Jevšnik & Toplak, 2023). Not only is information not easily accessible, but it can also be difficult to understand due to the complexity of intersecting rules on posting and other regulatory domains (De Smedt et al., 2023).

This special thematic section explores and provides new evidence at the nexus between company profiles, access to information, and rule compliance. The three articles of the special thematic section are based on research conducted in the frame of the transnational research project titled “Assessment of the channels of information and their use in the posting of workers” (INFO-POW), co-funded by the European Commission and implemented in Austria, Belgium, Italy, Slovakia, and Slovenia during 2022–2024.

Each article has a specific focus. The first article, titled “Unraveling the Profile of Posting Companies: A Case Study for Slovenia” by Frederic De Wispelaere and Lynn De Smedt, provides the characteristics of companies that post workers from Slovenia to other EU Member States. They find that most posting companies operate in construction and manufacturing and have made posting a business model they depend on economically. The second article, titled “Access to Information on Labor and Social Regulations and Compliance in the Posting of Foreign Workers in Construction in Austria” by Sonila Danaj, Elif Naz Kayran, and Eszter Zólyomi, uses a mixed-method approach to study the role of access to information in the rule compliance in the posting of workers in Austria and discuss company-level factors that mitigate this relationship. They find that both information providers and the companies that use such information acknowledge the connection between information availability and accessibility and posting rule compliance and enforcement. The third article, titled “Access to information on the posting of third-country nationals: the case of Slovenia” by Mojca Vah Jevšnik, zooms into the particularly vulnerable posted third-country national workers (TCNs) and posting companies owned by TCNs in Slovenia. In this country, TCN posting has reached 43% of all postings. The article gives an overview of the challenges TCN employers and TCN posted workers face regarding their access and use of information on the posting of workers, focusing particularly on the impediments due to language barriers.

While results in the three articles are country-specific and therefore cannot be generalized, they nevertheless shed light on understanding the link between the characteristics of posting companies, access to information on posting rules, and

rule compliance. Future research could expand the scope of countries and build a typology of posting companies, assess posting companies' access to information across all EU Member States, and further explore the risk factors to rule compliance in the posting of workers.

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