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MIGRATION STUDIES

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Revija ***Dve domovini / Two Homelands*** je osrednja slovenska znanstvena revija, namenjena objavi izvirnih znanstvenih in strokovnih člankov, ki obravnavajo različne vidike migracij. Revijo je leta 1990 ustanovil Inštitut za slovensko izseljenstvo Znanstvenoraziskovalnega centra slovenske akademije znanosti in umetnosti in izhaja dvakrat letno v slovenskem in angleškem jeziku. Vsi članki so dvojno anonimno recenzirani.

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TEMATSKI SKLOP

POSTING OF WORKERS: COMPANY PROFILES, ACCESS TO
INFORMATION, AND RULE COMPLIANCE
NAPOTITVE DELAVCEV: PROFILI PODJETIJ, DOSTOP DO
INFORMACIJ IN SPOŠTOVANJE PRAVIL

THEMATIC SECTION

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 & Mýtna 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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UNRAVELING THE PROFILE OF POSTING COMPANIES: A CASE STUDY FOR SLOVENIA

Frederic De Wispelaere,¹ Lynn De Smedt^{II}

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ABSTRACT

Unraveling the Profile of Posting Companies: A Case Study for Slovenia

Despite being central to intra-EU posting, the service provider (“the posting company”) remains understudied by scholars. Aiming to close this gap, this study examines posting companies (incl. the self-employed) in Slovenia. By linking them to the Orbis database, an analysis of Slovenian companies that received one or more Portable Documents A1 in 2022 shows that 8% of construction and 4% of manufacturing companies provided services abroad, compared to less than 2% of all Slovenian companies. For these companies, posting employees abroad has become a “business model”, with an average of 61% of employees posted abroad and 93.5% of turnover earned from exporting goods or providing services abroad.

KEYWORDS: Slovenia, freedom to provide services, posting companies, characteristics, business model

IZVLEČEK

Analiza profila podjetij za napotitve delavcev: Študija primera za Slovenijo

Kljub temu, da so ponudniki storitev (tj. »podjetja za napotitve«) osrednjega pomena za napotitve delavcev znotraj EU, so v raziskovalni sferi še vedno premalo raziskana. Namen te študije je zapolniti to vrzel s preučitvijo podjetij za napotitve (vključno s samozaposlenimi) v Sloveniji. Avtorja sta analizirala slovenska podjetja, ki so leta 2022 prejela enega ali več prenosnih dokumentov A1, tako da sta jih povezala z zbirko podatkov Orbis. Analiza kaže, da je storitve v tujini opravljalo 8 % gradbenih podjetij in 4 % podjetij na področju predelovalnih dejavnosti, v primerjavi z manj kot 2-odstotnim deležem na ravni vseh slovenskih podjetij. Za ta podjetja so napotitve zaposlenih v tujino postale »poslovni model«, saj v tujino napotijo povprečno 61 % zaposlenih ter tam z izvozom blaga ali opravljanjem storitev ustvarijo povprečno 93,5 % prometa.

KLJUČNE BESEDE: Slovenija, svobodno opravljanje storitev, podjetja za napotitve, značilnosti, poslovni model

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INTRODUCTION

Over the past decade, scholars have increasingly studied the phenomenon of employers sending workers to another Member State to carry out services on a temporary basis (i.e., posting of workers). By applying a qualitative research approach (primarily based on interviews) (see, for instance, LasekMarkey, 2023; Wagner, 2018) and/or a quantitative research approach (primarily based on administrative data) (see, for example, De Wispelaere et al., 2024), this research has resulted in a better understanding of the extent, characteristics, and impact of intra-EU posting. Moreover, it allowed us to confirm, nuance, or even refute certain perceptions and identify new phenomena (such as the increasing number of posted third-country nationals (TCNs)). However, this research mainly focuses on the posted worker, while many other economic actors are involved and affected when workers are posted to another Member State.¹ Indeed, the posting company is equally, or even particularly, important. After all, the posting of workers concerns an employer-driven form of intra-EU labor mobility whereby, through the export of services and facilitated in the EU by the freedom to provide services, companies provide services in another Member State by sending out their workers.

RESEARCH QUESTIONS

Despite being at the heart of intra-EU posting, the posting company is an economic actor, which is still understudied by scholars.² The INFO-POW project has addressed this research gap by identifying the challenges and needs of posting companies active in the construction sector regarding their access to and use of relevant information sources about the process of posting workers to another Member State.^{3,4} In line with the INFO-POW project, which was the first to target posting companies,

1 However, this statement should be nuanced. Indeed, most of the research focused on the (in) ability of trade unions to represent these workers, the effect of posting on industrial relations, the role and difficulties of enforcers (again trade unions, labor inspectorates, etc.), and only a limited number of studies really focus on “the posted worker” (i.e., a worker-centered perspective). Furthermore, Theunissen et al. (2023) focus on the three main economic actors (posted workers, the posting company, and the client) and their mutual relations.

2 With a few exceptions, see, for instance, Sedmak et al. (2021) who identify the challenges faced by companies established in Slovenia when posting their workers to other Member States. This economic actor was also discussed in the context of the POSTING.STAT project (De Wispelaere et al., 2022). Indicative for the lack of knowledge about posting companies is that statistics are available at the EU level on the number of postings and posted workers but not on the number of companies involved.

3 See <https://www.euro.centre.org/projects/detail/4442> for the project website.

4 For instance, the policy brief of the Slovenian INFO-POW project partners indicated that the characteristics of companies are important in terms of access and use of information on the posting of workers (Vah Jevšnik & Toplak, 2023b). Therefore, it is of interest to have a closer look at the characteristics of posting companies in Slovenia, as attempted in this contribution.

this contribution zooms in on posting companies by mapping their characteristics. However, the focus here is only on posting companies established in Slovenia. The following three research questions are put forward: 1) What is the general profile of posting companies established in Slovenia? 2) Do differences occur in their profiles depending on the sector in which Slovenian posting companies operate? 3) Do differences occur in the profiles of posting companies compared to the general profiles of companies established in Slovenia, with a focus on the construction sector?

Choosing the group of posting companies established in Slovenia as a reference group is interesting for several reasons. First, from the observation that Slovenia is considered one of the main sending Member States of posted workers in the EU (De Wispelaere et al., 2024). This reality is reflected in the high percentage of workers in Slovenia who perform services in another Member State for a certain period. Outgoing posted workers from Slovenia amount to roughly 7% of total employment in Slovenia and even 30% of total employment in the Slovenian construction sector (Vah Jevšnik et al., 2022). Second, as already pointed out, the importance of posted TCNs is increasing, not least those sent from Slovenia to another Member State (Danaj et al., 2023; Vah Jevšnik et al., 2022). For instance, in 2021, six out of ten workers posted by Slovenian undertakings were TCNs, mainly from Bosnia and Herzegovina. Finally, it allows us to examine whether the posting of workers is truly a “business model” for a group of companies. After all, this is an often-heard claim in academic debates.⁵

The choice of a case study also has its limitations. In particular, the profile of the posting companies established in Slovenia cannot be generalized across the entire group of posting companies. After all, there can and will be significant differences between Member States (as was observed in previous research on the characteristics of posted workers). In that regard, a similar analysis could be done in the future for other key sending Member States, such as Poland and Germany, for example. Moreover, it would be useful to analyze the profiles of incoming posting companies in the key receiving Member States of posted workers, such as Germany, France, Austria, and Belgium.

RESEARCH METHODOLOGY

In theory, information about the characteristics of posting companies (incl. the self-employed) can be collected using surveys or administrative data. To the best of our knowledge, there is no survey at the European or national level that collects

5 For instance, for Arnholtz and Lillie (2020), posting concerns a business model based on cheap labor that allows companies to escape the regulatory constraints of the countries where they operate at the expense of workers' rights.

such information.⁶ Nor are such administrative data available. However, posting companies do have administrative obligations in the Member State of establishment (requesting a Portable Document A1⁷ – PD A1) and the host Member State (making a prior declaration⁸) when sending out posted workers. This administrative data, particularly data on companies established in Slovenia that have received a PD A1 from the Health Insurance Institute of Slovenia,⁹ is the starting point of the analysis.¹⁰ At the request of the authors, the Ministry of Labour, Family, Social Affairs, and Equal Opportunities of the Republic of Slovenia provided a list of posting companies established in Slovenia that had received one or more PDs A1 in 2022. This list contained 3,203 companies (incl. the self-employed) which received 98,435 PDs A1 and covered 32,534 posted persons (workers and self-employed persons).¹¹ Subsequently, the list of posting companies was linked to the Orbis database based on two variables: the company's name and the company's address.¹² Orbis is a database from Bureau van Dijk that contains (non-)financial information from private companies worldwide, currently more than 462 million companies. Data are collected from over 170 providers and their own sources which are then treated, appended, and standardized to ensure comparability. Academics studying multinational enterprises and tax analyses increasingly use this extensive database, among others, as it is considered the “most comprehensive commercially available company-level

6 In this regard, the survey conducted in the frame of the INFO-POW project was a first to specifically look at the company's perspective in the context of posting (De Smedt et al., 2023).

7 A posting undertaking which posts a worker to another Member State, or in the case of a self-employed person the person him/herself, must contact the competent authority in the sending Member State. Whenever possible, this should be done in advance of the posting. Subsequently, after verification of several “posting conditions,” a Portable Document A1 (PD A1) must be provided by the competent authorities. This certificate declares that the social security legislation of the issuing Member State applies and confirms that this person has no obligations to pay social security contributions in another Member State.

8 Member States may impose an obligation for a service provider established in another Member State to make a simple declaration to the responsible national competent authorities. All 27 EU Member States used this possibility to implement a prior declaration tool for incoming posting undertakings and the workers concerned.

9 Limited to PDs A1 issued according to Article 12 of Regulation 883/2004. PDs A1 issued according to Article 13 and granted to persons active in two or more Member States (usually in road freight transport) are thus not included.

10 This case study looks at the sending perspective, notably posting companies established in Slovenia. A profile analysis could also be made of the posting companies providing services in the receiving Member State. For example, the information available in the prior declaration tools of the host Member State about the incoming posting companies could be linked to the Orbis database.

11 These figures differ slightly from those reported by the Slovenian delegation in the Administrative Commission and included in De Wispelaere et al. (2024): 98,441 PDs A1 according to Article 12 issued and 30,614 persons with a PD A1 according to Article 12.

12 The names of the companies were searched in Orbis, and the results were checked manually to see whether the name and address were an exact match with the information of the list provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia.

global database at present” (Nakamoto et al., 2019, p. 4). By linking the list of posting companies to the information available in the Orbis database, the following information could be obtained for the posting companies: size classification,¹³ legal status, sector of activity (NACE-code), number of employees, operating revenue (i.e., turnover), and export revenue.¹⁴ Unfortunately, the nationality of a company’s manager cannot be extracted from the Orbis database. This information would also have been interesting, knowing that many posted workers are TCNs. The check could then have been made whether a high percentage of managers of the posting companies are TCNs.

For 1,797 posting companies (56% of all companies on the list), the name and address were not included on the list itself. Of the 1,406 companies on the Slovenian list suitable for further analysis, from the Orbis database we were able to retrieve 926 companies that had an exact match based on the name and the address (Annex I). Although these 926 companies only represent 29% of the total number of posting companies that received a PD A1 in 2022, they represent 65% of all PDs A1 and 61% of all posted persons. This raises the question of whether this is still a representative sample on which the analyses will be made. From the perspective of the group of posted persons covered by this sample, namely, more than 60% of all workers posted from Slovenia, the answer is most likely yes. Nevertheless, the ratio of covered posting companies (29%) versus covered posted persons (61%) seems to indicate that small businesses (including the self-employed) are underrepresented in the sample.¹⁵ Finally, it cannot be ruled out that there is a discrepancy between the profiles of the companies that applied for/received a PD A1 in 2022 versus the total group of posting companies established in Slovenia. After all, not every posting company will apply for a PD A1.

MAIN CHARACTERISTICS OF POSTING COMPANIES ESTABLISHED IN SLOVENIA

About 3,200 companies received a PD A1 in 2022. This amounts to less than 2% of Slovenia’s total number of companies.¹⁶

13 Based on the operating revenue, total assets, and number of employees, among others, companies are classified in Orbis as belonging to one of the following categories: very large, large, medium-sized, and small.

14 This variable may also include the export of goods and is therefore not limited to the export of services only.

15 This is discussed in more detail in the section about differences in the profiles of posting companies compared to the general profiles of Slovenian companies with a focus on the construction sector

16 In 2022, there were about 185,800 companies established in Slovenia (based on business statistics published by Eurostat [sbs_sc_ovw]).

A breakdown by legal status shows that most posting companies established in Slovenia are private limited companies (87.0%). Furthermore, 8.9% of the posting companies are sole traders and proprietorships, and 2.6% are public limited companies. Most Slovenian posting companies are labeled as medium-sized (54.3%) or small (35.2%). Only 10.5% are large or very large companies. On average, posting companies employ 71 workers. However, the median is only 16 workers, indicating that a limited number of posting companies employ a very high number of workers. Moreover, 18% of the posting companies do not have employees,¹⁷ and 9% employ only one worker. Finally, the average annual turnover of the posting companies amounts to € 16.5 million, but the median amounts to € 1.2 million, suggesting a somewhat skewed distribution of the turnover.

More than half (54.2%) of the posting companies established in Slovenia are active in the construction sector (NACE F). In comparison, almost one in four (24.7%) is active in manufacturing (NACE C). Furthermore, 5.7% are active in the sector providing “professional, scientific, and technical activities” (NACE M), and 4.9% in the sector providing “administrative and support service activities” (NACE N). This means that the two main sectors of activity— construction and manufacturing—represent almost eight in ten posting companies established in Slovenia. Moreover, these two sectors represent 85% of all PDs A1 issued (39.8% in manufacturing and 45.2% in construction)¹⁸ and 82.4% of all posted persons (36.1% in manufacturing and 46.2% in construction). This also means construction and manufacturing are heavily over-represented relative to their overall importance in the Slovenian economy. After all, “only” 12% of the companies established in Slovenia are active in construction and about 11% in manufacturing (based on Eurostat data). This overrepresentation is also reflected in the percentage of companies located in Slovenia that received a PD A1 in 2022. Around 8% of the companies active in construction and 4% of the companies active in manufacturing provided services abroad in 2022,¹⁹ compared to less than 2% of all companies established in Slovenia.

One of the advantages of the Orbis database is that the sector of activity in which the posting company operates can be determined at a very detailed level (i.e., four-digit NACEcode). Almost 14% of all posting companies established in Slovenia are active in the subsector “construction of residential and non-residential buildings” (NACE 4120), accounting for 10% of all PDs A1 issued and 12.9% of all posted persons. Furthermore, 9.7% of all posting companies established in Slovenia

17 Which is a very high percentage, also knowing that “only” 9% of the posting companies are sole traders.

18 These percentages differ slightly from those reported in De Wispelaere et al. (2024). Information by sector is available for 73,185 out of 98,441 PDs A1 issued according to Article 12. Of the PDs A1, 57% were issued to persons active in the construction sector and 42% issued to persons active in the industry (excluding construction).

19 This is an estimate. *For construction*: 54.2% of the 3,204 companies with a PD A1 divided by 22,758 Slovenian companies active in construction. *For manufacturing*: 24.7% of the 3,204 companies with a PD A1 divided by 20,929 Slovenian companies active in manufacturing.

are active in the subsector “other building completion and finishing” (NACE 4339) and 9.2% in the subsector “electrical installation” (NACE 4321). Another substantial subsector is “machining” (NACE 2562) covering 7.2% of all posting companies. The last leading subsector concerns the “installation of industrial machinery and equipment” (NACE 3320). Although this subsector “only” represents 6.6% of all posting companies established in Slovenia, it covers 21.8% of all PDs A1 issued and 18.3% of all posted persons. The latter shows that the number of posted persons may differ strongly among posting companies and the sectors in which these companies operate (see also the subsection on differences depending on the sector).

THE PROVISION OF SERVICES ABROAD AS A “BUSINESS MODEL”

One of the main questions is to what extent the provision of services abroad is a “business model” for the posting companies established in Slovenia. Two indicators can check this: 1) What is the percentage of employees posted to another Member State to provide services there? and 2) What is the percentage of turnover generated abroad by providing services?

Considering the 926 Slovenian companies analyzed, on average, 21 persons were posted to another Member State in the companies that received a PD A1 in 2022 (the median is 9 persons). It is possible to compare the number of posted persons to the total number of employees active in the company.²⁰ On average, the posting companies posted 61% of their employees to provide services abroad. Around 42% of the posting companies posted between 0% and 50% of their employees abroad, and 21% of the posting companies posted between 51% and 98% of their employees abroad. Moreover, almost four in ten posting companies (36%) posted virtually all their employees abroad (99% or more).²¹

The second indicator that can be analyzed is the turnover generated abroad by the posting companies.²² On average, 93.5% of the turnover was created abroad. Remarkably, the large majority of the posting companies, namely 75% of all Slovenian posting companies, earned almost all turnover from providing services abroad (99–100%) (Figure 1). Only 6% of the posting companies had a share between 0% and 50%, and 19% of the posting companies had an export revenue between 51% and 98%.

20 For 10 out of the 926 companies, the number of employees was not available in Orbis, while 7 companies reported having 0 employees. Therefore, these 17 companies could not be included in the analysis. Furthermore, for 298 companies, the number of posted employees (taken from the Slovenian list) was higher than the number of total employees (reported in Orbis). Therefore, the share for these companies was set at 100%, based on the assumption that all the employees were posted abroad, and since it is not possible for the share to be higher than 100%.

21 These companies cover 12,796 of the 19,843 posted persons reported in the data (or 65%).

22 This variable was available for 886 of the 926 companies (95.7%).

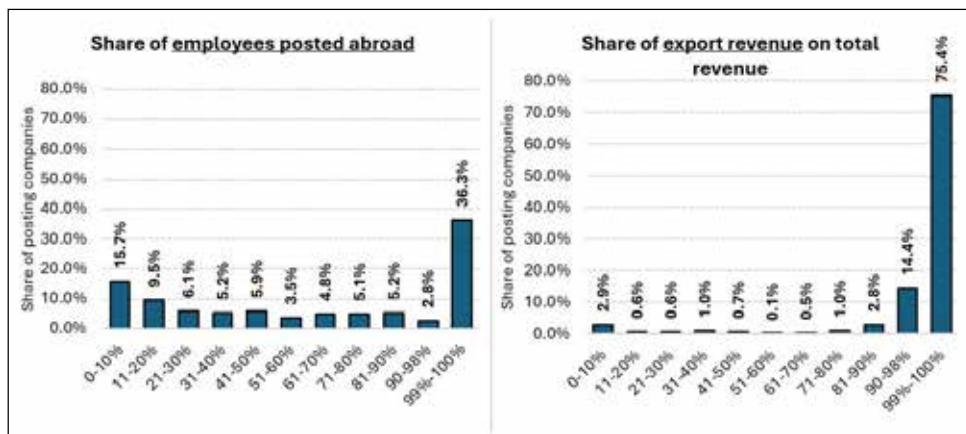


Figure 1: Share of employees posted abroad (left) and share of export revenue in total revenue (right) by Slovenian posting companies (source: own calculations based on data from the Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia, and Orbis).

Seeing that both indicators show that the shares are on the high side for a large group of companies, it becomes clear that the provision of services abroad can be seen as a business model for a high percentage of posting companies established in Slovenia. For these companies, posting of workers is their core business, as they post the majority of their workers abroad, and most of their turnover is generated abroad by providing services.

DO DIFFERENCES OCCUR IN THEIR PROFILES DEPENDING ON THE SECTOR IN WHICH POSTING COMPANIES ESTABLISHED IN SLOVENIA OPERATE?

As found in the previous section on the general profile of Slovenian posting companies, two main sectors of activity were identified for posting companies established in Slovenia. Almost eight in ten posting companies are active in construction (54.2% of all posting companies) or manufacturing (24.7% of all posting companies). Seeing that the other sectors of activity contain less than 60 companies each, only these two sectors are looked at in more detail.

To start, it is already interesting to point out that even though posting companies active in construction account for 54.2% of all posting companies, they “only” account for 45.2% of all PDs A1 issued and 46.2% of all posted persons. On the contrary, posting companies active in manufacturing account for 24.7% of all posting companies, but 39.8% of all PDs A1 issued and 36.1% of all posted persons. This indicates that posting companies active in manufacturing are relatively bigger and

more involved in posting than those active in the construction sector. Indeed, in the construction sector, an average of 57 PDs A1 were received per posting company, and 18 persons were sent abroad in 2022, as opposed to an average of 111 PDs A1 per posting company and 31 posted persons in manufacturing. Moreover, in manufacturing, a posted person received 3.0 PDs A1 on average compared to 2.6 PDs A1 in the construction sector.

In both sectors, most posting companies are private limited companies (87.5% are active in construction, and 87.8% are active in manufacturing). Around one in ten posting companies in these sectors is a sole trader/proprietorship.

The size classification in both sectors is slightly different. In manufacturing, 29.7% are small, 52.8% medium-sized, 12.2% large, and 5.2% very large, as opposed to the construction sector where 41.2% are small, 54.2% medium-sized, 3.8% large, and 0.8% very large. As a result, it is shown that posting companies active in manufacturing are indeed on the larger side than in the construction sector.

This finding can also be confirmed by looking at the number of employees specifically. While it ranges from 0 to 549 employees for posting companies active in the construction sector, it goes from 1 to 11,598 employees for posting companies active in manufacturing. Therefore, the difference in average number of employees is not surprising, namely 27 employees in construction and 158 employees in manufacturing. Nevertheless, the median number of employees lies closer together in both sectors (15 employees in construction and 18 employees in manufacturing).

The indicator of turnover in both sectors also shows considerable differences between posting companies active in construction and manufacturing. The average turnover created by posting companies active in the construction sector is € 3.3 million with a median of € 878,149, compared to an average of € 39.3 million and a median of € 1.6 million for posting companies active in manufacturing.

Finally, the impact of posting activities in both sectors can be investigated by two indicators. First, the share of employees posted abroad in total employees is on the high side in both sectors. The average for posting companies active in the construction sector is 68.3%, while the median is 81.3%. The average for posting companies active in manufacturing is 60.6%, whereas the median is 72.7%. The higher shares in the construction sector are most likely a consequence of the relatively smaller companies in this sector as opposed to the larger companies in manufacturing. Second, in both sectors, the average turnover generated abroad by exporting goods or providing services abroad is a remarkable 95%. Furthermore, of all posting companies active in the construction sector, 97.4% made more than 90% of turnover through their export, and the same goes for 94.3% of posting companies in manufacturing. Both indicators clearly show that posting is highly important in both sectors.

To sum up, there are certainly differences in the profiles of posting companies active in the construction sector compared to those active in manufacturing. Those

active in manufacturing seem to be bigger, as they have a higher average number of employees, turnover, number of posted persons, and number of PDs A1 received.

The comparison between both sectors and the emerging differences demonstrate two relevant conclusions. First, although attempted in the section on the general profile of Slovenian posting companies, it is quite difficult to depict a profile of “the posting company” in general, in light of the differences already found in these two sectors alone. Second, it is also possible that the discrepancy between both sectors is not only applicable to posting companies but to all companies in these sectors in general. Therefore, to see whether there is indeed a difference between a posting company in a sector and a company in general in that sector is explored in the next section.

DO DIFFERENCES OCCUR IN THE PROFILES OF POSTING COMPANIES COMPARED TO THE GENERAL PROFILES OF COMPANIES ESTABLISHED IN SLOVENIA, WITH A FOCUS ON THE CONSTRUCTION SECTOR?

The section about differences in profiles depending on the sector indicated that posting companies’ profiles may differ between sectors of activity. Because most posting companies in Slovenia are active in the construction sector (54.2% of all posting companies, 45.2% of all PDs A1 issued, and 46.2% of all posted persons), this research question was considered specifically for companies active in the construction sector. In total, 2,702 Slovenian companies active in the construction sector were found in Orbis. Their profiles are compared to the 502 Slovenian posting companies analyzed in previous sections. However, it can first be interesting to compare the general profiles of Slovenian construction companies found in Orbis with the profile provided by Eurostat.^{23,24} Of the Slovenian companies active in the construction sector (NACE F), 28,702 were found in Orbis, while 20,164 were found in Eurostat. However, the latter concerns data from 2020, while the former concerns data from October 2023. Nevertheless, the distribution between subsectors is similar for both. Most companies are active in one of three subsectors: “other building completion and finishing” (NACE 4339) (18.0% Orbis vs. 13.8% Eurostat); “construction of residential and non-residential buildings” (NACE 4120) (11.5% Orbis vs. 11.9% Eurostat); and “electrical installation” (NACE 4321) (10.6% Orbis vs. 12.0% Eurostat). The total number of employees is 65,837 in Orbis compared to 73,585 total persons employed in Eurostat (consisting of 60,325 employees and 13,260 unpaid persons employed). The average number of employees in Orbis is 3.2 per company, and the

23 Structural Business Statistics Eurostat [sbs_na_con_r2] data 2020.

24 Other administrative data sources are available as well. For instance, the SiStat Database: <https://pxweb.stat.si/SiStat/en> as used by Vah Jevšnik and Toplak (2023a) for a description of the Slovenian construction sector.

average number of persons employed in Eurostat is 3.6.²⁵ Finally, the total turnover reported is € 8.9 million in Orbis and € 6.2 million in Eurostat. When dividing the total turnover by the total number of companies, the average turnover per company amounts to € 308,542 in Orbis and € 309,710 in Eurostat. Thus, the Orbis profile of Slovenian construction companies appears comparable to the one in Eurostat. Because more variables are available in the Orbis database and both groups (all Slovenian construction companies and Slovenian posting construction companies) can be analyzed specifically in Orbis, we further compared both groups using the Orbis database.

In this section, we want to find out whether there is a difference in the profiles of posting companies compared to the general profiles of companies established in Slovenia, specifically in the construction sector. To do so, we compared the 28,702 Slovenian companies active in the construction sector found in Orbis to the 502 Slovenian posting companies analyzed in the previous paragraphs. However, we should repeat a limitation mentioned in the research methodology. Notably, it is expected that small businesses (including the self-employed) are underrepresented in the sample of Slovenian posting companies analyzed in this paper. Thus, the analysis below compares the profiles of the overall group of Slovenian companies active in the construction sector to the profiles of posting Slovenian construction companies in our sample.

The first indicator that differs markedly between both groups is the legal form. Over half of the Slovenian construction companies are sole traders/proprietorships (62.9%), followed by private limited companies (35.6%). This is the opposite for Slovenian posting companies active in the construction sector, where the majority is a private limited company (87.5%) and only 10.8% a sole trader/proprietorship.

Second, the size classification indicates that whereas most Slovenian construction companies are small companies (96.6%), posting companies are mainly medium-sized (54.2%) or small (41.2%). This ties in with the previous finding of the high share of sole traders in the general construction sector as opposed to those posting workers abroad.

The third indicator, the number of employees, leads to the same conclusion. On average, Slovenian construction companies have 3 employees with a median of 1 employee. This differs from Slovenian posting companies active in the construction sector, with an average of 27 employees and a median of 15 employees.

25 Based on data from the SiStat database, it is found that over 99% of all construction enterprises in Slovenia have less than 50 employees (Vah Jevšnik & Toplak, 2023a).

Fourth, the turnover created by the companies can be analyzed as well. The average turnover of Slovenian construction companies is € 416,096²⁶ compared to € 3.3 million for Slovenian posting companies active in this sector. The median is € 61,433 for the entire group of construction companies and € 878,149 for the group of posting companies.

Thus, these first four indicators clearly show that in the Slovenian construction sector, the profiles of posting companies differ markedly from general companies. More specifically, companies that post workers abroad in this sector are less self-employed and, on average, are larger, as they employ a higher number of employees and earn a higher turnover. As already stated, this difference may result from our sample selection.

Next, the different subsectors in the construction sector are analyzed. In general, the top three subsectors in which Slovenian construction companies are active are “other building completion and finishing” (NACE 4339) (18.0%), “construction of residential and non-residential buildings” (NACE 4120) (11.5%), and “electrical installation” (NACE 4321) (10.6%). These top three are identical for posting companies active in the construction sector, albeit in a different order. More than a quarter of the posting companies are active in the “construction of residential and non-residential buildings” (NACE 4120) (25.7%), indicating that this subsector is relatively more important for posting companies. Next, 17.9% of posting companies are active in “other building completion and finishing” (NACE 4339), and 16.9% take on activities in “electrical installation” (NACE 4321). Additionally, there are several subsectors for which the share of companies differs markedly between companies in general and posting companies. More specifically, around 9% of companies are active in “joinery installation” (NACE 4332) (8.8%) and “floor and wall covering” (NACE 4333) (9.1%), which represents 1.8% and 2.8% of the posting companies, respectively. This shows that these subsectors are relatively less significant for posting companies active in the construction sector.

A final indicator that can be looked at is the percentage of turnover generated abroad by exporting goods or providing services abroad. The average share amounts to 96.7%, which is even slightly higher than the share of 95.4% for posting companies. Moreover, of all construction companies, 94.3% had a share of over 90% of export turnover, compared to 97.4% of posting companies. Thus, it should be noted that both in general and for posting companies specifically, myriad companies in the construction sector generate a very high share of their turnover abroad.

To summarize, in the construction sector, primarily the larger companies post workers abroad. Furthermore, posting seems slightly more common in the

26 This differs from the average turnover per company mentioned earlier of € 308,542 because of a different calculation method. For the € 308,542, the total amount of turnover reported was divided by the total number of companies, in order to use the same calculation method used for the Eurostat data. While for the € 416,096 the average turnover was calculated by only taking into account the companies which were able to report the turnover.

construction of residential and non-residential buildings. Nevertheless, there is almost no difference in the share of turnover created abroad as this share is remarkably high for both groups.

CONCLUSIONS AND RECOMMENDATIONS

Three research questions were posed in this contribution. First, a general analysis of the profile of posting companies established in Slovenia shows that they are mainly private limited companies active in construction or manufacturing. Both sectors are heavily overrepresented relative to their overall importance in the Slovenian economy. Furthermore, on average, posting companies posted 61% of their employees abroad to provide services and earned 93.5% of their turnover from exporting goods or providing services abroad.

Second, it was found that there is indeed a difference between the profiles of Slovenian posting companies depending on the sector in which the company is active. When comparing posting companies active in construction and manufacturing, it is found that those in the latter are typically bigger, as they have a higher average number of employees, turnover, number of posted persons, and number of PDs A1. Hence, it is quite difficult to put forward one profile of the posting company, as attempted in answering the first research question. However, the different profiles of posting companies in these sectors might also stem from differences between these sectors in general.

Therefore, the third research question aimed to examine whether the profiles of Slovenian posting companies in the construction sector differed markedly from the profiles of Slovenian construction companies in general. Indeed, it turns out that construction companies that post workers abroad are generally larger, as they employ a higher number of employees and earn a higher turnover. Furthermore, they are relatively more active in the construction of residential and non-residential buildings. Still, it would be valuable to conduct research that further explores (in detail) how the revenues of posting companies are generated compared to similar non-posting companies in Slovenia.

Overall, it can be concluded that there is a distinct profile of a posting company active in Slovenia.²⁷ Furthermore, when Slovenian posting companies actively post workers abroad, this becomes an essential activity, seeing that a high share of employees are posted abroad, and a significant share of turnover is created from exporting goods or providing services abroad. This practice suggests that the provision of services abroad has truly become a *business model* for a high number of posting companies. One question arises as to whether this business model of

²⁷ This highlights once more the importance of not overlooking the economic actor of the company in the posting activity, a gap which INFO-POW has focused on.

posting workers abroad impacts the applicable labor and social security rules. After all, the EU legislator introduced several “corrections” in case posting companies do not have a sufficiently close link with the Member State of establishment. For instance, corrections in the field of social security might be applied (i.e., the Member State where services are provided becomes the competent Member State), inter alia, if no *substantial activities* are carried out in the Member State of establishment.²⁸ The existence of substantial activities in the Member State of establishment can be checked via a series of objective factors. One of these objective factors is the turnover achieved by the posting company in the receiving and sending Member State during an appropriate typical period. For instance, a turnover of approximately 25% of total turnover in the sending Member State could be a sufficient indicator, but cases where the turnover is under 25% would warrant greater scrutiny (as defined by the Practical guide on the applicable legislation in the EU; European Commission, 2013, p. 9).²⁹ Furthermore, to check whether a worker qualifies as a posted worker under the Posting of Workers Directive, Member States must make an overall assessment, taking into account all factual elements. For example, to determine whether an undertaking genuinely performs “substantial activities” in the Member State of establishment, according to Article 4(2) of Directive 2014/67/EU, Member States may take into account, in particular, the place where the undertaking has its registered office and administration, uses office space, pays taxes and social security contributions, etc.; the place where posted workers are recruited and from which they are posted; the place where the undertaking performs its substantial business activity and where it employs administrative staff; the number of contracts performed and/or the size of the turnover realized in the Member State of establishment, taking into account the specific situation of, inter alia, newly established undertakings and SMEs. The fact that some posting companies based in Slovenia generate their turnover almost exclusively by providing services abroad and sending all their workers to another Member State to temporarily provide services there can be considered as two *red flags*. However, it is up to the competent public authority to determine whether the workers in these companies are posted workers and to which social security system they belong.

Recent figures from the competent administration in Slovenia (i.e., the Health Insurance Institute) indicate this is happening. For example, in 2023, 7,389 out of

28 There are several conditions, to be fulfilled cumulatively, for the proper use of posting under the Coordination Regulations: 1) the employer must “normally carry” out its activities in the Member State of establishment; 2) there is a direct relationship between the posting employer and the posted worker; 3) the posting is of a temporary nature; 4) the posted worker is not being replaced.

29 However, there are doubts about the legal value of the 25% criterion. See, for instance, Jorens (2022, p. 307): “It is clear that this quantification in absolute numbers does not stem from Decision No A2 of the Administrative Commission but, moreover, it is certainly not referred to in any more detail in the recitals of the Court of Justice. Therefore, the legal value of these numbers is non-existing.”

108,018 applications for a PD A1 (or 7%) were rejected, mainly because the posting conditions were not met.³⁰

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30 Information received from Dr. Mojca Vah Jevšnik (ZRC SAZU) in the frame of the POSTING.STAT 2.0 research project.

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POVZETEK

ANALIZA PROFILA PODJETIJ ZA NAPOTITVE DELAVCEV: ŠTUDIJA PRIMERA ZA SLOVENIJO

Frederic De Wispelaere, Lynn De Smedt

Kljub temu, da napotitve delavcev znotraj EU temeljijo na t. i. »podjetjih za napotitve« (vključno s samozaposlenimi), so slednja v raziskovalni sferi še vedno premalo raziskana. Namen tega prispevka je zapolniti to raziskovalno vrzel s podrobnejšo analizo značilnosti tovrstnih podjetij s sedežem v Sloveniji. Leta 2020 je storitve v tujini opravljalo 8 % slovenskih gradbenih podjetij ter 4 % slovenskih podjetij na področju predelovalnih dejavnosti, v primerjavi z manj kot 2-odstotnim deležem na ravni vseh podjetij s sedežem v Sloveniji. Avtorja sta v raziskavi obravnavala naslednja tri raziskovalna vprašanja: 1) Kakšen je splošni profil podjetij za napotitve, ustanovljenih v Sloveniji? 2) Ali se v njihovih profilih pojavljajo razlike glede na sektor, v katerem delujejo tovrstna podjetja? 3) Ali se profili podjetij za napotitve razlikujejo od splošnih profilov podjetij, ustanovljenih v Sloveniji, s poudarkom na gradbenem sektorju? Splošna analiza profilov podjetij za napotitve s sedežem v Sloveniji kaže, da gre večinoma za družbe z omejeno odgovornostjo, ki delujejo bodisi v gradbeništvu bodisi v predelovalnih dejavnostih. Delež podjetij za napotitve v obeh navedenih sektorjih je močno nadpovprečen glede na splošni pomen teh sektorjev v slovenskem gospodarstvu. Poleg tega so podjetja za napotitve v tujino napotila povprečno 61 % svojih zaposlenih ter ustvarila povprečno 93,5 % svojega prometa z izvozom blaga ali opravljanjem storitev v tujini. Tri od štirih slovenskih podjetij za napotitve so skoraj ves promet (99–100 %) ustvarila z opravljanjem storitev v tujini. To kaže na to, da je opravljanje storitev v tujini za veliko število tovrstnih slovenskih podjetij resnično postalo »poslovni model«.

Poleg tega sta avtorja med profili slovenskih podjetij za napotitve dejansko ugotovila razlika glede na sektor, v katerem podjetja delujejo. Če primerjamo tovrstna podjetja na področjih gradbeništvu in predelovalnih dejavnosti, so podjetja v slednjih običajno večja: v povprečju imajo večje število zaposlenih, večji promet ter višje število napotenih oseb in prenosnih dokumentov A1. Zato je precej težko predstaviti enoten profil podjetja za napotitve, kar je bil namen avtorjev pri odgovoru na prvo raziskovalno vprašanje. Različni profili tovrstnih podjetij v obravnavanih sektorjih pa lahko izhajajo tudi iz splošnih razlik med temi sektorji. Zato je bil cilj tretjega raziskovalnega vprašanja preučiti, ali se profili slovenskih podjetij za napotitve v gradbenem sektorju izrazito razlikujejo od splošnih profilov slovenskih gradbenih podjetij. Dejansko je raziskava pokazala, da so gradbena podjetja, ki napotujejo delavce v tujino, na splošno večja, saj zaposlujejo večje število delavcev in dosegajo večji promet. Avtorja poleg tega ugotavljata, da bi bila koristna dodatna raziskava, s katero bi podrobneje raziskali, kako podjetja za napotitve ustvarjajo svoje prihodke v primerjavi z drugimi podobnimi podjetji v Sloveniji, ki ne napotujejo delavcev.

ANNEX I

The number of companies on the Slovenian list and found in Orbis which posted persons abroad in 2022

	Number of companies	Number of PDs A1 issued	Number of posted persons
Companies on the Slovenian list	3,203	98,435	32,534
of which name and address are unknown	1,797	11,859	4,912
of which name and address are known	1,406	86,576	27,622
of which are not found in the Orbis database (wrong name and/or address)	480	22,790	7,779
of which are found in the Orbis database (exact match between name and address)	926	63,786	19,843
Column shares			
Companies on the Slovenian list	100%	100%	100%
of which name and address are unknown	56%	12%	15%
of which name and address are known	44%	88%	85%
of which are not found in the Orbis database (wrong name and/or address)	15%	23%	24%
of which are found in the Orbis database (exact match between name and address)	29%	65%	61%

ACCESS TO INFORMATION ON LABOR AND SOCIAL REGULATIONS AND COMPLIANCE IN THE POSTING OF FOREIGN WORKERS IN CONSTRUCTION IN AUSTRIA

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ABSTRACT

Access to Information on Labor and Social Regulations and Compliance in the Posting of Foreign Workers in Construction in Austria

In this article, the authors examine information provision, access to rules on posting, and rule compliance by companies from the perspective of information providers and users. Using a mixed-method approach, they first study the role of access to information for rule compliance in the posting of workers in Austria and then discuss company-level factors that may mitigate this relationship. The analysis is based on an original dataset of 36 mapped information channels available in Austria, 10 interviews with information providers, and the results of a new company survey conducted in Austria with 26 respondents from individual construction companies. The assessment of the channels of information, the practices of information providers, and the companies' experiences, challenges, and needs provides a nuanced understanding of company behavior regarding rule compliance in the posting of workers. The findings reveal a potentially important link between the access to and use of information on the rules about the posting of workers as a relevant factor in rule compliance, which is recognized by both the supply side and the demand side.

KEYWORDS: posting of workers, construction companies, rule compliance, access to information, Austria

IZVLEČEK

Dostop do informacij o delovnih in socialnih predpisih ter njihovem spoštovanju pri napotitvah tujih delavcev v gradbeništvu v Avstriji

Avtorice v prispevku obravnavajo zagotavljanje informacij, dostop do pravil o objavi ter spoštovanje pravil s strani podjetij z vidika ponudnikov in uporabnikov informacij. Z mešano metodo najprej preučijo povezavo med dostopom do informacij ter spoštovanjem pravil glede napotitev delavcev v Avstriji in nato analizirajo dejavnike na ravni podjetja, ki bi lahko zmanjšali to povezavo. Njihova analiza temelji na izvirnem naboru podatkov iz 36 identificiranih informacijskih kanalov, ki so na voljo v Avstriji, 10 intervjujev s ponudniki informacij ter rezultatov

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nove anketne raziskave, izvedene v Avstriji s 26 anketiranci iz posameznih gradbenih podjetij. Ocena informacijskih kanalov, praks ponudnikov informacij ter izkušenj, izzivov in potreb podjetij omogoča podrobnejše razumevanje ravnanja podjetij na področju upoštevanja pravil pri napotitvah delavcev. Ugotovitve razkrivajo potencialno pomembno povezavo med dostopom do informacij o pravilih glede napotitev delavcev in njihovo uporabo ter upoštevanjem pravil, ki jo priznavata tako stran povpraševanja kot stran ponudbe.

KLJUČNE BESEDE: napotitve delavcev, gradbena podjetja, spoštovanje predpisov, dostop do informacij, Avstrija

INTRODUCTION

The posting of workers within Europe has become one of the increasingly prevalent forms of cross-border labor. Posting is regulated mainly through Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018, amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018, p. 16–24), 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) No 1024/2012 on administrative cooperation through the Internal Market Information System (“the IMI Regulation”) (OJ L 159, 28.5.2014, p. 11–31), and Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1–123). Posting occurs when a company sends their employees to another (EU) country to provide a service for a definite period, during which the person remains under the social security system of the sending country. Companies in receiving countries, such as Austria, benefit significantly from the facilitated way of filling critical labor shortages in sectors such as transportation and construction. However, research has shown that companies engaged in posting activity have higher rates of non-compliance with labor standards and social protection than local companies (Arnholz, 2021; Berntsen & Lillie, 2015; De Wispelaere et al., 2022). This increases the threats of wage and social dumping, irregular posting, the deterioration of working conditions, and the violation of collective agreements and other social dialogue instruments (Arnholz & Lillie, 2020; Cremers, 2011; 2014).

The transnational nature of posting and the interplay of posting rules with other related regulations at the EU and national levels, such as social security, occupational safety and health, and company law and taxation, have created a complex regulatory framework that can be difficult to navigate by companies wanting to engage in posting activity. For posting to be genuine, companies must comply with all relevant regulations. Based on the stipulations of the EU regulatory framework on posting, the main risks relate to the equality of treatment principle, in particular, related to remuneration, including collective bargaining rates, allowances,

accommodation, and other terms and conditions (see Article 3 of the Directive (EU) 2018/957). Another risk relates to the continuation of the social security coverage by the sending Member State during the posting assignment (Article 12 and 13 of the (EC) Regulation 883/2004), which should be attested by the issuance of the portable document A1¹ by the employer before the posting of workers. Non-compliance is also linked to the non-declaration of posting, which would make it irregular in the eyes of the receiving country authorities (Article 9 of the Enforcement Directive 2014/67/EU). These risks have been assessed to derive not only from the criminal intent of rule circumvention and violation but also from the complex regulatory framework generated by the interplay between EU regulations and national systems (ELA, 2023; Houwerzijl & Berntsen, 2020). Therefore, to minimize the abovementioned risks, the Posting of Workers Directive and the Enforcement Directive have linked compliance to the provision of information on the posting regulatory framework to companies engaged in posting (Article 5 of the Enforcement Directive 2014/67/EU and Article 3 of the Directive (EU) 2018/957) as both a preventative and enforcement mechanism.

In this article, we examine information provision, access to information about rules on posting, and compliance from the supply (i.e., information providers) perspective and the demand (i.e., firms) perspective, an otherwise understudied aspect in previous social policy and labor migration studies. Information on the posting of workers is defined 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. Policy areas that this information might cover include employment relations, labor mobility, migration, company law, temporary agency work, taxation, social security, occupational safety and health, collective bargaining, holiday and severance pay, monitoring and enforcement, subcontracting and liability, and health insurance (Danaj et al., 2022). Compliance, on the other hand, is understood as the application of all relevant rules and regulations on posting. In contrast, non-compliance is understood as the lack or circumvention of applying posting rules and regulations. While the study does not claim a causal relationship between information provision and rule compliance, it brings forward some of the first evidence on the state and characteristics of the information available on posting and the challenges companies face in complying with this complex legal field.

Empirically, we use a mixed-method approach. First, we study the potential role of access to information in rule compliance in the posting of workers to and from Austria and, then, discuss company-level factors that mitigate this relationship. To address the former, we analyze EU regulations on information provision and availability in the posting framework and how rule compliance could arguably be linked to the availability of information on labor and social policy regulations. Next, we use

1 The Portable Document A1 (PD A1) certifies the social security system that applies to a posted worker and is issued by the sending Member State per posting.

an original dataset that systematically maps the 36 online and offline information channels available in Austria. In this way, we discuss how the provision of information varies between different actors and public vs private channels. Turning to the latter, we analyze 10 interviews with stakeholders on the factors that influence the information provision and uptake from the companies' side. Lastly, we provide our results from a new company survey fielded in Austria with 26 respondents from individual companies on the experiences of accessing information and how that relates to their ability to comply with posting rules from the perspective of both posting companies, i.e., companies that post their workers from Austria, and user companies, i.e., companies in Austria that make use of the services of posting companies.

CONCEPTUAL FRAMEWORK: INFORMATION ACCESS AND REGULATORY COMPLIANCE FROM THE PERSPECTIVES OF SUPPLY AND DEMAND

Extant research on regulatory compliance demonstrated that firms might have multiple, interlinked, and potentially competing motivations concerning compliance or non-compliance behavior (May, 2005; Sutinen & Kuperan, 1999). Some of the most evidenced reasons for compliance are material motivations (to avoid any economic losses), social motivations (to prevent loss of respect by others), and normative motivations, i.e., beliefs that following the law is the legitimate form of action (Nielsen & Parker, 2012). While understanding motivations for compliance or non-compliance is an important research inquiry, in this article, we do not concentrate on the endogenous motivations of firms linked to compliance but instead focus on an exogenous factor, i.e., information availability, and how it relates to compliance behavior and the compliance challenges faced by firms. We theoretically assume and focus on firms who, arguably, do not purposefully choose not to comply with the existing regulatory frameworks. Instead, we examine the views of firms and information providers related to the potential link between information availability and compliance behavior. In this respect, we provide a framework to explore this from the sides of information providers, i.e., the supply side of information, and the firms, i.e., the demand side of information.

In the case of intra-EU posting rules, the regulatory framework of study in this article, access to information has increasingly become a key component and a tool for enforcing compliance on firms. Article 5 of the EU's Enforcement Directive (2014) of the posting rules has placed a significant responsibility on the supply side, i.e., information providers, for compliance. Each EU country is mandated to ensure regulatory compliance through better information availability and dissemination for firms and workers. The Enforcement Directive stipulates that all countries, via their public institutions, must improve access to information on posting regulations free of charge in a user-friendly format and accessible languages. The Enforcement

Directive requires establishing a single website presenting the regulatory framework. The single website should facilitate navigation by including links to various sources of information, thus creating an interconnected domain of information provision in the posting of workers. The public institutions must also provide a national liaison point to ensure that workers and firms in posting have a contact for information on the rules. Importantly, the revised Posting of Workers Directive (EU) 2018/957 has further entangled information provision by public authorities with compliance by stipulating in Article 3 that national authorities need to consider the availability of information by the single national websites when determining the proportionality of sanctions in cases of non-compliance with the regulations (Rocca, 2020).

While the supply side of information provision has been given a great deal of responsibility in enhancing compliance behavior by firms, it remains open how such a link could be understood. Here, we argue that perceptions of information providers should be considered to explore the potential link between information and compliance in posting rules. This is because Directive 2018/957, pushing for a link between potential sanctioning of non-compliance and information availability and quality, relies heavily on the interpretation of such public institutions on how they see their roles and responsibilities. Therefore, it is essential to examine and understand how public authorities of the EU countries involved in incoming and outgoing postings perceive and understand the responsibility for information provision. Moreover, it is unrealistic to consider public authorities solely responsible or even the most active actors in the information provision. For instance, while public authorities might perceive a territorial standpoint to their responsibilities, meaning that they only need to provide information for posting activity taking place in the host country from a receiving perspective, other actors, such as employers' associations, may privilege the interest of posting firms, which have a greater requirement for information from a sending perspective. Jointly, then, there needs to be a systematic account of which types of information are provided, how such providers view their role, and how decisions on what to provide, how, and when they are made should be specifically studied to shed light on understanding the mechanisms linking information and compliance.

Regarding the demand side, i.e., firms as information users, past studies of firm behavior in posting have shown that such companies frequently engage in cost-cutting behavior via non-compliance or by not fully complying with the working and social conditions regulations (Arnholtz & Lillie, 2020; Berntsen & Lillie, 2015; Houwerzjil, 2014). This would suggest that firms may intentionally not comply with the rules due to economic motivations for reducing costs. While this logic may be true for some firms, there are reasons to think that many firms in posting do not have such motivations. For instance, even if we assume a key role in economic motivations, studies already show that rational material interests, such as cost-cutting, can be overridden by social costs and normative considerations (Nielsen & Parker, 2012). Moreover, other economic considerations may offset cost-cutting motivations,

such as sanctions and exclusion from the sector. Likewise, the sheer complexity of determining the applicable rules in each national context, such as correct collective bargaining wages for each occupation in each sector as well as all the relevant wage supplements that apply, is often a challenging task to fully comply (Houwerzijl & Berntsen, 2020), even for some local companies of a country with a stable collective bargaining system like Austria (Glassner & Hofmann, 2019). This means there may indeed be room for better information availability of the regulatory frameworks to improve compliance behavior by firms in posting. While it is true that other factors, such as time and financial resources, may also play a crucial role in compliance behavior, arguably, information availability and its accessibility could also be factors in dealing with the legal complexity of the posting framework.

What is critical, therefore, is that previous studies on the non-compliance of firms engaging in posting activity (e.g., Arnholtz, 2021; Berntsen & Lillie, 2015) have not explicitly examined the issue directly from the perspective of the firms. This means that such findings rely on assumptions about firms' compliance behavior and motivations and cannot tell us much about the challenges related to information access on regulations (or any other challenges) they face when trying to comply. Furthermore, earlier studies are also unable to consider the absence of information (or lack of adequate resources for firms), which may impede certain firms from entering posting activities. In such cases, the desire to fully comply with the regulations could also be a barrier for certain companies to enter the posting activity in the sectors. Notably, studies on compliance have shown that better information on rules is evidenced to lead to greater compliance in other issues (Kim & Kim, 2017; Le Maux & Necker, 2023) while not specific to the behavior of firms. Considering the gap in past studies and the complexities of the regulations, it is plausible that many firms may be unable to fully comply or face significant challenges when trying to do so due to deficiencies in accessing and making sense of the actions needed to be taken. Such a demand-side perspective, focusing on the perspective of companies, has not yet been explored in past work in the field, which we aim to remedy in this article.

AUSTRIA AS CASE STUDY AND METHODOLOGY

This article follows the case study approach focusing on access to information in the posting of workers in the construction sector in Austria. The country makes for a relevant case study due to its profile in the posting of workers as one of the top five receiving countries for posting in the last ten years (De Wispelaere et al., 2023, Table 7, p. 31). After transport, construction is the leading sector where posting occurs, accounting for an estimated 44.5% of full-time equivalents of workers posted to Austria and an estimated 5.2% of domestic employment in the Austrian construction sector (Geyer et al., 2022). In general, construction is an important sector of the

Austrian economy, accounting for 10.7% of employment and 10.6% of the country's GDP in 2020 (Statistik Austria, 2022, p. 25), thus making the study of compliance and access to information on posting in this sector of particular interest.

Austria is also a country that has enforced a national act against wage and social dumping (Lohn- und Sozialdumping-Bekämpfungsgesetz – LSD-BG) since 2011 (amended in 2017 and 2021), where rule compliance of posting companies to national labor standards, including the application of Austrian wage rates set in the national collective bargaining agreements is closely observed and enforced through national enforcement institutions such as the Financial Police and the Construction Workers' Annual Leave and Severance Pay Fund (BUAK). The monitoring of non-compliance in the posting of workers can be traced through national statistics and the posting information exchanges through the Internal Market Information (IMI) system. For instance, the data from national inspection authorities indicate that underpayment is widespread among posting companies in construction, with the Financial Police suspecting about 10% of inspected posting companies of underpaying their workers; for BUAK, the share is 38% (Geyer et al., 2022). About half (2,146 out of 4,234) of all criminal complaints for underpayment recorded by the authorities between 2011 and 2021 were directed against companies located outside Austria, 20% to local companies, and 30% unknown. Non-notification of posting is also significant, accounting for more than half of all complaints (Geyer et al., 2022). Data retrieved from IMI also indicate suspected non-compliance traced through the requests for information exchange. In 2020, Austria was the country that received only 11 requests from other Member States but has sent the most requests, precisely 2,394, out of which 292 requests to recover a penalty/fine, 862 notifications of a decision regarding an investigation on a posting company, 917 requests to send documents for verification purposes, and 303 information requests (IMI, 2021). The complexity of the posting rules in general and the specifics of the Austrian context make this case study appropriate for observing a potential interplay between access to information on rules and rule compliance from the perspectives of information supply and demand.

The case study is part of a larger research project with a common research protocol covering five EU countries: Austria, Belgium, Italy, Slovakia, and Slovenia (Danaj et al., 2022). The empirical data for Austria were collected through mixed qualitative and quantitative methods. The qualitative component of the study builds on desk research for mapping information channels and stakeholder interviews. The quantitative research component is based on survey data and provides information directly from posting and user companies involved in the posting of workers in the construction sector. The fieldwork was conducted from December 2022 to August 2023.

We assess 36 channels of information identified in the mapping exercise, comprised primarily of national and regional information providers conducted from December 2022 to February 2023 (Danaj et al., 2023a). The main themes assessed were based on the literature and the specifications for access to information

prescribed in the Enforcement Directive (Article 5), including the information provider (type and characteristics of the supplier), availability (format and type of information provided), target audience (posting companies, user companies, incoming or outgoing posting, workers), accessibility and quality (easily accessible format, language availability), and scope and content (whether the information provided addresses the target audience's information needs and concerns, particularly from the perspective of user or posting companies). For the scope and content analysis, we coded eleven key topics, namely work hours, occupational safety and health, wages, social insurance, work permit, additional wage supplements, leave and holiday, company support information, enforcement and sanctions, appeal and redress, and taxation (for more details see Danaj et al., 2023a). Since the mapping was done through desk research, our sample is comprised mainly of channels that can be traced online.

Further, we conducted ten semi-structured interviews between March and April 2023 with representatives from public authorities, social partners, and private consultants involved in providing information about posting and/or user companies in Austria. The interviews aimed to validate the mapping exercise results and generate new empirical data from the perspective of the information suppliers. The informants were asked about the content of their work as information suppliers, how they monitor and enforce information provision, their challenges, and recommendations. While the interviews were conducted with Austrian stakeholders, the selection of interviewees was made with the criterion that data on both posting to and posting from Austria could be collected.

Finally, between March and August 2023, we conducted a pilot web survey targeted toward user and posting companies in the construction sector. The 15-minute-long online survey consisted of three sections: (1) questions about the availability, accessibility, and quality of information when sending a worker to another Member State temporarily or receiving a worker from another Member State in the context of posting; (2) questions about the posting activity in the company; and (3) questions about the company's profile. The survey was distributed through the Chamber of Commerce (Wirtschaftskammer Österreich – WKO) and via direct emails to construction companies based in Austria. We received 26 responses from Austrian-based companies, 18 of which were posting companies, and the other 8 were user companies. Given the relatively small sample, our analysis relies on descriptive and summary statistics, and we refrain from over-interpreting the data. While the user company respondents proxy the current state of the information provision with respect to Austria, we note that considering the larger number of respondents coming from posting companies from Austria, our findings from the survey are more limited regarding incoming postings.

INFORMATION LANDSCAPE IN AUSTRIA AND EXAMINING INFORMATION AND COMPLIANCE FROM THE SUPPLY-SIDE

In this section, we present and discuss our findings from mapping information channels in Austria and the semi-structured interviews with information providers. Our sample of the information channels in Austria comprises 36 sources we have mapped and coded. Within this sample of channels, 41.7% were provided by state actors and 58.3% by non-state actors. Relevant ministries in the field of posting, such as the Ministry of Labour and Economy (Bundesministerium für Arbeit und Wirtschaft), Ministry of Finance (Bundesministerium für Finanzen), Ministry of Social Affairs, Health, Care, and Consumer Protection (Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz), seem to be the leading actors when it comes to state actors (19.4% of all channels) and private consultancy agencies (27.8%) are on top when it comes to non-state actors supplying information. Likewise, public authorities, other than ministries, where the responsibilities of the actors touch upon the governance of posting, also provide information, such as the Labour Inspectorate, which informs on the legal provisions with links to the websites of the abovementioned ministries. The Austrian Health Insurance Fund (Österreichische Gesundheitskasse – ÖGK), the Construction Workers' Annual Leave and Severance Pay Fund (Bauarbeiter-Urlaubs- und Abfertigungskasse – BUAK), and the Employment Service (Arbeitsmarktservice – AMS), for instance, also provide comprehensive information on the regulations that need to be respected in the case of posting to Austria.

When looking at how such public authorities orient their information provision, we see a prioritization of the rules and regulations on posting to Austria arguably based on the direct obligations placed by the Enforcement Directive on public national authorities in this dimension of posting. This shows that, from the perspective of compliance, the extant landscape of information in the country is focused more on ensuring that such posting regulations are adhered to in Austria by foreign posting companies and user companies. When looking at the available channels beyond the public ones, we also see that most information channels in Austria target companies posting to Austria as expected. For instance, looking at the distribution of the target audience of the mapped channels, about 94% of all mapped channels have information relevant to posting companies, of which about 14% include posting from Austria, about 53% include posting to Austria, and 27.8% have information on both.

This picture of extant information channels aligns with our findings from the interviews with information providers. Respondents from public authorities, such as the ministerial department, BUAK, or the Financial Police, reported that their institutional mandate is to provide information to user and posting companies in the cases of posting to Austria specifically. In terms of mandates, only the respondent from BUAK reported that information on postings from Austria could be provided

if the receiving country has an institution equivalent to BUAk with which BUAk has signed a mutual recognition agreement on contribution payments (e.g., SOKA-BAU in Germany). Only the social security institutions provide information to posting companies from Austria because of the regulations for registering posted workers in the social security system in the sending country and the issuing of the portable documents A1 forms which attest to their being part of the sending country system. This demonstrated that except for such clear cases of reciprocal relationships or needs, the interpretation of the mandate of the public information providers remains within the territory of Austrian law and regulations.

The territorial focus of Austrian public information providers is also exemplified in the case of the Austrian single official national website on posting. The Austrian single national posting website, i.e., *Die Entsendeplattform*,² is established to implement the EU directives, mandating the creation of a single online resource detailing the regulatory framework, which should be complied with in posting. Our assessment shows that when looking at topics relevant to posting to Austria, the website covers all 11 key topics, which we coded. The website provides not only the texts of the collective agreements but also a concise overview providing details about minimum wage pay rates, specialized skills pay rates, and other allowances according to the specific collective agreement. This is indicative of the providers aiming for better accessibility of the information, which is crucial for companies looking for information and can facilitate better compliance. The relevant ministry staff updates the information on the website and responds to inquiries submitted through the website's contact form, by phone, or by email. Most information on the website is available in German, English, Hungarian, Polish, Czech, and Slovak, and direct inquiries are answered in English and German. The website is also well hyperlinked to other public institutions' websites, the national liaison point, and the social partners and groups representing the interests of workers and employers. However, the single website has no information on regulations and rules for companies posting from Austria, reflecting the perspective of the Austrian public authorities regarding their information provision responsibility to facilitate compliance among posting companies. This choice from the side of information suppliers could arguably be linked to Austria being primarily a receiving country of posted workers and the national authorities paying more attention to compliance with the regulations applicable within the Austrian national borders.

I have to say that we concentrate on the situation that posting companies seated in other Member States or other countries, post workers to Austria But we do not deal with questions of our Austrian companies posting workers to other member states or states This, of course, is the question of the receiving states that they have to inform about their legal situation. If an Austrian company posts workers to, for

2 https://www.entsendeplattform.at/cms/Z04/Z04_0/home

example, Italy or Serbia. We do not, of course, we do not know each law of other [EU] member states or states. (public authority informant interviewed on April 17, 2023)

Turning to the means of supplying information, our interviewees from the Austrian public authorities have reported that they predominantly use digital platforms as their primary information channels. They pointed to the single official national website on posting and other institutional webpages to fulfill their responsibility of information provision. In addition to such passive provision of information, public authorities reported receiving direct inquiries regularly. For instance, the Department of Labour Law of the Federal Ministry of Labour and Economy, which is tasked with the role of the posting liaison office as described in the Enforcement Directive, receives about five questions a day, the Financial Police gets one or two inquiries a day, and the Federation of Social Security Institutions receives two to three inquiries a day, overall, about six hundred to seven hundred a year. Such a large volume of direct inquiries reveals that companies rely on the availability and accessibility of information on posting to comply with posting regulations and participate in posting activity.

While the responsibility of the public authorities as information suppliers to increase compliance is clearly laid out in the EU regulatory frameworks, two actors in Austria are highly active in the information provision for companies: the Chamber of Commerce (Wirtschaftskammer Österreich – WKO) and private consultancies. About 16.7% of the information channels we have mapped are provided by the WKO. The national Chamber of Commerce and the regional offices across Austria provide information to companies pertinent to posting to and posting from Austria. Likewise, 27.8 % of the mapped channels in our sample come from private actors, and these consultancies provide information to companies related to the rules to comply with when posting to Austria and when posting from Austria. As demonstrated by the case of WKO, the employers' responsibility and need to get information to comply is being handled mainly by their interest group organization. Specifically, the WKO provides information to their members either in Austria or through their network of over 100 foreign trade centers, which, having the competitive advantage of being established in the receiving countries, can provide relevant information to Austrian companies posting their workers there through country profile publications and support services (WKO information interviewed on April 3, 2023).

Likewise, and in the cases of companies with the resources and willingness to pay for such information, private international companies or those involved in a network of service providers established in different member states specialized in posting have emerged to fill this gap of need for Austrian companies to correctly post workers abroad. Our interviews with the relevant stakeholders also confirm both inferences. The activities of both such actors and their prevalence demonstrate some evidence for the information-seeking behavior and its vital role in engaging in posting activity. In addition to providing information, these consultancies also take

over HR tasks companies must conduct to comply with posting obligations. As one private consultant put it:

A: ... we do only to Austria ... for other postings, we have partners in other countries, which are doing the same that we do [in Austria].

Q: What prompted your company to be involved in this particular specialization?

A: Let's say it was unserved for many years. It was totally unserved. Nobody did it. No law firm, no tax consultant. They all came later. It was unserved. And the consulting need is huge in this area. It is extremely huge, because in the immigration departments, in the HR departments, you do not have the know-how about these issues. Because it is an issue for which the receiving company, the user undertaking, is not responsible. And the posting undertaking does not have Austrian lawyers. So, it is a perfect match for us because we are working only internationally and that is why we specialized in this one 20 years ago, almost. (Interviewed on March 27, 2023)

Finally, all types of information providers we interviewed have noticed a degree of uncertainty among posting companies about the rules and their correct application, which is not a good indicator for ensuring compliance. Despite the multiple and diverse information channels available in Austria, covering many different aspects of regulations (Danaj et al., 2023b), the intersection of posting with other regimes such as minimum wage and collective bargaining wage scales, immigration, social security, taxation, and bureaucratic requirements produce complex individual cases that require comprehensive knowledge to reach compliance. From the perspective of the interviewed information providers, different definitions of what constitutes posting according to labor, social security, and tax regulations (cf. Bottero, 2020) are challenging for companies to apply correctly. Likewise, and linked to such complexities, our interviewees also said that it is difficult for them to find the right balance between presenting information in an accessible manner and providing sufficient or appropriate information to account for the specificities of individual cases. Making the information understandable and digestible was reported by the public authorities, who are constantly working on and trying to improve every round of updates for the single website.

For instance, one area identified as a core challenge for compliance is the interpretation of the collective bargaining agreement (CBA) pay categories and scales and their application for posted workers in Austria. Since the introduction of the Anti-Wage and Social Dumping Law in Austria and later the revised Directive, posted workers should be paid the host country's wages. Nevertheless, Austrian CBAs are reportedly complex. According to one respondent from the ministerial department, they are available only in German and English, with short summaries in the posting platform in the other five languages. Language access is not the only problem, but

understanding which agreement applies to which case and continuously making updated information available for wages and all other relevant aspects is reported as challenging by information providers even when companies fully intend to comply with Austria's regulations.

INFORMATION ACCESS FROM THE DEMAND SIDE AND AS A RELEVANT FACTOR FOR COMPLIANCE

Now, we turn to the question of information access and its use concerning compliance with the posting of workers from the perspective of the companies engaged in posting. We gathered the experiences and insights of 26 companies through a pilot online survey as already described in the Methodology section of the article. The Austrian sample comprised 18 posting companies and 8 user companies based in Austria. Therefore, their responses shed light on both access to information in their country of registration, i.e., Austria, and their experiences with posting abroad. Size-wise, 16 responding companies were small and medium enterprises of 10–249 employees, 10 had less than 10 employees, and one was a large company of more than 250 employees. Twenty-five companies were active in the construction sector, and most had either posted workers or used posted workers in 2022, which means they had recent experience with posting rule enactment. Out of the 22 who reported it, 11 had posted/used posted workers up to five times a year, while the others had more than five times. Germany was by far the most frequent destination for workers posted by the companies from Austria. Other lesser-reported receiving countries include Switzerland, Italy, the Czech Republic, Hungary, and France. User companies indicated eight countries from which they received posted workers. They were mainly neighboring countries of Austria, i.e., the Czech Republic, Germany, Hungary, Slovakia, Slovenia, as well as Croatia, Poland, and Romania. The profile of the responding companies demonstrates that they had substantial experience with posting across diverse EU countries.

The companies in our sample looked for different types of information on posting, the main topics including the issuing of the PD A1 forms (19), wages (16), additional allowances (15), reimbursement for travel and accommodation (13), making a notification in the prior declaration tool of the receiving country (12), health and safety (12), and working conditions (11). Companies tended to seek information on issues they resolved in-house, such as requests for PDs A1, rather than what they outsourced, such as social security contribution payments. However, wage calculation, allowances, and reimbursements for posted workers were of interest to most companies regardless of whether they outsource these tasks, indicating their importance for the business. Responding companies turned mainly to employer associations and public authorities for information on posting, followed by consultancies and clients in the case of posting companies. The single

official national websites for posting were an important channel of information for 19 of the respondents, mostly posting companies. However, most respondents also used more than two information sources suggesting that to get a comprehensive outlook on their posting obligations, companies need to consult with various sources of information.

Despite the availability and use of multiple sources of information as evidenced by all three types of empirical data (i.e., mapped information channels, data from the interviews, and company survey data), close to half of the surveyed companies perceived access to information as a challenge to participating in posting. The share of those who regarded information access a challenge was higher among the posting (9 out of 18) than the user (3 out of 8) companies. Furthermore, there was considerable variation according to company size, with the smallest companies (i.e., those with less than ten employees) being the most likely to perceive access to information as a challenge, most likely due to their limited resources. Companies that posted workers or received posted workers more frequently were likewise less likely to report information access as a barrier, arguably because the more they engaged in posting, the more familiar they became with the rules and obligations.

When asked about their needs regarding posting information, responding companies again indicated wages (11) and allowances (11) in order to correctly post or receive workers, followed by social security payments (10) and working conditions (10). The channels through which companies would prefer to draw information in the future continue to be predominantly the websites of the social partners (20) and public institutions (13), as well as printed materials (11). The main factors that create challenges for them to access information on posting at a very relevant or fairly relevant degree are reportedly the “time and efforts required” (22), “understanding the information provided” (15), and “language barriers” (12), whereas the “cost of retrieving information” and “digital skills” were not considered as relevant. Nonetheless, we noticed that language barriers, digital skills, and costs were more important to companies with less than 50 employees.

Considering the importance of equal remuneration for posted workers, especially since the coming into force of the amended Posting of Workers Directive of 2018, and the high risk of wage and social dumping evidenced in the literature (Cremers, 2011; Berntsen & Lillie, 2015; De Wispelaere et al., 2022), the survey respondents were also asked about the elements that would help companies engaged in posting to better comply with the applicable wage and working conditions for posted workers. Information-related elements were selected as the main elements among the seven options provided. Concretely, most respondents (17) viewed “improved availability and accessibility of information” as a crucial element. Greater clarity on remuneration (16), more guidance for employers in determining required wage and working conditions (15), and “improved clarity and quality of information” (14) were the following most frequently identified elements. “Increased inspections” and “increased penalties,” on the other hand, were considered helpful by very few

respondents. Their responses are not surprising in terms of the companies' preference not to be subject to further inspections and more penalties. However, their answers regarding their experiences, challenges, and needs strengthen the link between rule compliance and access to information on the posting of workers from the companies' perspective.

DISCUSSION AND CONCLUDING REMARKS

In this article, we examined information provision and access to rules on posting as a potentially relevant factor for compliance from the supply and demand perspectives. This article fills a gap in the literature on posting, bringing forth the perspective of the companies in the overall debates about compliance and social dumping in the posting of workers (Arnholtz, 2021; Arnholtz & Lillie, 2020; Berntsen & Lillie, 2015; Cremers, 2011) as well as in the broader social policy and labor migration literatures. The relevance of access to information in rule compliance in posting has already been embedded in the posting regulations (Article 3 of the Posting of Workers Directive and Article 5 of the Enforcement Directive). This article contributes to the perspective of both information providers and companies. The findings reveal a non-negligible link between access to and use of information on the rules about the posting of workers and rule compliance is recognized by both the supply side and the demand side.

The findings of the mapping exercise show a broad landscape of information sources and channels, including public authorities, social partners and private service providers delivering information and support on the posting of workers. However, a closer look at public authorities' information provision shows that they prioritize the rules and regulations on posting to Austria and, therefore, predominantly target foreign companies providing services in Austria. The territorial focus of Austrian public information providers, in line with Article 5 of the Enforcement Directive, is exemplified in the case of the Austrian single official national website on posting, where there is currently no information for companies posting from Austria. The interviews with representatives of public authorities confirmed that their mandate is national. Therefore, from the compliance perspective, they are focused on ensuring that such posting regulations are adhered to within the Austrian territory. The few exceptions identified refer to BUAK in the case of bilateral agreements with countries where the equivalent institution in the construction industry exists and the social security institutions responsible for issuing the PDs A1. The choice can be explained by the confines of the institutional mandates and the fact that Austria is primarily a receiving country of posted workers; therefore, national authorities pay more attention to rule compliance within the Austrian national borders.

Our research shows that social partners and, in the specific case of companies, employers' organizations and private actors have stepped in to fill the gaps in

information provision from public authorities. The Chamber of Commerce focuses on their members; therefore, they provide information to companies registered in Austria who are engaged in posting either as user companies or companies posting their workers abroad. The findings show that the business model of support services on the posting of workers through private consultancies is also quite established in Austria as elsewhere in the EU (e.g. Arnholtz & Andersen, 2018). These private actors operate within the territory of Austria, thus targeting foreign companies as clients, while they refer Austrian companies to their partners in other countries. Unlike other information providers, these private consultancies provide support with rule compliance by taking over various tasks companies need to implement when posting workers.

This configuration of information supply does respond to companies' demands, albeit not fully. The survey results, while based on a small number of respondents, suggest that construction companies use various sources to retrieve information on posting. However, they still consider access to information a challenge in their posting activity and require further information or support on the key aspects, such as bureaucratic procedures and applying the correct remuneration for posted workers. Likewise, the interviews with the suppliers showed that apart from the ready-to-consume information they provide through their digital and printed channels, they also receive a significant volume of direct inquiries from posting and user companies. This reveals that some companies are uncertain about how to comply with the posting regulatory framework and, therefore, demand further information on posting than is presently available to be able to comply with the rules. It also shows that many companies are interested in applying the rules and, therefore, contact the authorities to ensure they apply them correctly.

The assessment of the channels of information, the practices of information providers, and the companies' experiences, challenges, and needs provides a nuanced understanding of company behavior regarding rule compliance in the posting of workers. It is important to note that the reported challenges in access to information neither relieve companies from their legal obligations nor justify non-compliance and social dumping but, to some extent, confirm the need for providing information and improving the accessibility and intelligibility of information on the posting of workers (Danaj, 2024). In other words, our research indicates the relevance of information provision as an important factor in rule compliance in the posting of workers.

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POVZETEK

DOSTOP DO INFORMACIJ O DELOVNIH IN SOCIALNIH PREDPISIH TER NJIHOVEM SPOŠTOVANJU PRI NAPOTITVAH TUJIH DELAVCEV V GRADBENIŠTVU V AVSTRIJI

Sonila Danaj, Elif Naz Kayran, Eszter Zólyomi

Avtorice v prispevku preučujejo zagotavljanje informacij, dostop do informacij o pravilih glede napotitev delavcev ter njihovo upoštevanje s strani ponudbe (npr. ponudnikov informacij) in povpraševanja (npr. podjetij), kar je bil v dosedanjih študijah socialne politike in delovnih migracij premalo raziskan vidik. Čeprav avtorice ne dokazujejo vzročne povezave med zagotavljanjem informacij in spoštovanjem pravil, pa študija prinaša nekaj prvih podatkov o stanju in značilnostih razpoložljivih informacij o napotitvah ter o izzivih, s katerimi se soočajo podjetja pri spoštovanju tega zapletenega pravnega področja.

Avtorice uporabljajo pristop študije primera, pri čemer se osredotočajo na dostop do informacij pri napotitvah delavcev na delo v gradbenem sektorju v Avstriji. Gre za pomembno študijo primera, saj je bila Avstrija v zadnjih desetih letih ena od petih največjih ciljnih držav napotitev. V sektorju gradbeništva je zaposlenih 44,5 % ekvivalentov polnega delovnega časa vseh delavcev, napotenih v Avstrijo, kar predstavlja približno 5,2 % domačega zaposlovanja v avstrijskem gradbenem sektorju, zaradi česar gre za pomemben sektor avstrijskega gospodarstva. S kombinacijo kvantitativne in kvalitativne metodologije najprej preučujejo povezavo med dostopom do informacij ter upoštevanjem pravil pri napotitvah delavcev v Avstrijo, nato pa analizirajo dejavnike na ravni podjetij, ki bi lahko zmanjšali to povezavo. Njihova analiza temelji na izvirnem naboru podatkov iz 36 identificiranih informacijskih kanalov, ki so na voljo v Avstriji, 10 intervjujev s ponudniki informacij ter rezultatov nove anketne raziskave, izvedene v Avstriji s 26 anketiranci iz posameznih gradbenih podjetij (18 podjetij za napotitve delavcev in 8 podjetij uporabnikov delovne sile). Študija primera je bila opravljena v sklopu širšega raziskovalnega projekta s skupnim raziskovalnim protokolom, ki vključuje pet držav EU, in sicer Avstrijo, Belgijo, Italijo, Slovaško in Slovenijo (Preučevanje dostopnosti in uporabnosti informacij pri napotovanju delavcev: INFO-POW).

Ugotovitve raziskave kažejo, da je na voljo veliko virov informacij in kanalov, vključno z javnimi organi, socialnimi partnerji in zasebnimi ponudniki storitev, ki zagotavljajo informacije in podporo pri napotitvah delavcev. Vendar pa podrobnejša

analiza zagotavljanja informacij s strani javnih organov kaže, da slednji dajejo prednost pravilom in predpisom o napotitvah v Avstrijo in so zato usmerjeni predvsem na tuja podjetja, ki opravljajo storitve v Avstriji. Intervjuji s predstavniki javnih organov so potrdili, da imajo pristojnosti na nacionalni ravni, zato so na področju upoštevanja pravil osredotočeni na zagotavljanje spoštovanja tovrstnih predpisov o napotitvah na avstrijskem ozemlju. Avtorice so z raziskavo pokazale, da so vrzeli pri zagotavljanju informacij s strani javnih organov začeli zapolnjevati socialni partnerji, v primeru podjetij pa organizacije delodajalcev ter zasebni akterji. Rezultati raziskave, ki sicer temeljijo na majhnem številu anketirancev, nakazujejo, da gradbena podjetja za pridobivanje informacij o napotitvah uporabljajo različne vire. Še vedno smatrajo, da imajo pri svojih dejavnostih premalo dostopa do informacij glede napotitev, zato potrebujejo dodatne informacije ali podporo glede ključnih vidikov, kot so birokratski postopki in pravilno plačevanje napotenih delavcev. Ugotovitve razkrivajo potencialno pomembno povezavo med dostopom do informacij o pravilih glede napotitev delavcev in njihovo uporabo ter upoštevanjem pravil, ki jo priznavata tako stran povpraševanja kot stran ponudbe.

ACCESS TO INFORMATION ON THE POSTING OF THIRD-COUNTRY NATIONALS: THE CASE OF SLOVENIA

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ABSTRACT

Access to Information on the Posting of Third-Country Nationals: The Case of Slovenia

In recent years, it has been observed that workers who are being posted to provide services in the EU Member States are not only EU nationals but also third-country nationals (TCNs). The overlap of migration, employment regimes, and cross-border mobility has been particularly notable in specific labor-intensive sectors in Slovenia, such as construction, where the overall share of posted TCNs has reached over 43%. The challenges and needs of the posting companies in accessing and using relevant information regarding the posting of TCNs that may be subject to additional country-specific conditions and regulations are manifold. The problem is exacerbated further when company owners are TCNs themselves. The article gives an overview of the challenges of the employers and TCN-posted workers in terms of their access and use of information on the posting of workers, focusing mainly on the impediments due to language barriers.

KEYWORDS: posting of workers, third-country nationals, access to information, Slovenia

IZVLEČEK

Dostop do informacij o napotitvah državljanov tretjih držav: Primer Slovenije

Delavci, ki jih delodajalci napotijo v države članice Evropske unije (EU) z namenom izvajanja storitev, niso zgolj državljani EU, temveč tudi državljani tretjih držav. Tovrstno prepletanje migracij, trga delovne sile in čezmejne mobilnosti je v Sloveniji pogosto predvsem v delovno intenzivnih sektorjih, kot je gradbeništvo, kjer je delež napotenih državljanov tretjih držav več kot 43-odstoten. Podjetja se pri dostopanju do relevantnih in specifičnih informacij o pogojih napotovanja državljanov tretjih držav v posamezne države članice EU soočajo s številnimi izzivi. Tovrstne težave so še večje, če so lastniki podjetij tudi sami državljani tretjih držav. Avtorica v prispevku predstavi izzive delodajalcev in državljanov tretjih držav pri dostopu in uporabi informacij o napotitvah delavcev, pri čemer se osredotoča predvsem na težave, do katerih prihaja zaradi jezikovnih ovir.

KLJUČNE BESEDE: napotitve delavcev, državljani tretjih držav, dostop do informacij, Slovenija

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INTRODUCTION

The posting of workers is a cross-border form of service provision introduced to respond to the demands for labor supply among European Union (EU) Member States.¹ In situations where workers are sent abroad to provide services, the legislation of the Member State where the economic activity is carried out applies, which in practice means that the rules and regulations vary significantly. The complexity of national regimes regulating the posting of workers has often caused confusion among the posting companies about the rules by which they must abide (Danaj, 2024). The available channels of information do not necessarily meet all the needs that posting companies might have. Companies have difficulty accessing relevant and reliable information either because it is not sufficiently available, not available in a language they speak, or because of difficulties in navigating, processing, and interpreting the available information in a useful manner (Danaj, 2024; Vah Jevšnik & Toplak, 2024). These challenges are exacerbated in cases of the posting of third-country nationals, where posting and migration rules overlap (Cukut Krilić et al., 2020).

The European Court of Justice (ECJ) in the Vander Elst case of 1994 enabled the possibility for TCNs to be mobile across the EU as posted workers (Mussche & Lens, 2019). The Court decided that TCNs with a valid work and residence permit in one Member State are free to be posted in any other Member State across the EU. The rates of posting TCNs vary across different countries, but the upward trend on the level of the EU is highly evident. An increasing number of TCNs from a large variety of citizenships is mobile across the EU as posted workers, most of them low and medium-skilled, who would have difficulties obtaining a work and residence permit in a traditional labor migration setting – especially in the countries that favor highly skilled labor migration (Lens et al., 2022).

Slovenia is one of the EU countries where the recruitment, employment, and posting of third-country nationals has been on a continuous rise, particularly in specific labor-intensive sectors such as construction (Vah Jevšnik & Toplak, 2023). A high number of the posted workers from Slovenia are TCNs, almost exclusively the citizens of the Western Balkan countries, mainly Bosnia and Herzegovina (BiH), but also Serbia, Kosovo, North Macedonia, and Montenegro. These countries share a strong historical link, as they were once part of the same federation and are in relatively close geographical proximity to Slovenia. In 2021, 62 percent of the workers posted by Slovenian undertakings were TCNs, 99% coming from the Western Balkans. The share of all employed TCNs in total employment was 10.3 percent, which shows that TCNs are overrepresented in the group of outgoing posted workers from Slovenia. The share of employed TCNs that were posted was 43.6 percent. Only one out of three workers posted from Slovenia had Slovenian nationality (Danaj et al., 2023a).

1 Posting of workers is regulated by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services as amended by Directive (EU) 2018/957.

The challenges and needs of the posting companies in accessing and using relevant information regarding the posting of TCNs, who may be subject to significant additional conditions, are manifold. The regulations vary considerably across the EU and are accompanied by country-specific administrative procedures with which employers are obliged to comply. Finding reliable and comprehensive country-specific and sector-specific information on the posting rules can be very challenging and time-consuming for companies, as such information may not be easily accessible and readily available.² Moreover, information might only be offered in national languages, and many companies must, therefore, outsource foreign advisory firms to provide translations and interpretations of the applicable laws. This is especially troublesome for smaller companies with limited financial resources, many of which are founded by TCNs themselves (Vah Jevšnik & Toplak, 2024).

This article gives an overview of the challenges of employers and TCN-posted workers in terms of their access to and use of information on the posting of workers, with an emphasis on the language barriers. The specific focus is on the posting *from* Slovenia. The discussion is based on the review of the existing literature on the recruitment, employment, and posting of TCNs from Slovenia, statistical data collected from the Slovenian national competent authorities on the extent and dynamics of the posting trends in general, and posting of TCNs in particular, and mapping of 36 information channels providing information about the posting of workers. The discussion is also shaped by the findings from focus groups and semi-structured interviews conducted with posted workers, employers, and information providers on the challenges of obtaining information collected in the past five years as part of the extensive fieldwork for the Con3Post,³ SMUG,⁴ and INFO-POW⁵ projects, as well as on the online survey for the employers conducted within

- 2 The European Labour Authority (ELA), for instance, notes in its report concerning information provision, enforcement, social security coordination and cooperation between Member States in relation to the posting of workers in the EU construction sector that there are major deficiencies in the communication tools and methods when it comes to posting workers abroad, “leading to confusion and difficulty in accessing relevant information, for instance use of complex legal language, lack of translations, and scattered sources of information” (ELA, 2023).
- 3 Posting of Third Country Nationals. Mapping the trend in the construction sector, VP/2018/011/0019 (2019–2020), DG Employment, Social Affairs & Inclusion, EaSI-Progress. Three focus groups were organized in Ljubljana and Vienna in 2019. The number of participants was 22 and included representatives of employment agencies, relevant government bodies, trade unions, and NGOs.
- 4 Secure Mobility: Uncovering gaps in the social protection of posted workers, VP/2020/007/0020 (2020–2021), DG Employment, Social Affairs & Inclusion, EaSI-Progress. Ten biographical interviews were conducted in 2021 with workers posted from Slovenia (6 were TCNs from Bosnia and Herzegovina, Kosovo, and North Macedonia), one focus group was conducted in 2021 with representatives of trade unions and NGOs.
- 5 Assessment of the channels of information and their use in the posting of workers (2022–2024), DG Employment, Social Affairs & Inclusion, ESF+. Six qualitative interviews were conducted in 2023 with representatives of public authorities, posting undertakings and private consultants; 36 channels of information were identified and analyzed; 29 Slovenian posting undertakings participated in a web survey provided to them in the Slovenian language.

the framework of the INFO-POW project. The article contributes to filling the gap in the literature on the information provision on the posting of workers in Slovenia. It builds on quantitative and qualitative data to provide an empirical base for developing evidence-based argumentation about the lack and importance of information provision in a transnational setting.

The article first explores the overlaps of the migration and posting regimes observed in Slovenia and provides an outline of the trend of posting TCNs. Next, it moves on to present the challenges in accessing information about the posting of workers in general and TCNs in particular. It focuses on the language barrier as one of the most challenging obstacles to overcome when seeking information about the national regulatory mechanisms concerning the posting of workers. Finally, the author argues that access to comprehensive, relevant, trusted, and updated information on the applicable laws is of paramount importance to ensure companies' compliance with the relevant national legislation. That is why efforts must be made to guarantee effective information sharing that reaches the posting companies as well as the posted workers themselves.

RECRUITMENT, EMPLOYMENT, AND POSTING OF WORKERS FROM THE WESTERN BALKANS

In 2021, most labor migrants employed in Slovenia, around 75 percent (80,320), arrived in Slovenia from Bosnia and Herzegovina (BiH), Serbia, Kosovo, North Macedonia, and Montenegro. The highest percentage of labor migrants who are continuously issued work permits in Slovenia are by far the nationals of BiH. In 2021, they were the holders of over 91 percent (41,668) of all valid work permits issued to TCNs (ESS, 2024). The number of employed BiH nationals has increased by almost 55 percent since 2018.⁶ The overall share of TCNs in total employment of Slovenia in 2021 was above 10 percent, while the breakdown by sector shows that their share was the highest in the construction sector (40.4%), transport and storage (28%), and manufacturing (10.9%).

In 2021, 62 percent of the workers posted by Slovenian undertakings were TCNs. The share of all employed TCNs in total employment was 10.3 percent, which shows that TCNs are overrepresented in the group of outgoing posted workers from Slovenia. The share of employed TCNs that were posted was 43.6 percent.⁷ One out of three workers posted from Slovenia had Slovenian nationality. The share of employed Slovenian nationals who were posted was less than 3 percent. Compared to 2018, the percentage of posted workers who are Slovenian nationals and EU nationals in

6 Statistical office of the Republic of Slovenia, E-mail correspondence, March 14, 2021; own calculations.

7 Own calculations based on data from Health Insurance Institute of Slovenia and Statistical Office of the Republic of Slovenia.

2021 has decreased by nearly 10 percent, while the share of TCNs increased by over 70 percent.

The share of workers from BiH, Serbia, Kosovo, North Macedonia, and Montenegro in the total group of posted TCNs from Slovenia in 2020 was 99 percent, and in 2021 it was 98.9 percent.⁸ Among them, the highest number and share of TCNs posted from Slovenia in 2021 were BiH nationals (62.9%), followed by Serbian nationals (20%), Kosovar nationals (12.2%), and North Macedonian nationals (3.4%) (Table 1). Compared to 2018, the number of posted workers who are nationals of BiH increased by 72.5 percent in 2021. In contrast, the number of Slovenian posted workers has decreased by nearly 10 percent from 2018 to 2021. As a result, fewer Slovenian than BiH nationals were posted from Slovenia in 2021. The share of Bosnian and Slovenian nationals posted abroad was 39 percent and 31.8 percent, respectively.⁹

Nationality	2018		2019		2020		2021		Change 2021 vs. 2018
	Number	% in total posted workers	Number	%	Number	%	Number	%	
Total	49,559	100%	57,086	100%	60,500	100%	63,887	100%	28.9%
Slovenian	22,525	45.5%	22,479	39.4%	20,627	34.1%	20,302	31.8%	- 9.9%
Total TCN	22,681	45.7%	30,269	53%	35,713	59%	39,638	62%	74.8%
Other	4,353	8.8%	4,338	7.6%	4,160	6.9%	3,947	6.2%	- 9.3%
		% in total posted TCNs							
BiH	14,446	63.7%	18,921	62.5%	23,042	64.5%	24,914	62.9%	72.5%
Serbia	5,915	26.1%	7,668	25.3%	7,703	21.6%	7,910	20%	33.7%
Kosovo	1,343	5.9%	2,404	7.9%	3,369	9.4%	4,855	12.2%	261.5%
North Macedonia	699	3.1%	925	3.1%	1,169	3.3%	1,365	3.4%	95.3%
Ukraine	138	0.6%	173	0.6%	163	0.5%	168	0.4%	21.7%
Montenegro	53	0.2%	70	0.2%	113	0.3%	158	0.4%	198.1%
Other TCNs	87	0.4%	108	0.4%	154	0.4%	268	0.7%	208%

Table 1: The number and share of Slovenian nationals and TCNs in the total group of posted workers from Slovenia, breakdown by nationality, 2018–2021 (source: own calculations based on data from Health Insurance Institute of Slovenia).

8 Own calculations based on data from Health Insurance Institute of Slovenia and Statistical Office of the Republic of Slovenia.

9 Own calculations based on data from Health Insurance Institute of Slovenia and Statistical Office of the Republic of Slovenia.

The figures on the posting of persons by sector of activity are not available for the persons posted, only for the number of PDs A1 issued. In 2021, most PDs A1 for TCNs were issued in international freight transport, installation/assembly and servicing, construction, and industry. The percentage was highest in the construction sector, where over 74.5 percent of PDs A1 were issued for TCNs. In all four sectors, the highest share of PDs A1 was issued to the nationals of BiH.

In addition to the push factor of the unfavorable economic and political conditions in BiH, the pull factor for migration is the high labor demand in Slovenia. Slovenia is an appealing option for Bosnian workers due to significantly higher wages, better labor market prospects, familiarity with the language, historical ties, geographical proximity, and, importantly, facilitated immigration procedures. Slovenia has a bilateral agreement on the employment of workers with BiH,¹⁰ which allows citizens unrestricted access to the Slovenian labor market if a set of conditions are fulfilled: they are registered with the public employment agency in their home country; there is a justifiable demand for labor in Slovenia; and they are offered a work contract for at least one year by a Slovenian employer.¹¹ Many Bosnian workers also prefer Slovenia as their country of destination over other high-paying EU countries because of less demanding and less uncertain procedures for granting work permits.

Data shows that a high percentage of the recruited and employed workers in Slovenia end up being posted to other Member States. Moreover, the analysis of the regulatory frameworks suggests that posting workers who are TCNs has become an established form of labor supply primarily due to socioeconomic factors that have driven workers in these countries to accept posting assignments (Danaj et al., 2023a).¹² The involvement of the public employment services in the active recruitment of workers from BiH and Serbia to fill shortages in the Slovenian labor market, as stipulated in the bilateral agreement, seems also to be a contributing factor (Danaj et al., 2023a). There are, on the other hand, several restrictive country-specific regulations in place regarding the posting of TCNs to other Member States that employers need to be aware of and comply with, regardless of whether or not they are controversial in terms of posing an obstacle to the free movement of services across the EU. For example, the continued application of the so-called Vander Elst visa requirement by Germany for the posting of TCNs has been in force despite the CJEU's 2006 judgment on the case C-244/04 *Commission v Germany* that the issue

10 Slovenia also has a bilateral agreement on the employment of workers from Serbia, but it is not as extensively utilized as the one concluded with BiH. Bilateral agreements on the employment of Bosnian nationals (Official Gazette 92/2012, Implementation Protocol 29/2017) and Serbian nationals (Official Gazette 38/2019) distinguish nationals of Bosnia and Herzegovina and Serbia from the rest of the TCNs who would like to work in Slovenia.

11 Most work contracts for BiH nationals are issued for jobs in construction, manufacturing, and transport sectors (Employment Service of Slovenia).

12 For a detailed analysis of the drivers of migration from BiH to Slovenia and the scope and impact of posting of TCNs by Slovenian undertakings see Vah Jevšnik et al., 2022 and Danaj et al., 2020.

of an administrative visa of this sort constitutes a restriction on the freedom to provide services (Danaj et al., 2023a). The procedure requires TCN workers to apply for a permit at the German embassy in Slovenia, which can be a lengthy procedure that takes several months. Waiting times for an appointment vary according to the number of applications submitted at a certain period, which creates uncertainty as to when the processing will start. Once the application is accepted, the processing time can be up to two months. This administrative requirement bears additional costs and bureaucratic burdens for posting undertakings and is reportedly considered to have had a slowing down effect on the posting of TCNs (Danaj et al., 2023a). Posting undertakings must also comply with specific rules concerning the posting of TCNs when posting workers to Ireland (Vander Elst visa) or Italy (work permit authorization).

The challenges and needs of the posting companies in accessing and using relevant information regarding the posting of workers, especially those who are TCNs and may be subject to additional conditions, are manifold. Namely, all workers who are posted to temporarily provide services in different EU Member States are subject to the employment regulations that are in place in the receiving countries. The regulations vary significantly across the EU and are accompanied by country-specific administrative procedures that employers are obliged to comply with when posting or receiving them. Since access to comprehensive, relevant, trusted, and updated information on the applicable laws is of paramount importance to ensure companies' compliance with the relevant national legislation and protect workers' rights, efforts should be made to guarantee effective information sharing that reaches all stakeholders involved in the process of posting. The European Commission has recognized the importance of this issue and has addressed it in the Directives on the posting of workers.

ACCESS TO AND USE OF INFORMATION ON THE POSTING OF WORKERS

Slovenia has transposed all the directives on the posting of workers (Directive 96/71/EC, Directive 2014/67/EU, Directive 2018/957/EU, Directive (EU) 2020/1057), which all aim to strengthen the protection of posted workers and ensure their rights are protected when posted abroad to provide services. The Enforcement Directive (Directive 2014/67/EU), in particular, notes the paramount importance of information sharing on terms and conditions of employment in different Member States to achieve these goals. The Directive states that Member States should "ensure that such information is made generally available, free of charge and that effective access to it is provided, not only to service providers from other Member States, but also to the posted workers concerned" (Paragraph 18). It stipulates that Member States should establish a single official national website in the most relevant languages, providing up-to-date information on the posting of workers in a transparent and accessible manner. The amended Directive 2018/957/EU further stresses the importance

of information sharing and explicitly emphasizes the connection between access to information and compliance with the regulations. Furthermore, the Directive requires Member States to include all mandatory elements constituting pay and the additional terms and obligations of employment related to postings on the single official national website, ensuring that the information provided is accurate and up to date.

The findings from the desk research show that several public and private channels of information in Slovenia, such as public authorities, employers' associations, trade unions, NGOs, consultants, etc., offer some information on the posting of workers. Our sample included websites, online training/webinars, online manuals and guidelines, and other online forms of information, such as videos, online leaflets/brochures for print-out, and written educational material that can be purchased and accessed for a certain period. Eleven predetermined categories were selected as a measure of the content and scope coverage of our sample: working time/work hours; occupational safety and health; minimum wage/collective agreements; registration for social insurance/contribution; work permits; overtime and other additional supplements including bonuses and wage supplements such as night and weekend shifts; leave and holiday; facilitating information targeted to companies; sanctions and enforcement; redress and appeal; and taxation. All categories were coded according to whether they addressed posting *to* Slovenia or posting *from* Slovenia. Topics covering posting *from* Slovenia are significantly more widely covered than posting *to* Slovenia. We found that most information channels in our sample provide the definition of posting, information on the rules and regulations concerning the issuing of PDs A1, and generic information on the regulations of the posting of workers as stipulated in the Posting Directive 2014/67/EU. Specific information relevant to individual sectors and applicable to different national contexts is much more difficult to find. Among the eleven categories analyzed, most online channels address issues such as minimum wage/collective agreements, working time/hours, overtime and additional supplements, facilitation of information targeted to companies, and taxation, but in a generic manner and without any detailed information. Even less attention is given to occupational safety and health and the enforcement of rules and regulations, sanctions, and appeals. In fact, redress and appeal are not covered by any of the sources in our dataset.

The Slovenian single official national website on the posting of workers (Government of the Republic of Slovenia, 2024) is functional and provides basic information on the posting from and to Slovenia, including links to external websites. However, our findings show that the users rather tend to frequently consult other information channels. As De Wispelaere & De Smedt (2023) note, this can be problematic because the official website guarantees the accuracy of the information, whereas some other information sources might not provide accurate and updated information. This "increases the likelihood of (unintentional) noncompliance with the applicable terms and conditions of employment" (De Smedt & De Wispelaere, 2023, p. 1). The problem

is exacerbated further because the information is scattered over multiple Slovenian and foreign websites and institutions and is, therefore, heavily fragmented. In addition, the content is usually too general and/or too complex to understand for users without legal knowledge.

Smaller company owners or the self-employed, therefore, often tend to collect information and advice from their colleagues who have previous experience with the posting of workers. The most problematic is the use of social media platforms as channels of information. One of our survey respondents noted that due to a lack of readily available comprehensive information, they may, in some cases, resort to finding information on social media, especially Facebook groups, where company owners or the self-employed post their experience with the posting of workers and offer advice on the posting of workers. This practice raises the issue of credibility and lack of accountability of the source, as information may not be correct or updated, and the source cannot be held accountable for any violations of the law of the information users. Some construction company owners, including those whose first language is not Slovenian, tend to contact their colleagues and/or fellow nationals for advice based on their personal experience. This tendency is because they are often not familiar with the information infrastructure in Slovenia, might not know how to navigate the system, and are not proficient in the Slovenian language. Especially business owners whose first language is Bosnian have noted that it is easier to ask their fellow nationals for advice and instructions regarding the posting than to attempt to find the information on official websites or by contacting the competent authorities.

There is also the issue of not being aware that specific regulations are in place when posting workers abroad. De Smedt & De Wispelaere (2023) note that the lack of knowledge about the fact that specific terms and conditions of employment should be respected when sending workers to another Member State might be a prior reason for noncompliance. They note that if posting undertakings are unaware of this, service providers will not seek out information about it either. In that regard, they argue that it is important that as many posting and receiving companies as possible know there are specific employment and social security rules when workers are posted to another Member State. On the other hand, some companies may be aware that there are specific rules in place and decide either that it is too difficult to obtain information on how to proceed with the posting and carry on without fully informing themselves or that they will not comply with the rules for various reasons. The workers may disregard the regulations as well. For workers coming from countries with lower wages, the cost of losing their jobs is higher than for those who can return home to comparable jobs, which can inhibit workers' willingness to exercise their rights. For these reasons, workers may also seek to maximize their income in the short term by agreeing to work long hours, thereby increasing their risk of injury, illness, or disablement (Richardson et al., as cited in Sargeant & Tucker, 2009, p. 3). Due to significant wage disparities in the European Union Member States, workers

from lower-income countries sometimes tend to intentionally ignore or downplay irregularities despite being sufficiently informed about their rights. They are reluctant to report violations for fear of losing their jobs. The problem is exacerbated further when workers are recruited to the EU from third countries with lower salaries and poorer working conditions (Cukut Krilić & Vah Jevšnik, 2023). For instance, construction workers from BiH are often exposed to several vulnerabilities and labor rights violations in their country of origin, which continues to have high levels of informal and semi-formal salary schemes, considerable levels of unpaid contributions and health insurance, poor mechanisms for social dialogue, and low trust in unions, as well as a dysfunctional juridical system. These generally provide low levels of protection to the workforce (Danaj et al., 2020). Therefore, although the expectations of higher labor standards and salaries in Slovenia are a strong pull factor for migration, they may also experience irregular and exploitative employment relations in the receiving European Union countries (Danaj et al., 2020). However, workers often intentionally overlook such irregularities for fear of losing their jobs and being denied a residence permit (Vah Jevšnik & Toplak, 2022).

LANGUAGE BARRIER AS AN IMPEDIMENT TO THE ACCESS TO AND USE OF INFORMATION

The single official national websites on the posting of workers tend to provide information in the languages spoken in the EU member States. The Slovenian website, for example, offers content only in Slovenian and English. The Austrian website, which our respondents have evaluated as very informative and user-friendly, provides information in the languages of the main sending countries, i.e., Czech, Hungarian, Polish, Slovak, and Slovenian, in addition to German and English.¹³ Content in languages spoken by workers or company owners from third countries, however, is in most cases not provided. The Enforcement Directive (2014/67/EU) states that the countries shall make the information available to workers and service providers free of charge in the official language(s) of the host Member State and the *most relevant languages* (Article 5, 2c). In the case of Slovenia, where more TCNs are posted than Slovenian nationals, the most relevant languages include those spoken in the Western Balkans. Thus, information should also be provided in those languages. Although the statistical data on the number of companies owned by foreign nationals that post workers abroad is unavailable, the officials report that the number of company owners who are citizens of Serbia and BiH keeps increasing. Our respondents noted that many of them also post their employees to other Member States.

13 For an in-depth analysis of Austrian information channels, including the single official national website on the posting of workers, see Danaj et al., 2023b.

For these stakeholders to comply with the rules and regulations, access to comprehensive information is a prerequisite of paramount importance.

Zólyomi & Danaj (2019) note that posted workers are likely to experience linguistic barriers because the temporary, mobile, and transnational character of posting implies that they spend too limited time in the host country to be able to acquire the local language or improve their language skills. They are also generally unable to access language instructions or training programs provided in the country to which they are posted. In the case of TCNs, the problem is exacerbated further as their native language is spoken neither in the country of employment nor in the country in which they provide services as posted workers.

Our respondents noted that language barriers encountered by TCN employers have been linked to difficulties in accessing and understanding information on the issuing of PDs A1, prior notification tools, additional requirements for the entry of TCNs, and the calculation of social security contributions. The interpretation of applicable legislation on the transnational provision of services has also been an issue of concern and frustration.¹⁴

TCN-posted workers, on the other hand, are often not properly informed about their rights and obligations, applicable wages, access to healthcare, grievance procedures, and visa policies affecting their stay and work in the EU. Previous research has shown that, due to language barriers, workers from BiH often sign employment contracts they do not fully understand, even when these contracts might not comply with Slovenian labor legislation (Rogelja & Mlekuž, 2018, p. 114). The lack of language knowledge is among the key factors for the lack of formal complaints in cases of mobbing and other violations in the workplace. Instead, the workers tend to rely more on informal networks than seek institutional support (Cukut Krilić & Vah Jevšnik, 2023).

Another identified challenge is the language barrier for smaller companies trying to access relevant information when directly inquiring with the public authorities (Danaj, 2024). Namely, our research shows that the challenges of posting undertakings seem to vary according to the size of the company, their resources, and their experience with the posting of workers. Larger companies with their own HR, legal, and accounting services are more informed and need less information from the competent national authorities and social partners than smaller companies or the self-employed. Companies with more financial resources also fare better when in need of country-specific information, as they are able to purchase foreign advising services that provide relevant information in order to ensure compliance

14 On the other hand, the companies receiving posted workers have problems with the language barriers, too. De Smedt & De Wispelaere (2023, p. 6) note that Belgian companies point out: "Most of the foreign service providers don't speak a foreign language, so even if the single official website is available in English, it's still a barrier for them." This language barrier also affects the information that the companies will look up. As one of the information providers puts it, "First of all, people will enter a search term in their own language. And perhaps secondarily in English if insufficient information is available." (De Smedt & De Wispelaere, 2023, p. 28)

with various national legislations. This finding refers to the posting undertakings in general. However, navigating a system that operates in a foreign language and lacking the financial means to outsource assistance is an especially pressing challenge for TCNs.

Finally, as De Smedt & De Wispelaere (2023) note, the language barrier also potentially affects the information that will be found and its quality. They argue that the importance of language in transferring information cannot be underestimated.

Addressing language barriers should be prioritized across all EU countries. Danaj (2024) notes that this could entail providing translations of information materials into relevant languages, including English and languages commonly spoken by posting companies and workers. Additionally, efforts should focus on ensuring consistency in terminology and clarity of language across different language versions to enhance understanding (Danaj, 2024).

CONCLUDING REMARKS

Access to reliable information—that is, comprehensive, relevant, trusted, and updated information—and the capacity to correctly process the supplied information is crucial for making informed decisions. That is why it is essential that posting companies receive clear, unambiguous instructions in a language in which they are proficient on how to proceed when posting workers to provide services abroad. Language barriers pose a significant challenge, especially for smaller companies, which may find it more difficult to access information provided in languages other than their own and are financially less capable of outsourcing services that provide assistance in the language in which they are proficient. Third-country nationals who are either employers who post workers abroad or posted workers themselves are especially vulnerable in this respect. Lack of awareness of their rights and obligations often stems from language barriers in accessing the relevant information. The inability to use channels of information in languages used in either their country of immigration and employment or posting makes it difficult to navigate the complex legal and bureaucratic systems of different Member States.

Our findings show that the challenges and needs of the companies often vary according to the size of the company and their resources and experience with the posting of workers. However, the main challenge for all is finding detailed, credible, sector-specific, and country-specific information regarding the applicable rules and regulations in a language they understand. One survey respondent noted that going through the complex rules and regulations in place in different countries requires significant effort. In addition, if the rules are only available in a language in which one is not proficient, this task is nearly impossible and can deter companies from posting altogether.

With TCNs being increasingly involved in the posting of workers, and figures showing an upward trend in many countries, including Slovenia, it is crucial that information channels in both sending and receiving countries adapt to these dynamics. They must ensure that relevant information is delivered transparently and accessibly, particularly in the most commonly spoken languages. The task of translation into languages spoken by TCNs would need to be taken on especially by the sending countries and posting undertakings that are extensively posting TCNs to other Member States. On the EU level, an example of good practice that is not to be overlooked is the provision of a translation facility by the European Labor Authority, available to the Member States' institutions and social partners, that can be used to provide information about the posting. Finally, it might also be useful, in cooperation with the social partners, to strengthen in-person channels that offer verbal or written translation of the applicable rules for Slovenian and TCN business owners and posted workers. Our research shows that the provision of information via phone is considered to be especially useful and efficient, as many users prefer to rely on verbal assistance instead of reading the often complex website content.

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POVZETEK

DOSTOP DO INFORMACIJ O NAPOTITVAH DRŽAVLJANOV TRETJIH DRŽAV: PRIMER SLOVENIJE

Mojca Vah Jevšnik

Avtorica v prispevku predstavi izzive delodajalcev, ki napotujejo državljane tretjih držav v države članice EU z namenom izvajanja storitev, na področju dostopa do informacij o pogojih in pravilih napotovanja delavcev. Tovrstno prepletanje migracij, trga delovne sile in čezmejne mobilnosti je v Sloveniji pogosto predvsem v delovno intenzivnih sektorjih, kot je gradbeništvo, kjer je delež napotenih delavcev skoraj 50-odstoten, zato je ta tematika izjemno relevantna in aktualna. Analiza izzivov temelji na obstoječi literaturi o rekrutaciji, zaposlovanju in napotitvah državljanov tretjih držav iz Slovenije, statističnih podatkih o obsegu in dinamiki trenda napotovanja ter identifikaciji 36 informacijskih kanalov z navodili za napotitve. K diskusiji prispevajo tudi izsledki, pridobljeni s polstrukturiranimi intervjuji z napotenimi delavci, delodajalci in ponudniki informacij, ki so bili izvedeni v zadnjih petih letih v sklopu treh mednarodnih projektov o napotitvah delavcev, ter rezultati spletne ankete za delodajalce, izvedene v sklopu projekta INFO-POW. Avtorica ugotavlja, da sta ključnega pomena za delovanje delodajalcev v skladu z obstoječimi kompleksnimi pravili in zakonodajami držav članic dostop do zanesljivih informacij ter zmožnost njihove pravilne interpretacije. Podjetja, ki napotujejo, morajo zato imeti jasna navodila o postopku napotitve v jeziku, ki ga razumejo. Tovrstni izzivi so še večji v primerih manjših podjetij in samozaposlenih, ki morajo za številne storitve (računovodske, pravniške, prevajalske) najeti zunanje izvajalce. Pri delodajalcih, ki so državljani tretjih držav, pa je lahko poleg slabšega znanja jezika države napotovanja dodatna ovira tudi slabše poznavanje slovenskega jezika. Zato vzbuja skrb dejstvo, da so delodajalci kot težavo izpostavili omejen dostop do podrobnih, razumljivih in verodostojnih informacij – specifičnih za različne sektorje in države članice – v jeziku, ki ga razumejo. Avtorica v zaključku poda nekaj predlogov delodajalcev za izboljšanje dostopa do informacij o napotitvah delavcev. Med njimi je tudi vzpostavitev osebnega stika z uradno osebo, ki bi bila usposobljena posredovati vse potrebne informacije in odgovarjati na vprašanja. Zaradi specifičnosti vsake posamezne napotitve in hitro spreminjajočih se pravil na tem področju je namreč po mnenju delodajalcev posredovanje informacij zgolj preko spletnih strani premalo podrobno, premalo zanesljivo in zato manj učinkovito.

Č L A N K I
A R T I C L E S

STANJE IN SPREMEMBE V SLOVENSKI SKUPNOSTI V CLEVELANDU MED LETOMA 1950 IN 2015 TER OBETI ZA PRIHODNOST SKUPNOSTI: PRIMERJAVA POGLEDOV TONYJA PETKOVŠKA IN VINKA LIPOVCA

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IZVLEČEK

Stanje in spremembe v slovenski skupnosti v Clevelandu med letoma 1950 in 2015 ter obeti za prihodnost skupnosti: Primerjava pogledov Tonyja Petkovška in Vinka Lipovca

Avtor v prispevku primerja poglede dveh izmed najuglednejših clevelandskih Slovencev, Tonyja Petkovška in Vinka Lipovca, na razvoj in spremembe v slovenski skupnosti v največjem slovenskem izseljenskem mestu med letoma 1950 in 2015 ter na prihodnost skupnosti. Tako Petkovšek kot Lipovec sta bila priznana kulturna delavca, ki sta v širši skupnosti uživala velik ugled in sta se tudi medsebojno spoštovala. Prvi je bil potomec ekonomskih izseljencev iz časa pred prvo svetovno vojno, drugi pa politični begunec po drugi svetovni vojni. Avtor ugotavlja, da so bili njuni pogledi na večino tematik precej podobni, pri čemer je Petkovšek večji pomen za skupnost pripisoval polka glasbi, Lipovec pa jeziku. Oba sta v prihodnosti pričakovala upad skupnosti, a vendarle njeno preživetje.

KLJUČNE BESEDE: slovenska skupnost v Clevelandu, Tony Petkovšek, Vinko Lipovec, spremembe v skupnosti 1950–2015, obeti za prihodnost

ABSTRACT

The Situation and Changes in the Slovenian Community in Cleveland Between 1950 and 2015 and Prospects for the Future of the Community: A Comparison of the Views of Tony Petkovšek and Vinko Lipovec

The article compares the views of two of Cleveland's most prominent Slovenians, Tony Petkovšek and Vinko Lipovec, on the development and changes in the largest Slovenian emigrant community between 1950 and 2015, and how they see the community's future. Both Petkovšek and Lipovec were respectable cultural workers who enjoyed a great reputation in the wider community and respected each other. The former was the descendant of economic emigrants who arrived before World War I, while the latter was a political refugee from after World War II. The author notes that their views on most topics are quite similar, although Petkovšek attributes greater importance for the community to polka music, while Lipovec emphasizes the importance of language. For the future, both expect the community's survival, despite its decline.

KEYWORDS: Slovenian community in Cleveland, Tony Petkovšek, Vinko Lipovec, changes in the community 1950–2015, prospects for the future

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UVOD IN OPREDELITEV RAZISKOVALNEGA PROBLEMA

Najštevilčnejša slovenska izseljenska skupnost živi v Združenih državah Amerike, za mesto z največjo slovensko diasporo v Ameriki (in tudi na svetu) pa velja Cleveland v zvezni državi Ohio (glej npr. Klemenčič, 1995; Ilc Klun, 2006, str. 4–9; Bonutti, 2015, str. 119). Tja so se Slovenci v večjem številu začeli izseljevati v 80. letih 19. stoletja, kolektivno izseljevanje pa je trajalo skoraj stoletje (glej npr. Drnovšek, 2010; Kalc et al., 2020).

Slovenska skupnost v Clevelandu je v desetletjih svojega obstoja veljala za heterogeno, saj je pripadnike sicer združevala narodna pripadnost, razlikovali pa so se glede na čas priselitve (pred prvo svetovno vojno, med obema vojnama, po drugi svetovni vojni), ekonomske ali politične razloge za selitev, politične usmeritve, ideološke nazore, regionalno pripadnost, glede na to, ali so se izselili sami ali pa so bili potomci izseljencev, ali so še govorili slovenski jezik ali ne več itd. Za posebej izrazito je veljalo razlikovanje med izseljenci iz časa pred drugo svetovno vojno (t. i. staronaseljenci) ter tistimi, ki so se izselili po drugi svetovni vojni (t. i. novonaseljenci). A med njimi so vendarle obstajale tudi povezave, skupna infrastruktura, sodelovanje itd. (glej npr. Klemenčič, 1995; Milharčič-Hladnik, 2004, str. 130–132; Bonutti, 2015, str. 119–134). Pri tem so imeli pomembno vlogo posamezniki, ki so uživali ugled v obeh valovih emigracije. Dva takšna sta bila tudi Tony Petkovšek in Vinko Lipovec, ki ju zato postavljamo v ospredje te raziskave, v kateri primerjamo njune poglede na slovensko skupnost v Clevelandu.

Avtor sem Cleveland prvič obiskal leta 2015. Ob spraševanju številnih rojakov, kdo so najširše sprejemljivi pripadniki slovenske skupnosti, so mi v odgovor najpogosteje navajali Lipovca in Petkovška. Ob intervjuju Vinka Lipovca mi je slednji na vprašanje, kdo je po njegovem najbolj ugleden in splošno spoštovan ter sprejet Slovenec v tamkajšnji slovenski skupnosti, odgovoril, da je to Tony Petkovšek. Ko sem med intervjujem isto vprašanje postavil Tonyju Petkovšku, mi je ta (ne da bi vedel, kaj mi je rekel Lipovec) navedel Vinka Lipovca. Ob tem je treba poudariti, da med seboj nista bila posebej tesno povezana, nista prijateljevala, torej pri tem ni šlo za medsebojno povzdigovanje, ampak za njuni iskreni mnenji in opažanji. Oba intervjuvanca sta danes že pokojna, oba sta umrla leta 2019. Slovenska skupnost v Clevelandu se hitro spreminja, v zadnjih desetih letih so se poslovili tudi drugi njeni vidni predstavniki (npr. Edi Gobec in Vlado Rus iz povojne politične migracije ter George Voinovich in Edmund Turk iz vrst potomcev predvojne ekonomske migracije, če navedem le nekaj tistih, ki sem jih imel priložnost поблиže spoznati in so v skupnosti igrali vidno vlogo).

V prispevku poskušam ponuditi vpogled v clevelandsko slovensko skupnost, ki ga danes ni mogoče več doživeti. V preteklih desetih letih je prišlo tudi do zaprtja več narodnih domov (Slovenski delavski dom, Slovenski društveni dom, Westside Slovenian Home,¹ narodni dom v soseski Collinwood) ter do sprememb v ostali infra-

1 Edini dom v zahodnem delu mesta.

strukturi in kulturnih skupinah (npr. najstarejši delujoči pevski zbor Zarja je prenehal redno delovati; prenehala je oddajati tedenska radijska oddaja Slovenska ura; zaprta je bila Slovenska pisarna, kjer so imeli pripadniki skupnosti na razpolago časopise ter knjige iz Slovenije). Slovenska skupnost kljub temu ostaja aktivna s številnimi dejavnostmi – med drugim z dvema župnijama, Sv. Vidom in Marijo Vnebovzeto, ki imata tudi vsaka svojo sobotno šolo za otroke ter skupno sobotno šolo slovensščine za odrasle; letoviščema Pristavo in SNPJ Farm; mladinsko folklorno skupino Kres; pevskimi zbori Glasbena matica, Korotan ter občasno delujočimi Fantje na vasi, Mi smo mi in že omenjeno Zarjo; muzejem polke; Slovenskim muzejem in arhivom; rodoslovnim društvom; tremi regionalnimi klubi – štajersko-prekmurskim, belokranjskim in primorskim; dvema upokojenskima društvoma; Slovenskim lovskim in ribiškimi klubom; več podružnicami dobrodelnih organizacij KSKJ,² SNPJ,³ AMLA⁴ in SUA;⁵ mesečnim dvojezičnim časopisom *Slovenski ameriški časi*; dvema radijskima oddajama, Polka Hall of Fame Radio ter Pesmi in melodije iz prelepe Slovenije;⁶ slovenskim domom upokojencev; kompleksom varovanih stanovanj St. Vitus Village (Svetoviška vasica). Odprti ostajajo Slovenski narodni dom v soseski St. Clair, slovenski dom v Fairport Harborju ter Slovenski narodni dom na 80. cesti. Še naprej gre torej za aktivno in večplastno skupnost (glej npr. tudi Dutka, 2017), a tudi slovenska skupnost v Clevelandu je lep primer znane Heraklitove misli, da so spremembe edina stalnica v življenju.

Namen članka je ponuditi vpogled v slovensko skupnost v Clevelandu, kot sta jo videla in interpretirala njena ugledna člana in sooblikovalca Vinko Lipovec in Tony Petkovšek. Sprašujem se predvsem, kako na njune poglede na skupnost vplivajo njune različne življenjske izkušnje in še posebej dejstvo, da pripadata različnim valovom slovenskega izseljenstva (Lipovec kot sam izseljenec, Petkovšek pa kot potomcev izseljencev), v kolikšni meri dogajanje ocenjujeta podobno in v kolikšni meri različno oziroma celo nasprotujoče si. Analiza njunih pogledov se prične okoli leta 1950, ko je Lipovec (rojen 1915) prispel v mesto in se takoj vključil v skupnost, Petkovšek (rojen 1941) pa je bil takrat že dovolj star, da se je spominjal dogajanja v skupnosti. Zaobjema obdobje 65 let, do leta 2015, ko sem z njima opravil prva intervjuja, hkrati pa sem primerjal tudi njune poglede na prihodnost slovenske skupnosti v Clevelandu.

Po uvodu so najprej postavljena metodološka izhodišča, nato sledita kratka življenjepisa obeh intervjuvancev, ki pokažeta, zakaj sta slednja relevantna za takšno raziskavo. Članek se nadaljuje z empiričnim delom, kjer so po sklopih predstavljeni

2 Kranjsko-slovenska katoliška jednota, njeno uradno ime danes je KSKJ Life.

3 Slovenska narodna podporna jednota (Slovene National Benefit Society).

4 American Mutual Life Association, ustanovljena kot Slovenska dobrodelna zveza.

5 Slovenian Union of America, ustanovljena kot Slovenska ženska zveza.

6 Pogojno bi lahko med glasbene oddaje uvrstili še 24-urno spletno polka postajo 247PolkaHeaven, ki ima sedež v predmestju Clevelanda, na programu pa se izmenjuje sedem programskih shem, ena izmed njih je tudi slovenska.

pomembni mejniki v slovenski skupnosti, kot sta ju videla in doživela intervjuvanca, to pa je pospremljeno tudi z analizo in komentarjem avtorja ter primerjavo z obstoječimi objavljenimi viri (namesto teoretičnega konceptualnega poglavja na začetku). V zaključku sledi še sinteza ključnih ugotovitev.

METODOLOŠKA IZHODIŠČA

Avtor sem narativna biografska intervjuja z obema protagonistoma opravil v letu 2015, med mojim gostovanjem na Clevelandski državni univerzi, ko sem se posvečal predvsem raziskovanju slovenske skupnosti. Za namene tega članka so uporabljeni le najbolj relevantni deli obeh intervjujev, ki se osredotočajo bolj na slovensko skupnost v Clevelandu kot na življenje intervjuvancev (življenje obeh je bilo sicer tesno povezano s slovensko skupnostjo, kar se zelo odraža tudi v obeh intervjujih). Po letu 2015 sem Cleveland v okviru različnih raziskovalnih projektov z isto univerzo obiskal vsako leto do izbruha epidemije COVID-19 v letu 2020 in nadaljeval svoja raziskovanja. Z obema protagonistoma sem v letih 2016 in 2017 opravil še dodatne intervjuje. Leta 2017 je Vinko Lipovec sicer že živel pri sorodnikih v Sloveniji, zato je bil zadnji intervju z njim opravljen v Sloveniji. Intervjuji z Lipovcem so potekali v slovenščini, s Petkovškom pa v angleščini. Analiza je bila opravljena na podlagi prepisov intervjujev. Intervjuji iz let 2016 in 2017 so bili polstrukturirani, namenjeni predvsem poglobljanju in pojasnjevanju določenih vprašanj, ki so se mi porodila po analizi predhodnih intervjujev.

Pri analizi gre torej za preučevanje zgodovine in razvoja slovenske skupnosti na podlagi ustnih virov. Matjaž Klemenčič in Aleš Maver navajata, da morajo biti zgodovinarji za razliko od družboslovnih raziskovalcev migracijskih procesov, ki se ukvarjajo predvsem z diskriminacijo, asimilacijo, akulturacijo in akomodacijo, konkretni, zato njihovo delo ne more temeljiti le na intervjujih s posamezniki, še posebej ne s potomci migrantov, ki se le spominjajo pričevanj prednikov, saj ti t. i. »viri četrte roke« ne ustrezajo zahtevam za ugotavljanje zgodovinske resnice (Klemenčič & Maver, 2017, str. 21–22). Urška Strle (2021, str. 138) pa pravi, da so ustni viri subjektivni in da premorejo specifično kredibilnost, saj so dejstva lahko zamejena tudi z osebnim doživljanjem, čustvi, celo domišljijo. Kot navaja Paul Atkinson (2005, str. 8), je pomembno, da pri raziskovanju osebnih zgodb ne ostanemo zgolj pri reprodukciji osebnih pomenov in izkušenj sodelujočih posameznikov, ampak da opravimo tudi širšo refleksijo in pripoved umestimo v strukture sistema. Kot kaže že naslov članka, je njegov namen predvsem preučiti, kako sta dogajanje videla in reflektirala oba obravnavana ugledna clevelandska Slovenca. V članku nimam ambicije popisati celotne in povsem objektivne zgodovinske resnice, zato menim, da je uporabljena metoda kljub svojim omejitvam ustrezna in edina mogoča za doseg zastavljenega raziskovalnega cilja. Poznana je misel Alessandra Portellija (Portelli, 1991, str. 51), da so celo faktično netočne izjave v psihološkem smislu povedne in

pravilne. Za oba intervjuvanca lahko sicer rečemo, da sta imela zelo dober spomin in da sta se natančno izražala, zato njune izjave bolj kot netočna dejstva zamejujejo lastna videnja situacij in dogajanj, v katerih sta bila soudeležena. Na potek pogovorov je seveda vplivala osebnost intervjuvancev. Čeprav je bil Petkovšek zelo prijazen in je kazal velik interes za preživljanje časa z mano ter mi odpiral vrata do številnih članov skupnosti, ga vendarle lahko opišemo kot introvertiranega in redkobesednega človeka, kar se odraža tudi v intervjujih, saj so njegovi odgovori krajši, redkeje se je tudi sam razgovoril o določeni tematiki. To je vidno tudi v empiričnem delu članka. Intervjuvanca sta bila izbrana zaradi svojega ugleda v skupnosti. Oba sta bila kot medijska delavca ves čas dobro informirana o dogajanju v slovenski skupnosti in sta slovela kot osebi z zelo dobrim spominom, iz česar lahko sklepamo, da so bila njuna stališča širše sprejeta in da bi jim pritrdili tudi drugi.

BIOGRAFSKI SKICI PROTAGONISTOV

Vinko Lipovec se je rodil 22. januarja 1915 v Spodnjih Jaršah pri Domžalah. Po osnovnem šolanju je obiskoval klasično gimnazijo v Ljubljani, nato pa se je vpisal na študij zgodovine in geografije na Filozofski fakulteti v Ljubljani, kjer je diplomiral leta 1939. Po odsluženem vojaškem roku je septembra 1940 začel poučevati na prvi državni realni gimnaziji v Ljubljani, ob tem pa je tudi urejal koledar slovenske zgodovine v okviru časopisa *Slovenec* ter pisal za *Jutro*. Po okupaciji slovenskega ozemlja se je pridružil Slovenski legiji (vojaški organizaciji Slovenske ljudske stranke), vodil je njeno vojaško organizacijo in obveščevalno službo v središču Ljubljane. Jeseni 1944 ga je gestapo aretirjal in za dva meseca zaprl v samico, od tam pa so ga odpeljali v taborišče Dachau. Taborišče je kljub okužbi s tifusom preživel in je bil skupaj z drugimi taboriščniki izpuščen 29. aprila 1945, ob osvoboditvi taborišča. Ker je v Sloveniji oblast prevzel komunistični režim, ki ga je zavračal, poleg tega pa je vedel, da mu v primeru vrnitve grozi likvidacija, se iz Dachaua ni vrnil domov, ampak je ostal v Münchnu. Tam se je posvetil časnikarskem delu, s skupino rojakov so izdajali časnik *Jugoslavija*, nato pa je postal urednik in izdajatelj štirinajstdnevnika *Slovenija*. Sodeloval je tudi pri organiziranju duhovne oskrbe za Slovence v Münchnu ter organiziral selitev slovenskih in drugih beguncev v čezoceanske dežele.

Leta 1949 se je tudi sam preselil v Cleveland v ZDA. Tam je leta 1950 prevzel urejanje dnevnika *Ameriška domovina*, osrednjega časopisa katoliškega dela slovenskega izseljenstva v ZDA,⁷ za kar je bil odgovoren do leta 1979, ko se je upokojil. Tudi kasneje pa je bil dejaven v slovenski skupnosti v ZDA. Bil je aktiven v številnih organizacijah clevelandskih Slovencev, budno je spremljal dogajanje v domovini in zamejstvu. S hvaležnostjo se ga spominjajo goriški Slovenci, saj je med ameriškimi

7 Časopis je začel izhajati leta 1909, od leta 1919 pod imenom *Ameriška domovina*. Sprva je bil tednik, nato je izhajal dvakrat tedensko, od leta 1929 pa kot dnevnik. Kasneje je časopis začel spet redkeje izhajati, nazadnje kot štirinajstdnevnik. Izhajati je nehal leta 2008.

rojaki pomagal zbirati prispevke za gradnjo Katoliškega doma v Gorici (danes Kulturni center Lojze Bratuž). Posebej se je angažiral ob slovenski osamosvojitvi, ko je postal podpredsednik Ameriško-slovenskega sveta. Slovenijo je po vojni prvič spet obiskal leta 1992.

Poročil se je z Marijo (Maro) Šifrer, s katero nista imela otrok. Bila sta velika dobrotnika raznih slovenskih organizacij v ZDA in v Sloveniji, v zadnjih letih življenja (žena je umrla nekaj let pred njim) predvsem Katoliškega inštituta v Ljubljani kot zametka Katoliške univerze, kjer je po Mari in Vinku Lipovcu poimenovana tudi osrednja predavalnica. Dve leti pred svojo smrtjo se je, star že 102 leti, vrnil v rojstno vas Spodnje Jarše pri Domžalah, kjer je živel pri nečakinji, ki je skrbela zanj. Umrl je 23. avgusta 2019. Želel si je počivati skupaj s svojo pokojno soprogo Marijo, zato je bil po pogrebni maši v rojstnih Spodnjih Jaršah prepeljan v Cleveland, kjer so se od njega poslovili še v župniji sv. Vida, katere član je bil vse od prihoda v Cleveland (Velikonja & Lencek, 1995, str. 64; »Vinko Lipovec Obituary«, 2019; »Umrl je Vinko Lipovec«, 2019; »Za vedno se je poslovil«, 2019).

Anthony L. (Tony) Petkovšek (v ZDA najpogosteje Petkovsek) se je rodil 21. avgusta 1941 v Clevelandu. Njegovi stari starši so se z ozemlja današnje Slovenije izselili v 1890. letih. Njegov rod je po očetovi strani izviral iz Notranjske, po mamini pa iz Dolenjske. Slednja se je v Cleveland priselila iz Zahodne Virginije, kamor so številni Slovenci odhajali delat v rudnike. V Clevelandu je spoznala Tonyjevega očeta in po poroki sta imela skupaj v lasti taverno (ki jo je ustanovil že Petkovškov dedek). To je bil čas, ko je bila polka najbolj priljubljena glasbena zvrst v Ameriki, in Tony Petkovšek se je spominjal, da je prav vsakodnevno poslušanje vesele glasbe v sobi nad pivnico v otroških letih vplivalo na to, da se je najprej učil igrati harmoniko, nato pa postal velik promotor polka glasbe. V zgodovino se je zapisal s svojo oddajo o polki, s katero je začel leta 1961, pri komaj 20 letih, in jo 50 let neprekinjeno vodil po dve uri dnevno, od takrat naprej pa vsako soboto po tri ure. Tako je Tony Petkovšek postal voditelj z najdlje trajajočo glasbeno oddajo v ZDA.

Poleg radijske oddaje je bil povezan s turistično agencijo Kollander, s katero je organiziral »polka ture«. Najpriljubljenejša so bila križarjenja, na katerih se je po več sto ljudi tedne predajalo poslušanju in plesu na največje takratne zvezde te glasbene zvrsti. Posebej rad pa se je spominjal izletov v Slovenijo, ki jih je vodil in organiziral. Takrat so med Clevelandom in Ljubljano še potekali redni čarterski poleti. Bil je tudi idejni oče in dolgoletni vodja festivala Thanksgiving Holiday Polka Weekend, ki je vsakega novembra na podaljšan vikend okoli zahvalnega dne v Cleveland pripeljal na tisoče ljubiteljev polke iz različnih držav. Številni dogodki so imeli izrazito dobrodelno noto, npr. za slovenski dom upokojencev. Njegov družbeni angažma ni ostal spregledan – v času županovanja Georga Voinovicha ga je ta imenoval v več odborov, ki so odločali o dodeljevanju mestnih sredstev. Zaradi vseh teh aktivnosti je Tony Petkovšek prejel več kot 100 nagrad. Leta 1967 je s 26 leti kot najmlajši do sedaj postal »Slovenec leta« po izboru zveze slovenskih narodnih domov. Leta 2012 ga je takratni predsednik Republike Slovenije Danilo Türk odlikoval z redom za zasluge.

Posebej se je angažiral ob slovenski osamosvojitvi, ko je postal eden najvidnejših članov iniciative Združeni Američani za Slovenijo, ki je združevala neverjetnih 659 slovenskih organizacij, ki so takrat delovale v ZDA in podpirale samostojno državo. S ponosom je rad poudarjal, da je bil član prav vseh slovenskih organizacij, ki so delovale v Clevelandu.

Nikoli si ni ustvaril družine in nima potomcev. Slovensko ni govoril – kot pri številnih drugih se tudi v njegovi družini slovenski jezik ni prenesel do tretje generacije, ohranili pa so slovensko identiteto. Pravil je, da dobršen del razume, ko kdo govori slovensko, in da rad uporablja posamezne slovenske besede, a da si ni nikoli drznil spregovoriti po slovensko, saj noče delati napak. Tony Petkovšek je več kot petdesetkrat obiskal domovino svojih prednikov. Čeprav v Sloveniji ni imel več sorodnikov, mi je v enem izmed pogovorov zaupal, da je v oporoko zapisal, da če umre v Ameriki, naj bo tam pokopan, če pa v Sloveniji, naj ga k večnemu počitku položijo tam. Umril je 14. februarja 2019 v Clevelandu. Od njega so se poslovili v župnijski cerkvi sv. Vida, katere član je bil vse življenje, ter na spominskem dogodku v Slovenskem narodnem domu na aveniji St. Clair. Njegova dediščina živi še najprej v obliki tedenske sobotne oddaje, ki jo sedaj pripravljajo Danny Bucar, Joe Valencic in Joey Tomsick (povzeto po Velikonja & Lencek, 1995, str. 87–88; »Tony Petkovsek«, 2019; Valentinčič, 2019; »Tony Petkovsek. Polka Hall of Fame«, 2019).

EMPIRIČNA RAZISKAVA IN ANALIZA

Idejna razdeljenost znotraj slovenske skupnosti v Clevelandu

Z obema intervjuvancema smo se dotaknili tudi obdobja pred prihodom povojnih naseljencev in njunih pogledov na domnevno ideološko razdeljenost Slovencev v Clevelandu. Petkovšek je glede tega rekel, da je po njegovem mnenju pravilnejši izraz različnost, in je to slikovito ponazoril z opisom: »Ne moremo vsi iz iste pesmarice peti. V Clevelandu nas je 80.000 slovenskega porekla. Seveda, vsak ima svoje mnenje.« Ob tem je sicer dodal, da so bile razprtije podobne kot v domovini. A hkrati je poudaril tudi, da stvari nikoli niso bile črno-bele: »Kako bi rekel, eni so bili včlanjeni v bolj progresivno in hkrati tudi v katoliško društvo. Nekateri so bili socialisti in so hodili v cerkev. Težko je reči, kdo je bil kaj.«

Podobno je na situacijo gledal tudi Lipovec. Svetovnonazorske usmeritve so bile vsekakor različne, kar lepo ponazarja tudi to, da sta nastali dve ločeni osrednji bratski organizaciji, SNPJ in KSKJ. Da so se ljudje »razšli zaradi politike, lahko pa tudi zaradi osebnih stvari, včasih je težko ločiti«. A je tudi sam poudaril, da stvari niso enoznačne.

Za nas še bolj zanimivo pa je njuno videnje delovanja skupnosti, sodelovanja in razprtij po prihodu povojnih političnih beguncev, ki sta jih tudi sama doživela. Oba intervjuvanca sta na začetku predvsem poudarila, da je prihod povojnih beguncev

poživil slovensko skupnost. Lipovec je stanje v skupnosti ob njegovem prihodu opisal takole:

Ko sem jaz prišel sem pred 70 leti, je v Clevelandu, v mestu samem, bilo približno 100.000 Slovencev. Bile so enklave: St. Clair, St. Lawrence, Collinwood in Euclid. V tistem času je imel Euclid okoli 100.000 prebivalcev, imel je slovenskega župana in cel mestni odbor je bil slovenski. Mesto je bilo napol slovensko. Lahko ste šli po Clevelandu v tistem času, to je bilo vse slovensko, tudi trgovine, in ste lahko shajali brez angleščine. Clevelandska skupina enklav je imela takrat približno 25.000 Slovencev skupaj. V St. Lawrencu jih je bilo morebiti 10.000. Pa fara Sveti Lovrenc in Narodni dom. To oboje, kot na St. Clair: sv. Vid in glavni narodni dom. Collinwood: Marija Vnebovzeta in Slovenski dom na Holmes. Euclid: sv. Katarina in Narodni dom na Rechar. To je vse povezano, je interesantno. A slovenščina se je že izgubljala. Vse je postajalo vse bolj angleško, še posebej okoli mladine. Ko pa smo mi prišli, na splošno pa so se [novonaseljenci] vključili v fare in tam tudi v redu delali. Ta del ni bilo težav. Pri sv. Vidu pri staronaseljenjih je bilo že vse angleško. Ko smo mi prišli, so pa »nazaj po slovensko vzeli«. Eden [duhovnik] je bil od staronaseljencev, eden pa od novonaseljencev. Tako je bilo tudi z bralci beril. Baznik⁸ je v glavnem izbral samo ta nove, ker ta stari niso toliko jezika znali, da bi gladko brali. Tudi on sam je »vzel drug odnos« do tega. Potem pa ... Nismo imeli nobenih težav.

Kot pomembno dejstvo poudarja, da so se povojni naseljenci naselili v slovenske naselbine, kjer so živeli predvojni priseljenci. »Namreč, ljudje so hodili skupaj. Večji del, kdor koli je prišel na novo, je prišel na St. Clair. Če ni vedel, kam, se je oglasil v *Ameriški domovini*. Oskrbeli smo ga. Povezal se je tudi s faro in se tako hitro čutil doma. Največ smo pomagali ljudem glede službe, dela in stanovanj. Priskrbeli smo mu vse, kar je rabil. Seveda, potem se je tudi naročil na list, da je bil informiran.«

Tudi Petkovšek je glede sprememb po prihodu povojnih beguncev izpostavil poživitev skupnosti. Ob tem je dodal: »Se pa moraš zavedati, da je ta emigracija, ki je prišla po drugi svetovni vojni, bila mogoče le ena desetina od prejšnje emigracije. Nekaj manj kot 5.000 jih je prišlo po drugi svetovni vojni. Pomagali pa so poživiti recimo cerkveno življenje.« Opazil je tudi razliko med temi, ki so prišli v prvih letih po vojni iz begunskih taborišč in so imeli status razseljenih (angl. *displaced people*, včasih so jih tudi slabšalno imenovali *DPs*), pri katerih so bila politična vprašanja bolj v ospredju, ter med tistimi, ki so prišli po letu 1955 in pri katerih je bilo po njegovem težko ločiti, kdo je prišel iz političnih in kdo iz ekonomskih razlogov. Priznava, da je med obema skupinama prihajalo do sporov in napetosti, a za obe skupini in njuni glasili – *Enakopravnost*,⁹ ki je bila socialistično usmerjena, ter katoliško usmerjeno

8 Tretji župnik Louis B. Baznik, ki je bil za župnika pri sv. Vidu imenovan 1952 in je tam deloval do 1969.

9 Dnevni časopis, ki je v Clevelandu izhajal v obdobju 1919–1957.

Ameriško domovino – meni, da sta odigrali pomembno in pozitivno vlogo povezovanja Slovencev ter ohranjanja jezika in kulture. Glede prisotnosti slovenskega jezika je še dejal:

Zanimivo pa je tudi to, ko je prišla nova generacija, v glavnem politični begunci iz Slovenije v 50. letih, je clevelandska slovenščina oživila. To je bila renesansa. To je trajalo nekako še do 60. leta, ko je prva generacija otrok izšla iz šole. Takrat se je naselbina razdelila – mlajši rod je sicer še govoril slovensko, temu smo potem rekli »half in pol«. Starši so govorili po slovensko, otroci po angleško, in so se tako pogovarjali. Otroci so sicer znali slovensko, a ker so čutili, da znajo bolj slabo, so govorili raje angleško, ker je bilo nekatere sram.

Nesoglasja in spore v skupnosti je Lipovec občutil tudi na lastni koži. Na tiste čase ga veže boleč spomin:

Jaz sem prišel 11. septembra 1949 v nedeljo, in že v petek zvečer je *Enakopravnost* napisala članek, da prihajata »dva s krvavimi rokami«. Sponzor mi je to takoj dal, ko sem prišel. Nato sem takoj v ponedeljek šel na *Enakopravnost* in zahteval urednika. Rekel je, da odgovora ne morejo objaviti. Rekel sem mu: »Kakor hočete, če ne, se srečamo na sodniji.« Tega so se pa bali, ker so bili negotovi. Konec tedna je objavil moj odgovor. Boštjančič, urednik *Enakopravnosti*, je pisal v Ljubljano, če imajo kaj proti meni. Rekli so mu, naj se me raje izogiba. Tako so me pustili popolnoma pri miru. Niso nobene stvari napisali ali nič. Dočim drugače so »prilичno« napadali vse.

Poleg lastne izkušnje se je Lipovec spominjal, da je bila v zraku zagotovo napetost in da so se nekateri prvih nekaj mesecev umaknili na drugo stran ceste, če so videli, da po ulici prihaja kdo od beguncev. Enako so povojni begunci, ko so šli mimo narodnega doma na St. Clair, raje šli po drugi strani ceste, saj bi sicer gotovo slišali kakšne opazke.

V slovenski literaturi, ki obravnava Slovence v Clevelandu, je pogosto izpostavljeno tudi dejstvo, da so bili ti medsebojno razdeljeni. Glede tega gre poudariti, da to (v nasprotju s pogostim prepričanjem) ni nekaj nenavadnega ali izrednega, ampak je značilno za vse narode. Idejna in politična pluralnost je atribut, ki je postal nekaj običajnega kmalu po vzpostavitvi narodnih zavesti. Na primeru Slovencev v Clevelandu so stvari postale bolj kompleksne med drugo svetovno vojno in po njej. A ob tem je treba poudariti še en pogosto prezrt vidik: v času po drugi svetovni vojni so imele ZDA precej restriktivno migracijsko zakonodajo, in da je nekdo lahko imigriral v državo, je potreboval sponzorja, ki je že bil ameriški državljan in je zanj jamčil. Pri povojnih političnih beguncih z območja današnje Slovenije so bili najpogostejši sponzorji pripadniki predvojne migracije, pa tudi v drugih primerih so begunci pred prihodom običajno vzpostavili stik s sorodniki ali drugimi rojaki v ZDA, ki so bili njihova vez do sponzorjev. Zato so trditve, da so vsi pripadniki predvojne skupnosti zavračali slovenske povojne begunce, veliko pretiravanje.

Kot poudarjajo sociološke teorije, ki se ukvarjajo z vključevanjem migrantov v družbo, je za nove priseljence naravno, da so v začetku dezorientirani, zato je medsebojna pomoč zelo pomemben vidik uspešnejšega vključevanja v novo družbo. Podobno kot so se predvojni slovenski naseljenci, ki so se v Clevelandu večinoma zaposlovali v tovarnah s težko, predvsem metalurško industrijo, naseljevali v strnjenih naseljih v bližini tovarn (Odenkirk, 2005, str. 36–37) ter si medsebojno pomagali, so se tudi povojni begunci naseljevali v slovenske soseske in bili najprej deležni pomoči tamkajšnjih rojakov pri iskanju služb, nato pa si na enak način pomagali tudi med seboj.

Zbližanje predvojne in povojne skupnosti Slovencev in sodelovanje v skupni etnični infrastrukturi

Naslednji poudarek v obeh intervjujih je bil na naslednjem obdobju – na tem, kdaj sta se oba valova zblížala ter kako je potekalo slovensko družabno in kulturno življenje v naslednjih desetletjih. Lipovec za umiritev razmer vidi več razlogov. V prvih letih naj bi bilo precej časopisnih polemik med *Ameriško domovino* na eni strani ter *Enakopravnostjo* in *Prosveto* na drugi, nato pa se je to umirilo. Sam je menil, da so napade začeli pri *Enakopravnosti* in *Prosveti*, ki pa »so počasi prenehali, ker so oboji prišli na ameriško črno listo komunistov. Videli so, kako je, in so počasi utihnili.« Poleg sprememb v ameriškem razmišljanju zaradi razmaha hladne vojne je Lipovec razloge za to pripisoval tudi temu, da je nekaj starejših (»bolj zagrizenih«) ljudi v skupnosti umrlo. Hkrati so se staronaseljenci in novonaseljenci vse bolj srečevali v slovenski infrastrukturi. Kot je povedal, je bila velika večina naročnikov na *Ameriško domovino*, katere urejanje mu je bilo ponujeno že kmalu po prihodu, staronaseljenec, na časopis pa so se naročali tudi novi prišleki, tako da je skrbno pazil, da je bila uredniška politika sprejemljiva za oboje ter da je vključevala vsebine, ki so zanimale tako ene kot druge. Glede tega dodaja tudi zanimivo oceno: »Glede slovenščine so se staronaseljenci bolj držali kot kasneje novonaseljenci. Staronaseljenci so bili bolj preprosti ljudje, kmečki, niso bili toliko duševno razgibani, se niso jezika in vse skupaj [učili], zato so bili vsi skupaj ‚kot ovce v enem hlevu‘. Tisti, ki so bili bolj podjetni, so bili obrtniki in trgovci. Celotna slovenska naselbina se je držala skupaj.«

Poleg omenjenega časopisa je do združevanja obeh skupin Slovencev najprej prišlo v okviru župnij (takrat so v Clevelandu delovale še štiri slovenske župnije – poleg še delujočih Sv. Vid in Marija Vnebovzeta še sv. Lovrenc in sv. Kristina, ki sta bili zaprti leta 2010). Tudi tukaj so bile stvari sicer odvisne od ljudi, ki so ustvarjali župnijska življenja. Lipovec je na vprašanje, ali so jih v župnijah dobro sprejeli, na to slikovito odgovoril takole: »Ja, well, ne bi rekel. Kaplani so bili ... Baznik je bil še kolikor toliko v redu. Stari Ponikvar¹⁰ je bil v redu in tudi Oman¹¹ je bil v redu.

10 Bartholomew J. Ponikvar, župnik pri sv. Vidu v obdobju 1907–1952.

11 John J. Oman, župnik pri sv. Lovrencu v obdobju 1915–1962. To je bila župnija, v kateri je po svojem prihodu v Cleveland do smrti živel tudi ljubljanski škof Gregorij Rožman.

V Collinwoodu je bil takrat še stari Hribar,¹² on se za to ni zanimal. On je ostal stari fajmošter, kakor je bil. Pri Mariji je bilo kolikor toliko v redu, kar dosti dobro, nismo imeli nobenih težav. Počasi so prešli.«

Povojni naseljenci so se začeli vključevati tudi v bratske podporne organizacije. Med njimi so sicer obstajale razlike. Za KSKJ Lipovec navaja, da »je bila bolj katoliško usmerjena. Ko so begunci prišli, je bil glavni tajnik stalno v Clevelandu.¹³ Je zmeraj skrbel, da so dobili nove člane. Večji del so jih vpisali. To so bili pametni.« SNPJ je veljala za socialistično usmerjeno in med povojnimi naseljenci, zlasti med političnimi begunci, ni dobila veliko novega članstva, medtem ko Lipovec dopušča možnost, da se je vanjo vpisal določen del ekonomske migracije, ki je prišla v naslednjih dveh desetletjih.¹⁴ Zanimivo je, tudi organizacija AMLA, ki jo danes vodi potomec povojnih naseljencev Timothy Perčič in ima tudi povojno članstvo, v prvih letih po njihovem prihodu do njih ni bila tako naklonjena: »Slovenska dobrodelna zveza, ki je za Cleveland, ‚ohiojska‘, je imela svojih 20.000 članov, pa se je ogibala, ni marala novih. Niso bili titovski, kvazi da so nevtralni, a se niso veliko za to brigali. Jaz sem postal član, ker je bil glavni predsednik moj stari znanec, njegov brat pa moj sošolec, to je bil Sušnik.«

Vključevanje se je nadaljevalo tudi v narodne domove, ki pa so bili ravno tako različno odprti do novonaseljencev. Za dom v soseski Collinwood je Lipovec dejal: »Tu v Holmes so takoj dobili ta novi dejansko v roke vse skupaj.« Počasneje je do tega prišlo v največjem slovenskem narodnem domu v soseski St. Clair:

St. Clair je bil dolgo oz. ta prva leta zelo zagrizen, tam je bila socialistična trdnjava. Ko pa je postal predsednik odbora Zakrajšek, od pogrebnega zavoda, on ni bil za Tita, je bil bolj umirjen in so se stvari počasi spreminjale. Tisti ta najbolj zagrizeni so delno pomrli, delno pa so zaradi ameriške politike, ki je bila proti, postali bolj umirjeni. Tako je bil počasi narodni dom kolikor toliko vsaj sprejemljiv. Vse prireditve so imeli večji del ta novi. Tako Oder [Slovenski oder] svoje igre, [zbor] Korotan in Slavček petje. Večji del so bili sami ta novi. In v njihovem interesu je bilo, da so »dali najemat«. Prvih pet let je bilo malo težav, po desetih letih pa ni bilo nobenih težav več, so se stvari unesle.

Za dom v soseski Rehar je dejal, da do takšnega sodelovanja nikoli ni prišlo (»Rehar ... Progresivci so še vedno v Euclidu.«), podobno tudi za Slovenski delavski dom v soseski Waterloo, ki pa je bil v času najinega intervjuja že apolitičen: »Delavski dom

12 Vitus Hribar, po drugi svetovni vojni župnik pri Mariji Vnebovzeti. Pred tem je bil v obdobju 1893–1907 prvi župnik sv. Vida. Leta 1907 je bil premeščen v irsko župnijo sv. Avguščina v Barbertonu v Ohio, kjer je deloval do leta 1922. Rojen je bil v Zgornjem Tuhinju na območju današnje Slovenije.

13 Glavni sedež organizacije je sicer v mestu Joliet v zvezni državi Illinois.

14 Do tega je gotovo prišlo – sicer v precej manjšem številu, kot to velja za KSKJ, a vendarle. Tako je bil eden aktivnih kulturnikov (harmonikaš), ki je v SNPJ tudi zaposlen kot zavarovalni agent, potomec povojnih naseljencev Vince (Vinko) Rigler iz Illinois, sicer tudi aktiven član slovenske župnije v Lemontu.

pa so v glavnem tisti stari [Slovenci] tam in se ne brigajo za drugo, kot da ohranijo dom. V teh domovih ni več politike, kot je bilo, tega ni nikjer več, to je vse utihnilo.« Ker povojni naseljenci v domu na St. Clair, kjer jih je večina tudi živela, niso bili hitro sprejeti, so v 50. letih kupili svoj prostor in ustanovili Baragov dom, ki pa je bil v 90. letih že zaprt.

Petkovšek je sicer potrdil določene napetosti med predvojno in povojno migracijo, kljub večkratnim vprašanjem na to temo pa jih ni podrobneje opisal. To lahko pripišemo tudi temu, da tega ni tako čustveno doživel in v to ni bil osebno vpet, saj je bil takrat še otrok. Tudi po njegovem mnenju so povojni naseljenci v slovensko skupnost v Cleveland prinesli novo življenje, kar je slikovito opisal: »V tistih letih, ko so prišli Slovenci iz Slovenije, so prinesli živo Ljubljano v Cleveland. Veliko življenja: pevski zbori, dve igralski skupini.¹⁵ Skoraj vsak konec tedna so bile prireditve, tudi več prireditev isti dan.« Ob tem pa je dodal še en vidik, namreč da so nekatere organizacije med drugo svetovno vojno skorajda izumrle. Mladi fantje so bili mobilizirani, ženske so začele delati, mladine, ki bi pomagala organizirati kulturne prireditve, ni bilo. Takoj po vojni pa je po njegovih besedah prišlo do večje aktivacije tudi pri staro-naseljencih. »Po drugi svetovni vojni pa je bil,boom' s polko. Mladeniči, ki so prihajali domov iz vojske, so potrebovali kakšno veselo glasbo. V narodnih domovih in dvorinah je bilo zelo živahno. Potem kasneje je prišlo v ospredje, da so se hoteli samo poročiti in se izseliti ven, v kakšno boljšo hišo v predmestje. Ni jim bilo toliko mar za kulturo. Tudi oni so postali bolj ameriški. Posebno po drugi svetovni vojni je bil močan pritisk, da bi bili bolj ameriški.«

Petkovšek je o prihodu povojnih naseljencev govoril pozitivno, označil jih je kot »popolnoma nov segment skupnosti. In imeli smo staro skupnost, kot moji stari starši, starši itd., in nove, ki so tudi želeli ohraniti svojo kulturo, jezik, in treba je bilo začeti delati skupaj, le nekaj časa je trajalo.« Glede tega je delil osebno zgodbo. Ko so se povojni naseljenci v Clevelandu ustalili ter izboljšali svoj ekonomski položaj, so se odločili na podeželju kupiti svoje posestvo, kjer bi se lahko družili ob koncih tedna. Leta 1961 je bila odprta Slovenska pristava, ki je še danes eden najvitalnejših delov slovenske skupnosti. Petkovšek je glede tega povedal, da je bil on edini ustanovni član Pristave iz predvojne skupnosti. Po njegovih besedah drugi niso želeli pristopiti prav zaradi političnih razhajanj, kar kaže, da je bilo še vedno precej nasprotovanja. Ob tem je dodal še, da je njegova družina med drugo svetovno vojno v Slovenijo pošiljala pakete za pomoč partizanom, ob vходу na Pristavo pa najdemo spomenik domobrancem. A to ga po njegovih besedah ni nikoli motilo, »saj ima vsak pravico do svoje zgodovine in svojih spominov ter bolečin«. Niso pa vsi staronaseljenci na stvari gledali tako kot on.

Podobno kot Lipovec je tudi Petkovšek ocenil, da so se z leti nasprotja ublažila in da je bila politika vse manj pomembna. Ob tem je poudaril tudi, da so predvojni naseljenci in še posebej njihovi potomci o politični situaciji v Sloveniji vedeli bistveno

15 Gre za skupini Slovenski oder in Lilija.

manj kot povojni naseljenci. Po njegovih besedah je naravno, da se s časom in posebej z generacijami vezi rahljajo in da vse manj razumeš aktualno dogajanje. Zase je rekel, da se je med povojnimi naseljenci vedno čutil dobro sprejet: »Bile so le meje, ki jih nisi smel prestopiti. Če bi čutili, da jih žalim, bi bilo tega konec.« Glede tega je navedel zelo povedno osebno anekdoto. Leta 1971, ko sta se v Washingtonu srečala takratni ameriški predsednik Richard Nixon in jugoslovanski predsednik Josip Broz Tito, je tudi sam prejel vabilo na slavnostno večerjo. Rekel je: »Vedel sem, da je to edina priložnost, da bi kadarkoli osebno srečal ameriškega predsednika. A hkrati sem vedel tudi, da mi povojni naseljenci tega, če bi se udeležil dogodka s Titom, ne bi mogli nikoli odpustiti. Zame ni bilo nobenega dvoma, vabilo sem odklonil. Odločitev, ki je nisem nikoli obžaloval.«

Pripadniki predvojne in povojne migracije so se deloma organizirali v ločene organizacije, deloma pa so se povojni naseljenci pridružili že obstoječim etničnim strukturam. Najprej je to veljalo za cerkve, kasneje tudi za narodne domove in nekatere kulturne skupine. Začetnik slovenskih migracijskih študij Peter Klinar (1976, str. 108) razlikuje dve vrsti etničnih organizacij: stare institucije, ki so jih imigranti preslikali iz izvornih domovin (npr. cerkev, družina itd.), in nove institucije, ki so ustanovljene zaradi potreb imigrantov (podporne jednote, banke itd.). Začetni namen organizacij je bil pomoč pri premagovanju izolacije in lajšanje integracije (Genorio, 1989, str. 141), danes pa omogočajo združevanje z namenom ohranjanja identitete, ob tem pa združujejo tudi ljudi z drugimi skupnimi interesi in pristočnimi dejavnostmi (npr. petje, ples, lovstvo, balinanje ...), le da imajo dejavnosti v tem kontekstu izrazito etnični poudarek. Slovenci se glede tega niso razlikovali od drugih etničnih skupin. V Clevelandu, pa tudi drugod, kjer so živeli v večjem številu, se je ločeno razvil podoben tip organizacij glede na svetovnonazorske opredelitve članov. A čeprav so bile organizacije ločene, so gojile enake oziroma vsaj zelo podobne kulturne in ekonomske dejavnosti (npr. pevski zbori, gledališke skupine, zavarovanja v bratskih organizacijah itd.). Ni presenetljivo, da so povojne begunce po njihovem prihodu bolj gostoljubno sprejele organizacije, ki so jim bile svetovnonazorsko bližje, in da so bili tudi oni bolj zainteresirani za včlanjevanje v te organizacije. Kot vidimo, pa so se s časom stvari spreminjale in je tudi v drugih organizacijah prišlo do menjav vodstev, do pragmatičnosti, ker se jim je izplačalo prostore dajati v najem, itd., ter je bila prepletenost med predvojnimi in povojnimi naseljenci vse večja.

Dogajanje in prelomnice do leta 1990

Naslednji večji sklop, ki smo se mu posvetili v intervjujih z obema sogovornikoma, je bilo vprašanje, katera je bila naslednja večja prelomnica v slovenski skupnosti in kako je vplivala na skupnost. Oba sogovornika sta kot takšno prelomnico navedla izseljevanje iz tradicionalnih sosesk na obrobje mesta. Lipovec je dejal: »Stari in novi naseljenci smo skupaj, eden ob drugem, živeli v soseskah, kot sta St. Clair in Collinwood. Vse je bilo tukaj. V 70. letih, po črnskih nemirih, pa se je obrnilo navzdol.

Okrog 80. leta je bil St. Clair že 'fifty-fifty'.« Podobno Petkovšek pravi: »Potem po vojni pa je seveda prišla sprememba – hladna vojna, atomska vojna – in oblasti so svetovale, naj gre industrija iz mesta ven. Tako so se potem tudi delavci izselili, dela v mestu ni bilo, vse je šlo ven.« A hkrati poudari tudi proces vrednotenja etnične pripadnosti, ki se je razvijal takrat in za tem: »Leta 1960 je bil to najnižji nivo za etnično senzibilnost. V 50. in 60. letih so se ljudje prav sramovali svojih korenin. Ni bil pravi čas. Vsi so hoteli biti Američani. V 70. letih, predvsem zaradi gibanja v črnski skupnosti, so potem tudi druge narodnosti dobile navdih, da bi se tudi one potegnile za svojo narodnost.«

Navkljub selitvi in razpadu strnjjenih naselbin pa je po ocenah obeh slovenstvo v 50., 60. in 70. letih 20. stoletja še naprej doživljalo veliko stopnjo aktivnosti in celo razcvet. Zanimivo pa je, da pri opisovanju tega poudarek dajeta nekoliko različnim kulturnim zvrstem, odvisno od tega, s katerimi dejavnostmi sta bila sama najbolj povezana. Petkovšek izpostavlja predvsem pomen glasbe in priljubljenost, ki jo je bila deležna polka.

Leta, celo desetletja je bila vsak konec tedna množica dogodkov, mogoče šest na vikend, skozi vse leto. Ter poleti seveda še pikniki ter vse prireditve na prostem. Nekoč smo imeli šest, če ne celo osem pevskih zborov, in vsak je imel spomladi in jeseni svoj koncert. Pa folklorna skupina Kres, ki še danes deluje. V vseh lokalnih domovih so bili seveda organizirani polka plesi, na ta način se je tudi zbiralo denar za najrazličnejše namene. A vse to nikakor ni bilo omejeno le na Cleveland in na Slovence. Yankovich in Pecon sta prodajala milijonske naklade svojih plošč v poznih 40. in v 50. letih in sta naredila neverjetno promocijo polka glasbe. Vsakdo je vedel, da je ta glasba najbolj povezana ravno s Slovenci. Na koncertih se je poleg angleških slišalo tudi slovenske pesmi, čeprav jih publika ni razumela. In to je bilo tik pred pojavom televizije, v zgodnjih 50. letih se je pojavila. In bile so tudi polka in slovenske glasbene televizijske oddaje, kjer so se redno pojavljali Yankovich, Pecon, Rendall in številni drugi, in to leta in leta. To je bil nekako vrhunec. A tudi v 70. letih so se dogajale pomembne stvari. Že leta 1970 sta prišla Avsenik in Slak iz Slovenije. In številni drugi ansambli v letih za tem. Slovenska gostilna, ki jo je vodil Frank Sterle, je vsako leto organizirala silvestrovanje z ansamblom iz Slovenije, ki je bilo razprodano. In že naslednji dan koncert istega ansambla v narodnem domu na St. Clair, le deset ulic stran, spet razprodan. Pa koncerti Avsenika in Slaka v »downtown« dvoranah, poleg narodnih domov, tudi razprodani.

Podobno je tudi Lipovec dejal, da je bila v 1950. in 1960. letih »poživitev slovenstva, prava renesansa«.

Do neke mere je bilo tekmovanje. Je bilo živahno. Vsako soboto sem moral imeti pri *Ameriški domovini* poleg mene še dva človeka, da smo krili vse prireditve, ki so bile za vikend, da smo lahko o vsem poročali v listu v ponedeljek. Polno življenja je bilo

vse do sredi 70. let. Tone Šubelj je v 50. in 60. vodil štiri pevske zборе: Slovan, Matica, Triglav in še srbski zbor Njegoš. Šubelj je na St. Clair celo opere prirejal v 50. in 60. letih. Novonaseljenci pa so ustanovili svoj zbor – Korotan, ki ga je vodil Metod Milač. To so bili mladi, ki so prišli iz taborišča v Špitalu. Milač je te ljudi dobro poznal in je bil navdušen za to in jih je zbral skupaj. Bil je Karel Mauser in več teh ljudi, navdušenih, ki so radi pisali in delali. Od staronaseljencev še pisatelj Jontez. Izdal je knjigo *Povest na ne vem kateri cesti*. Zanimiva zgodba. Za staronaseljence se je dolgo štelo, tudi sami so tako rekli, da razen duhovščine niso imeli skoraj nobenega intelektualca, kar se je pa izšolalo, se je štelo, da je amerikanizirano. A še dva njihova predstavnika sta bila takrat vidna, pesnik Ivan Zorman in zdravnik dr. Franc Kern Javh. K njemu je hodilo veliko slovenskih pacientov, umrl je ob koncu 50. let. Po vojni pa je prišlo par ducatov intelektualcev in je bila zadeva čisto druga. V tistem času smo imeli v Ameriki štiri slovenske dnevnikarje, od tega dva v Clevelandu: *Ameriška domovina* bolj desno usmerjena, *Enakopravnost* pa se je sama imenovala, da je progresivna, napredna. Na St. Clair je bilo vsega skupaj 100 metrov od enega do drugega uredništva.

Slovenci so v Clevelandu, tako kot pogosto velja za priseljence, osnovali svoje prave etnične četrti. Slednje etničnim skupnostim ponujajo občutek varnosti, predvidljivosti in tudi nadomestka za domovino. A za takšne zaprte skupnosti velja, da je njihov rok trajanja praviloma omejen. Ko se pripadniki skupnosti, običajno to velja za otroke ali vnuke priseljencev, dobro naučijo jezika, ko se izobrazijo in najdejo boljše zaposlitve ter ko se njihov ekonomski status izboljša, etnične soseske zapustijo ter si poiščejo bivališča v boljših predelih. V primeru Clevelanda je bilo to še pospešeno z dvema procesoma, ki sta v 50. in 60. letih sovpadala in korenito spremenila slovenske naselbine v Clevelandu. Prvi je bila selitev industrije iz mestnih središč zaradi strahu pred jedrskim napadom, čemur so sledili tudi delavci, istočasno pa se je v mesta na severu ZDA začelo naseljevati temnopolto prebivalstvo z juga države, ki danes pomemben delež populacije predstavlja tudi v Clevelandu. A ko so se v določeno sosesko priselili prvi temnopolti prebivalci, so belopolti pospešeno začeli prodajati hiše (ki so jih nato kupovali temnopolti), saj so pričakovali močan padec vrednosti nepremičnin. Za avenijo St. Clair tako npr. popisi kažejo, da je tam leta 1950 živelo več kot 50.000 oseb slovenskega rodu. Za del soseske je popis izkazal, da je tam živelo 5.065 oseb, od tega je bilo 7 temnopoltnih. Leta 1960 pa je imel ta predel 6.977 prebivalcev, od katerih jih je bilo 98,7 % temnopoltnih (Klemenčič, 1995, str. 106).¹⁶

Za razliko od npr. Hrvatov, ki so ob selitvi iz starih sosesk večinoma prodali tudi skupnostne prostore, pa so Slovenci narodne domove in cerkve v teh soseskah ohranili vse do danes. Kot vidimo iz pričevanja Petkovška in Lipovca, te selitve niso negativno vplivale na kulturno delovanje v skupnosti, ampak so se med Slovenci še vedno ohranile številne iniciative, prireditve pa so bile množično obiskane.

¹⁶ To pa ne velja le za slovenske soseske oz. mesto Cleveland, ampak gre za splošen proces v pojavnih ZDA (gl. Duncan & Dutley, 1957; Basham, 1978).

Razumljivo je, da je Petkovšek večji poudarek dal polki, saj je vodil oddajo o tej glasbeni zvrsti, poleg tega pa ni več govoril slovensko. Na drugi strani je Lipovec dal večji poudarek igram, zborom in književnosti, saj je še govoril slovensko, poleg tega pa so o tem v *Ameriški domovini* tudi največ poročali.

Vpliv demokratizacije in osamosvojitve Slovenije

Oba sogovornika sta ocenila, da je konec 1970. let slovenstvo začelo počasi upadati, posebej jezik. To je bil sicer čas, naklonjen etničnostim in etničnim študijam, a hkrati obdobje, ko je vse več mladih Slovencev hodilo na univerzo, se naseljevalo tudi izven Clevelanda ter predvsem prevzemalo angleščino kot svoj prvi jezik. Kot naslednjo posebno pomembno prelomnico sta oba ocenila čas demokratizacije in osamosvajanja Slovenije. To so močno občutili tudi v Clevelandu, in številni člani skupnosti so se zelo aktivirali. Oba sta poudarila tudi, da je to pomenilo takojšna spravo znotraj skupnosti in da so se razlike še zmanjšale. Povezali so se tudi v organizacijo Združeni Američani za Slovenijo, za katero je Petkovšek ponosno dejal »je tudi res bila, kot se je imenovala, združeni, to je bilo nekaj velikega, posebni občutki, posebna energija. Toliko ljudi, toliko generacij so nosili to v svoji krvi, veš, ta cilj biti svoboden, in rezultat je bil, da je Slovenija prvič v zgodovini postala zares svobodna. To je bilo nekaj velikega.« Lipovec se je spominjal, kako so v okviru Ameriško-slovenskega sveta najprej zbirali sredstva za stranke Demosa.

Prvi, ki je napisal ček v sklad, je bil župnik Božnar pri sv. Vidu – za 500 dolarjev. Ker je on visoko zastavil, so nato tudi drugi dajali – ne 20 ali 30, temveč najmanj po 100, 200, 300 dolarjev. Tako smo v še ne treh tednih zbrali 90.000 dolarjev. Konec februarja smo imeli že blizu 60.000 dolarjev, nato pa smo nabrali še preostalo. Te smo poslali tja: Peterletu in Omanu smo dali 80.000, 10.000 pa Ruplu in Spomenki. Peterletova in Omanova skupina je prišla skoz, ker je imela denar za kampanjo. Rekli so, da se je treba za volilno zmago zahvaliti clevelandskim Slovincem, ki so to organizirali.

Oba sta ocenila, da je to dogajanje dalo skupnosti nov zagon in samozavest. Poudarila sta, da so ljudje od tedaj naprej tudi v izseljenstvu imeli konkretno državo, s katero so se lahko identificirali. Lipovec je dodatno izpostavil tudi pomen demokratičnosti države, kar je v ZDA velika vrednota. Kljub temu novemu zagonu pa je v naslednjih dveh desetletjih in pol prišlo do upada tudi v slovenski skupnosti – del infrastrukture se je zaprl, upadla sta članstvo v določenih organizacijah in obisk na nekaterih prireditvah. Oba sogovornika sta povsem pragmatično sprejela, da je to naraven in razumljiv proces in da se spremembe zagotovo obetajo tudi v prihodnosti.

Ocene obeh intervjuvancev veljajo in so splošno sprejete tudi za vse druge slovenske izseljenske skupnosti. Tudi drugod po svetu velja, da bilo obdobje osamosvojitvenega procesa v Sloveniji čas velike složnosti in sprave slovensko opredeljenih oseb. V vseh skupnostih je prišlo tudi do velike aktivacije članov v pomoč Sloveniji, ki

je prinesla pomembne rezultate. Med takimi sta bila tudi naša intervjuvanca. Prispevek Slovencev po svetu, tako v ZDA kot drugod, k uspešni izvedbi osamosvojitve in mednarodnemu priznanju je že precej dobro popisano (glej npr. Gelt et al., 1992; Gregorič, 1995; Klemenčič et al., 2015; Klemenčič, 2017; Volarič et al., 2017).

Obeti za prihodnost slovenske skupnosti

Za oba intervjuvanca lahko rečemo, da sta izrazila določeno zaskrbljenost in da sta pričakovala, da bo prišlo do delnega upada aktivnosti v skupnosti, hkrati pa sta oba videla tudi optimistične vidike in nobeden od njiju ni izrazil pričakovanja, da bo slovenstvo v Clevelandu povsem izginilo. Petkovšek je razmišljal, da številni vodilni ljudje, ki skrbijo za »bratske stvari,¹⁷ glasbene stvari, kulturne stvari«, postajajo stari: »Vsi postajamo stari, jaz bom 74, to je že star. Ključno vprašanje je, kako dolgo lahko preživimo, kar se tiče aktivnosti.« Hkrati pa je razmišljal tudi o tem, da so se že pred dvajsetimi leti spraševali, kako dolgo bodo še lahko vzdrževali dogodke na SNPJ Farm, predvsem polka plese, saj so nanje zahajali le upokojenci. Enako je bilo tudi deset let kasneje. »Sedaj, zopet deset let kasneje, pa isto. Ljudje so pomrli, a prišli so novi. Mogoče ko postane nekdo toliko star, sploh ko mu ni treba več hoditi v službo, ga te stvari začnejo spet bolj zanimati, ima več časa, tam sreča stare prijatelje. Ne bi me presenetilo, če bi SNPJ Farm čez deset let zopet izražal iste skrbi.« Tudi glede drugih dejavnosti je izrazil zmeren optimizem: »Zmeraj, ko misliš, da bo šlo vse v nič, se nekaj v novi generaciji pojavi. Ta hibridna kultura se nekako na nov način razvije.« Ob tem je dodal, da so številne prireditve organizirane ob takšnih urah, da je jasno, da ciljajo predvsem na upokojence – to npr. velja za festival slovenske klobase, ki poteka enkrat letno septembra ob sredah zgodaj popoldne (in je vedno množično obiskan). Kljub temu je bil najbolj optimističen glede prihodnosti potomcev povojnih naseljencev, posebej v okviru Slovenske pristave:

Prihodnost ... Opogumljen sem nad tem, kar vidim na Slovenski pristavi, na primer, ko družine pridejo skupaj, vse generacije, mogoče tri generacije skupaj obiščejo dogodke. Pred kratkim sem bil na pikniku župnije sv. Vid, kmalu bo piknik župnije Marije Vnebovzete, to so tako čudovita druženja z množico ljudi, ogromno mladih obrazov, dojenčkov še v vozičkih. Ko to vidiš, veš, da neka prihodnost zagotovo bo.

Lipovec je za prihodnost slovenstva v Clevelandu dejal:

Živelo bo bolj po spominu. S slovensko zavestjo je težavno: prva generacija se še nekako drži, druga komaj. Vejo še za potico in klobaso. Je pa slovenska pesem tista, ki ohranja. Od staronaseljencev sta dva zbora: Glasbena matica ter Zarja. Korotan, ki je lani praznoval 60. letnico, pa je iz novonaseljencev. Pritegnili so mlade in to je

17 S tem je mislil dejavnosti v okviru bratskih dobrotelnih organizacij (SNPJ, KSKJ, AMLA).

pozitivno – mladi ljudje pridejo skupaj, se seznanjajo in tako nastanejo slovenski pari, ki se poročijo med seboj. Časopis je nekaj – dokler je, je skupnost, ko ga ni, ni več sredstev za povezavo. Zdaj pa, veste, kako je: Narodni dom uspeva, kolikor more, fara diha, kakor more. Dokler so fare, ko pa bo šla slovenščina ven iz cerkve, bo dejansko konec slovenščine kot take. Ostala bo pa slovenska skupnost.

Ob tem pa je dejal, da je mnogo odvisno od uspešnosti Slovenije. Če bo to država, na katero bodo osebe slovenskega rodu ponosne, bo to spodbujalo slovenstvo, »če bo Slovenija reva, pa ne bo nič«. Najbolj kritična je po njegovem situacija glede jezika:

Kupili in organizirali smo Slovensko pristavo z namenom, da bo slovenska mladina hodila tja na počitnice, da se bodo Slovenčki igrali in da se bo jezik utrdil. Par let je tako tudi bilo. Če pa danes greste na Pristavo, boste slišali predvsem angleščino. Ljudje sicer še znajo slovensko. A te generacije, ki so šle tukaj v šole, govorijo slovensko bolj trdo, potem pa jim je nerodno govoriti in jim angleško lažje teče. To je žalostna zgodba asimilacije.

A hkrati je izrazil prepričanje, da bo skupnost »do neke mere« ostala: »Par generacij bo še ostalo. Pravzaprav tako, kakor je z izseljenstvom tudi na splošno ... Še obstaja zanimanje za Slovenijo, „zavisí“ pa, kako se bo Slovenija, komandirala.« Tudi Lipovec je najsvetlejšo prihodnost napovedal Slovenski pristavi in tudi SNPJ Farmi, z argumentom, da sta to družbi s premoženjem in da »imata smisel, saj so ljudje veseli, da imajo kam iti«. Za župniji je napovedal, da bosta sčasoma, ko se bosta trenutna (takratna) duhovnika upokojila, postali teritorialni župniji. »Ostalo bo v spominu. Zato sem pa rekel, da bi bilo dobro, da bi nekdo to zgodovino clevelandskih Slovencev oz. zgodovino slovenske skupnosti v Clevelandu nekako povezal in opisal, kako in kaj je bilo.«

Vidimo lahko, da sta njuni napovedi dokaj podobni: da se bo skupnost spremenjala, da bodo kakšne stvari tudi izginile, a da bo slovenstvo v neki obliki vendarle preživelo. Lahko rečemo, da gre za tipične spremembe v postmigrantskih skupnostih. Za ameriško asimilacijsko politiko velja koncept t. i. talilnega lonca (angl. *melting pot*), ki ga je kot sociološko teorijo uvedla Čikaška šola. Ta trdi, da priseljenci po začetnem obdobju tranzicije in možne dezorientacije postopoma odvržejo etnično razlikovanje in se asimilirajo oziroma amerikanizirajo (Banks 1996, str. 22). Stalili naj bi se v enotno skupnost z ameriško identiteto, a brez premočnih drugih izvornih identifikacij, ki bi družbo delale heterogeno. Za homogenost in enotno delovanje družbe je pomembno predvsem, da ameriška državna identiteta relativno kmalu začne prevladovati nad izvornimi etničnimi identitetami. Pomemben dejavnik pri tem je bil jezik – priseljenci so se običajno hitro naučili angleščine, njihov materni jezik pa se je v večini primerov izgubil že do tretje generacije priseljencev (Crawford, 2000, str. 1–27). Točno tako lahko opišemo tudi napovedano prihodnost slovenstva v Clevelandu. Zagotovo bodo to v prvi vrsti Američani, sicer še z zavedanjem svojih etničnih korenin, ki pa ga bodo bolj kot jezik opredeljevali drugi atributi (npr. hrana,

pesem, druženje na dogodkih itd.). Gre za pojav, ki ga Gans (1979) opredeljuje kot »simbolna etničnost«. Petkovšek najsvetlejšo prihodnost napoveduje Slovenski pristavi, Lipovec pa poleg te še SNPJ Farm. Glede slednje se uresničuje Petkovškova domneva, da bi si lahko tako kot leta 2015 tudi čez desetletje postavljali enaka vprašanja: kaj bo čez deset let. Deset let po opravljenem intervjuju letovišče še naprej dobro deluje ter organizira enako število plesov in drugih dogodkov. V slabši kondiciji so slovenski narodni domovi, saj se jih je v preteklih osmih letih že več zaprlo. Čeprav je Lipovec napovedal, da bosta župniji v takšni obliki obstali le dokler ju bosta vodila takratna župnika, pa je pri sv. Vidu v letu 2021 prišlo do spremembe, saj se je dotedanji župnik Joseph (Jože) Božnar upokojil, nasledil pa ga je John C. Retar. Tudi slednji ima slovenske korenine, odrasel je v Clevelandu, s čimer župnija ostaja slovenska etnična župnija. Pri razmišljanju o prihodnosti slovenstva je treba upoštevati tudi družbene realnosti, kot so selitve ljudi (zaradi študija, služb, ljubezni in drugih osebnih razlogov) po celotnih ZDA, vse več mešanih zakonov in posledično gojenje več etničnih dediščin (če se za to odločijo) ter individualizacija, za katero je značilno individualno gojenje identitete in hkratno pomanjkanje interesa za kolektivno etnično udejstvovanje (glej npr. Valentinčič, 2016; Valentinčič, 2021; Valentinčič, 2022). Vse to slovenske organizacije zagotovo postavlja pred nove izzive, a glede na to, da številne organizacije še dobro delujejo, situacije za zdaj nikakor ne gre opisati kot kritične.

SKLEP

Članek ponuja vpogled v šest desetletij in pol dolgo obdobje v največji slovenski izseljenski skupnosti. Izpostavljene so številne stvari, ki so bile že znane in popisane, v tem prispevku pa jih s svojim videnjem interpretirata dva izmed najuglednejših clevelandskih Slovencev. Hkrati pa je izpostavljen tudi marsikateri nov vidik in podane nove informacije, ki se bodo vpisale v zakladnico preučevanja slovenskega izseljenstva. Njihova objava je koristna za vse, ki jih zanima zgodovina slovenstva v Clevelandu, še posebej pa za raziskovalce, ki bodo želeli preučiti in prikazati celotno sliko slovenskega izseljenstva (v Clevelandu in globalno). Ob tem članek ponuja podrobnejši vpogled v miselni svet in osebna doživljanja dveh markantnih članov slovenske izseljenske skupnosti, Vinka Lipovca in Tonyja Petkovška.

Zaključimo lahko z ugotovitvijo, da naša intervjuvanca nikakor nista podajala različnih ali celo nasprotujočih si mnenj, ki bi izhajala iz dejstva, da sta pripadala različnim valovom slovenskega izseljenstva v ZDA. Dogajanja sta se spominjala in ga vrednotila zelo podobno, opaziti je le določene razlike glede tega, katerim atributom slovenske identitete sta pripisovala več pomena in pozornosti – pri Petkovšku je bila to predvsem polka glasba, medtem ko je Lipovec izpostavljaj različne aktivnosti, za katere je potrebno tudi znanje slovenščine, kot so pevski zbori in gledališke skupine (sploh slednje so vezane na aktivno znanje jezika in jih danes v Clevelandu

ni več, medtem ko v zborih pojejo tudi posamezniki, ki jezika sicer ne obvladajo več). Precej podobne so bile tudi njune napovedi glede prihodnosti slovenstva v Clevelandu. Pričakovala sta upad skupnosti in zamrtje nekaterih dejavnosti, a vendarle preživetje slovenstva, čeprav ob izgubi slovenskega jezika. Petkovšek je najsvetlejšo prihodnost napovedoval organizaciji Slovenska pristava, Lipovec pa poleg te še SNPJ Farm. Če se bodo njune napovedi uresničile, se bo slovenska skupnost, sicer v nekoliko spremenjeni obliki, torej ohranila.

ZAHVALE IN DRUGI PODATKI

Članek je nastal v okviru ciljnih raziskovalnih projektov »Digitalna preobrazba slovenske izseljenske skupnosti v Združenih državah Amerike in Kanadi« (V5-2277), financiranega s strani ARIS in Ministrstva za digitalno preobrazbo, ter »Analitični model vrednotenja ukrepov politik na področju vračanja izobraženih Slovencev« (V2-2357), financiranega s strani ARIS in Ministrstva za visoko šolstvo, znanost in inovacije.

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SUMMARY

THE SITUATION AND CHANGES IN THE SLOVENIAN COMMUNITY IN CLEVELAND BETWEEN 1950 AND 2015 AND PROSPECTS FOR THE FUTURE OF THE COMMUNITY: A COMPARISON OF THE VIEWS OF TONY PETKOVŠEK AND VINKO LIPOVEC

Dejan Valentinčič

The article offers insight into six-and-a-half decades (between 1950 and 2015) of the largest Slovenian emigrant community and its prospects for the future. It interprets many things that were already known and described about the Slovenian community in Cleveland, this time from two of the city's most prominent Slovenians, Vinko Lipovec and Tony Petkovšek, while providing new aspects and new information. Lipovec was a post-World War II political refugee from Yugoslavia, while Petkovšek was the descendant of pre-World War I economic migrants. The former was especially known as an editor of the daily newspaper *Ameriška domovina* for thirty years, whereas the latter hosted the longest-running daily polka radio show in the United States. Biographical interviews conducted with Petkovšek and Lipovec in 2015, followed by semi-structured interviews in 2016 and 2017, reveal their world views and personal experiences.

Despite the limitations of the oral history method, the author determined it to be the most suitable for conducting this research. The author notes that Petkovšek's and Lipovec's views on most topics are quite similar. Both notice the less-than-ideal cooperation between pre-war and post-war immigrants and the gradually better relations. Nevertheless, they describe the conflict less radically than it appears from some literature. Immediately upon arrival, post-war refugees also settled in Slovenian neighborhoods, first receiving help from their compatriots in finding jobs, and then helping each other in the same way. The union of the two groups of Slovenians first took place within the parishes and eventually also other organizations. Both interviewees assess that the arrival of refugees after World War II meant the revival of the community, and both equally share the opinion of how important Slovenia's independence was for self-confidence and reconciliation in the community. The Slovenian ethnic community has changed a lot over time, one of the biggest changes being the migration away from traditional neighborhoods to the city's suburbs in the 1960s and 1970s, causing a rapid loss of the Slovenian language. Although the interviewees expect the community's decline in the future, they still believe it will survive. Petkovšek attributes greater importance for the community to polka music, while Lipovec to language. Petkovšek predicts the brightest future for the organization Slovenska Pristava, while Lipovec for Slovenska Pristava and SNPJ Farm. If their predictions come true, the Slovenian community will continue to exist, albeit in a slightly modified form.

THE VULNERABILITY OF MIGRANTS FROM BULGARIA TO HUMAN TRAFFICKING FOR LABOR EXPLOITATION

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ABSTRACT

The Vulnerability of Migrants From Bulgaria to Human Trafficking for Labor Exploitation

The article analyzes the vulnerability of labor migrants from Bulgaria to traffickers and exploiters. Based on in-depth interviews with victims and experts in the field of human trafficking, the authors identify the main factors for falling into trafficking and the methods of recruiting and exploiting victims. The article answers the question as to why this phenomenon remains so persistent over time. A worrisome trend has been observed where victims perceive exploitation as a regular aspect of their employment abroad. The authors point out that reducing migrants' vulnerability largely depends on the broader national socioeconomic context, global inequalities, and the demand for cheap labor.

KEYWORDS: migration, human trafficking, labor exploitation, inequalities, Bulgaria

IZVLEČEK

Izpostavljenost migrantov iz Bolgarije trgovini z ljudmi zaradi izkoriščanja delovne sile

Avtorja v prispevku analizirata ranljivost delovnih migrantov iz Bolgarije za trgovce z ljudmi in izkoriščevalce delovne sile. Na podlagi poglobljenih intervjujev z žrtvami in strokovnjaki s področja trgovine z ljudmi opredelita glavne vzroke za to, da ljudje končajo v rokah trgovcev z ljudmi, ter metode novačenja in izkoriščanja žrtev in odgovorita na vprašanje, zakaj je ta pojav še vedno tako pogost. Skrb vzbuja podatek, da žrtve pogosto dojemajo izkoriščanje kot običajen sestavni del svoje zaposlitve v tujini. Avtorja poudarita, da je zmanjševanje ranljivosti migrantov odvisno predvsem od širših socialno-ekonomskih okoliščin v državi, pa tudi od globalnih neenakosti in povpraševanja po poceni delovni sili.

KLJUČNE BESEDE: migracije, trgovina z ljudmi, izkoriščanje delovne sile, neenakosti, Bolgarija

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INTRODUCTION

With the growth of globalization and in the context of the European Single Market, cross-border travel for tourism and seeking employment has increased drastically. This situation creates not only many benefits but also many risks for migrants. Studies (GAATW, 2010; Milkman, 2020) indicate that migrants looking for better employment opportunities far from home are disproportionately exposed to the risk of exploitation and abuse. In this respect, some regions of the world are significantly affected by this trend (US State Department, 2022). One such region is Eastern Europe, with high migration rates to the more affluent West European countries. Migration trends have developed with varying intensity since the early 1990s. The phenomenon has been enhanced by the large economic differences existing between countries (Dorn & Zweimüller, 2021), economic growth in the Western economies (De La Rica et al., 2015; Barslund & Busse, 2014), the demand for labor force in the aging European societies (Lemaître, 2013), and the poor social situation in home countries (Kaye, 2003).

Research shows that human trafficking happens in parallel with the general migration flows from Eastern Europe (Bezlov et al., 2007; Petrunov, 2014). It has also been established that trafficking affects men and women alike (Mahmoud & Trebesch, 2010). Intensified migration in the last few years resulting from military action in Ukraine and Syria raises with particular acuity the issue of the risks faced by people who seek a better life in foreign countries. Hence, special attention must be directed to the vulnerability of migrants in terms of human trafficking, which is a real danger in our turbulent times.

This article aims to examine the risk that human trafficking poses to migrants from Eastern Europe. For this purpose, we discuss the main aspects of human trafficking from Bulgaria. In the first part, we present the scale and the significance of the human trafficking issue. Then, we briefly describe the context in which many Bulgarians decide to migrate and seek work abroad. Following a description of the methodology, we present the research results, which offer valuable information for designing knowledge-based policies that can inform measures aimed at reducing migrants' vulnerability to human trafficking for labor exploitation and providing support to the identified victims.

THE SCALE OF THE HUMAN TRAFFICKING ISSUE

Human trafficking¹ is not a recent problem, but it has increased constantly since the end of the 20th century (Outshoorn, 2015), so much so that it has been defined as the fast-growing activity of organized crime (Shelley, 2010). Experts have calculated that traffickers gain more than €29 billion worldwide per year (European Commission, 2021). The EU has defined human trafficking as a basic threat (Europol, 2021). Nicholson (2013) asserts that this category of crime brings back long-rejected practices associated with slavery (the restriction of the right to dignity and security, to fair and favorable working conditions, to access to healthcare, etc.).

Judging by the number of identified victims, the most widespread forms of trafficking are those aimed at sexual and labor exploitation. The US Department of State's annual report on human trafficking (US Department of State, 2022, p. 62) points out that, in 2021, there were 90,345 officially identified victims of trafficking, of whom 21,219 were victims of trafficking for labor exploitation. According to Europol (2021), trafficking in human beings remains significantly underreported, which implies that most cases remain invisible. Nevertheless, Europol experts assess that the trafficking of human beings for labor exploitation is increasing in the EU as a result of the constant demand for low-wage workers (Europol, 2021, p. 72). This issue is further exacerbated by the absence of effective prevention and state control in the countries of origin and by particular legislative restrictions imposed on foreign workers in the destination countries, as in Slovenia (Frangež & Bučar Ručman, 2017). In Italy, too, an Amnesty International report shows how the conditions created by migration policy increase the risk of labor exploitation (Amnesty International, 2012).

Active research on human trafficking began in the last two decades. Researchers (Dragiewicz, 2008; 2015) found only a hundred or so publications on the topic published before 2000, including books, articles, and documents of international organizations and non-governmental organizations. In contrast, in 2014, 34,800 such publications were found. Despite the growing interest in the problem, Cockbain et al. (2018) indicated the strong need for more research, especially empirical, on trafficking aimed at labor exploitation in all its aspects. The authors show that such literature is sparse and fragmentary. Despite the considerable increase of interest in the problem in general, researchers do not focus sufficiently on this most widespread form of trafficking. The emphasis in research is mainly on trafficking for the purpose of sexual exploitation, while other forms are overlooked. In reviewing the literature on human

1 An internationally accepted definition is given in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*: "The recruitment, transportation, transfer, harboring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (UN General Assembly, 2000).

trafficking (6,106 identified and screened records), Cockbain et al. (2018) found serious gaps in knowledge about the fundamental aspects of workforce trafficking and even more so about the effectiveness of countermeasures. Despite the emphasis the EU and its institutions have placed on combatting human trafficking (in documents like Directive 2011/36/EU; EU Strategy on Combatting Trafficking in Human Beings 2021–2025), Cockbain et al. (2018) claim that the data basis is insufficiently developed: in their 15-year review period, they found only 152 publications containing empirical data on human trafficking for labor exploitation in Europe.

All this points to the need for more research on the issue and more empirical data, especially relevant to the most affected countries, such as Bulgaria. Bulgaria is predominantly a source country for victims of human trafficking, many of whom are transported to Western European nations (Mattar, 2009; Shelley, 2014; Petrunov, 2014). It should be noted that, according to Bulgarian law, human trafficking occurs even if the victim has given his/her consent (Petrunov, 2019).

Human trafficking is one of the most widespread and profitable criminal activities in Bulgaria, according to the assessment of organized crime threats in Bulgaria (CSD, 2019). Official data of the Supreme Cassation Prosecutor's Office regarding the victims of human trafficking in Bulgaria, as summarized in the office's annual reports, show that the numbers were relatively constant over five years: 508 victims in 2017; 443 in 2018; 487 in 2019; 458 in 2020; and 468 in 2021 (NCCTHB, 2022). These data cover only the officially registered victims of incomplete pretrial or criminal proceedings. Probably thousands of Bulgarians become victims of trafficking each year but remain outside the official statistics. Trafficking for labor exploitation is more latent (it is carried out in factories or homes, away from public view, where it is difficult to contact other people) than trafficking for sexual exploitation, which makes it additionally difficult to identify the victims of the former.

Concerning the state of the issue and the fight against human trafficking, in 2022, the US Department of State report placed Bulgaria on a Tier 2 Watch List.² This means that, compared with the year 2021 and despite the measures taken, the number of victims of severe forms of trafficking is excessively high, and there has been no improvement regarding the fight against this criminal activity and the assistance provided for its victims (US Department of State, 2022). Moreover, Bulgaria is in a worse position than in 2020 (US Department of State, 2021).

2 The standards laid down in the Trafficking Victims Protection Act of 2000 have been used as a basis for assessment.

THE SOCIOECONOMIC CONTEXT IN BULGARIA

Since the early 1990s, the socioeconomic development of Bulgaria has been characterized by ups and downs. From 2014 to 2020, there was a constant, albeit weak, growth of the GDP, decreasing unemployment, and a rise in incomes (Krasteva, 2019). The COVID-19 pandemic changed this positive trend: many businesses were forced to close, and many Bulgarians lost their jobs. Before this crisis, Bulgaria was—and still is—the country with the highest risk of poverty or social exclusion in the EU. In 2021, 31.7% of the population was at risk of poverty or social exclusion (Eurostat, 2023a). The country also has the highest levels of income inequalities among European countries measured by the Gini coefficient. In 2021, the index was 39.7, nearly 10 percent above the EU average (Eurostat, 2023b). Data from the Opinion of the Economic and Social Council of the Republic of Bulgaria show that the average annual income of the 50 percent poorest Bulgarians in 2020 was 5,787 BGN, or 482 BGN per month (around 240 EUR), while the average annual income of the 1% richest Bulgarians was approximately 320,000 BGN, or 26,666 BGN (around 13,000 EUR) per month (ESC, 2022). The share of the so-called working poor is large: in 2021, 10.0% of the employed were in this category (Eurostat, 2023c). The average hourly wage in Bulgaria in 2021 was the lowest in the EU: 7.1 EUR. By comparison, in Germany, one of the preferred target countries for emigration, the average hourly wage is 37.2 EUR (Eurostat, 2023d).

In this context, many Bulgarians prefer to migrate for better pay for their labor. Data from the National Statistical Institute (NSI, 2022) indicate that, in the last decade, the number of Bulgarian citizens who have emigrated from the country has tripled. A large share of the labor migrants, especially the seasonal workers, who go and return, remains outside the official statistics. These people are especially vulnerable to human trafficking for labor exploitation.

METHODOLOGY

The empirical information used in this article was gathered through in-depth interviews conducted with two groups of respondents. In one group, 38 in-depth interviews were conducted with victims of human trafficking for forced labor exploitation. The other group of respondents consisted of 29 experienced experts in the problems of this kind of human trafficking. The interviewed experts are representatives of different institutions and organizations who have knowledge of various aspects of the issue: prevention and support for victims (Ministry of Foreign Affairs, State Agency for Child Protection, International Organization for Migration, NGOs), investigation and law enforcement (Ministry of Interior, Prosecutor's Office of the Republic of Bulgaria, Court of Justice), expertise in various aspects of trafficking

(National Commission for Combating Human Trafficking at the Council of Ministers of the Republic of Bulgaria, GRETA, established by the Council of Europe).

The interviews were conducted during two periods: 2019–2020 and 2022. The criteria by which respondents in the first group were chosen was their participation in programs for the returning of victims of trafficking to their home countries and the provision of assistance to them, carried out by the International Organization for Migration Bulgaria. Interviewers familiarized the interviewees with the study's aim and acquired their consent to participate. To avoid additional stress for the survivors of human trafficking, interviews with victims were not audio-recorded. Instead, the interviewer took detailed and accurate notes throughout the interview. Interviews lasted from 30 to 50 minutes. The participation of experts in the study was ensured thanks to the authors' many years of contact with such experts through joint activities on the problems of migration and human trafficking. In-depth interviews with experts who consented to audio recording were captured on a dictaphone, while comprehensive notes were taken during sessions with other experts. Interviews lasted from 40 to 70 minutes.

In order to ensure the respondents' anonymity, when citing them, we have used pseudonyms, followed by their gender and age, for instance, Ivan (male, aged 40). For citations in expert interviews, the category of expertise is indicated, for instance, an investigation and law enforcement expert.

Interview materials are archived following Article 15(1) of the Code of Ethics of the Bulgarian Sociological Association, which mandates that the authors retain the primary information for a minimum of three years from the study's execution date.

We combined the information obtained from interviews with victims and experts to achieve greater veracity on the issue under study. Researchers have assessed that information obtained from people who have experienced trafficking is vital for a better understanding of the problem and for finding more effective solutions (US Department of State, 2022). In other words, the victims' perspective should be important in combating this criminal activity. This understanding has become a basis for incorporating victim-centered and survivor-informed approaches in anti-trafficking efforts.

The information gathered from the interviews has been organized into the following thematic codes: 1) factors contributing to the risk of falling into human trafficking for labor exploitation; 2) profile of victims of human trafficking for labor exploitation; 3) recruitment and control of victims; 4) exploitation of victims; 5) criminal activity of traffickers; 6) measures to support victims of trafficking; 7) challenges in implementing support measures; 8) prevention of human trafficking; 9) difficulties in addressing human trafficking for labor exploitation. In this article, we use information from the first four themes in order to answer the following research questions:

1. What are the main causes of labor migration and vulnerability to human trafficking?

2. Are there some characteristics (objective and subjective) that could form a victim profile?
3. How are people recruited into labor exploitation?
4. What forms of labor exploitation do victims experience?

The study concentrates exclusively on human trafficking for labor exploitation. Thus, the trafficking associated with the exploitation of individuals in prostitution, considered by sociologists (Weitzer, 2009) as sex workers, falls outside its purview. The study also excludes the trafficking of human beings for begging, although it is understood as a form of forced labor in Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims. The study's scope does not include human smuggling, a criminal activity different from human trafficking. In human smuggling, the aim is to get illegal migrants across the border, and at the end of the journey, they are free, while victims of trafficking end up in a situation of exploitation. Unlike smuggling, which is always transnational, human trafficking may occur within a country. A key distinction between the two is that human trafficking constitutes a crime against the person, whereas human smuggling is a crime against the state (UNODC, 2012).

The results of the empirical study are not representative. However, qualitative research is particularly valuable for studies of criminal phenomena, as Frangež and Bučar Ručman, following Noaks and Wincup, have pointed out: "...qualitative analysis provides possibilities for clarifying the context in which certain violations occur and determines the meaning that people attribute to such conduct" (Noaks & Wincup, 2003, as cited in Frangež & Bučar Ručman, 2017, p. 233).

RESEARCH RESULTS

Causes of labor migration and vulnerability to human trafficking

In the interviews, victims and experts pointed out that Bulgaria's poverty and unemployment are the basic factors that contribute to labor migration and vulnerability to human trafficking. One of many examples is the story of Tanya (female, aged 22). She told us about her motive for traveling abroad: "My father is sick ... without money. There's no way." Some acquaintances from her native city told her she could earn a lot of money as a waitress in the Netherlands. There, she started work in a restaurant without a work contract; she was promised a salary of 500 euros but received only 100. After three months, she went to the police and managed to return to Bulgaria.

The lack of work prospects in small settlements in Bulgaria motivates people to seek work abroad. One of the interviewed experts pointed out: "Before it comes to trafficking, these people [the victims] have found no solution at the local level." An example of this is the story of a young woman, aged 21, who, while looking for a job,

was told by some friends that she could earn good money as a seasonal farm worker abroad. The trafficker organized the trips for the girl and other people seeking work abroad. The job was on a farm in Germany, where they picked and sorted fruits. After she started working, she found that a large part of her pay was being withheld—first to cover the travel costs, then for utility bills and accommodation. Under threat that she would receive no pay, she was forced to work without rest for a whole week. Although she was a victim of exploitation, the young woman is convinced that “In Bulgaria, I would not have earned even that much.”

The conviction that, no matter how low the pay is in a foreign country, it is still better than in Bulgaria is related to high inequality levels in the country. One of the victims, a middle-aged man, said his acquaintance had offered him a job at a circus in Belgium, promising him a good salary. He quickly agreed because, “You know how it is, it’s impossible without a job. It’s better everywhere than in Bulgaria.” The trip was organized by the trafficker, who withheld part of the salary to cover this expenditure. The man’s accommodation was extremely miserable: he slept in the stable with the animals. He could not leave the confines of the circus, regularly failed to receive his monthly salary, and was given only small sums, and not every day at that. Despite these working conditions, the man’s situation in Bulgaria is so bad that he is willing to look for a job abroad again:

They gave me 20 euros per day. That’s not much, but in Bulgaria, I didn’t earn even that much ... The Italian [the employer—author’s note] at times didn’t pay when there weren’t any people or the weather was bad. Here [in Bulgaria—author’s note], I have nothing. I will go again. There is no life for me here. (Nasko, male, aged 37)

While poverty and inequality in Bulgaria are push factors for labor migration, the pull factor is said to be the significant difference in the standard of living between Bulgaria and Western European countries. An interviewed expert stated, “The large economic disproportions at the global level and the growing global mobility are motors of labor exploitation.” The disparities in development among nations are particularly evident in the realm of modern internet opportunities. Many of the interviewed victims hold an idealized view of life and people in foreign countries, which prevents them from questioning the conditions of their employment. Consequently, numerous Bulgarians believe that life in foreign countries is invariably positive.

In addition to the economic factors and high inequality rates, the analysis of interviews with experts and victims also shows some important sociocultural factors. It becomes apparent in the interviews that traffickers, promising high salaries and easy work abroad, take advantage of people’s inability to speak a foreign language and their illiteracy because of lack or low education and lack of social skills. The interviewed experts consider that an important factor of vulnerability to human trafficking is the fact that many people who decide to work abroad entirely trust the person offering them a job and believe in his/her promises. One of the experts

summed up the problem: “Naivete, limited information, this lack of interest about where you will work, who will take charge of you and what kind of work you will be performing, are the basic factors that make a person traveling abroad to work, vulnerable to human trafficking for labor exploitation.” (investigation and justice expert) Contributing to this, as mentioned above, is an idealized picture that people in Bulgaria have of life abroad.

Another factor we identified in analyzing the empirical information was the search for cheap labor. Many interviews enable us to clearly distinguish this factor: the victims are trafficked by Bulgarians and left to work either as servants in private homes or as hired workers on farms and in construction firms. These people were performing a legal economic activity. Their employer was paying them much less than what one would pay local citizens.

Some of the experts proposed an interesting interpretation of the factors that make Bulgarians vulnerable to human trafficking for labor exploitation. According to experts, an important reason for this vulnerability is that “many of them are in a situation of various forms of exploitation in their own country.” In more than a few cases, people can hardly recognize the features of labor exploitation: “Very often, the victims are not aware that they are the subject of a crime; they often think that the working conditions will improve and their employer will fulfill the informal commitment he has made to them.” They put up with the exploitative situation for a long time because of their experience with dishonest employers in their home country, i.e., they accept such exploitation as a regular part of work relations. People who have worked in their own country under conditions of violated labor rights have accepted this as a regular part of their lives and are less sensitive; they can hardly feel when a specific limit is passed and labor exploitation becomes a fact. The experts make it clear that in the last few years, victims have tended ever more rarely to be aware they were victims—as if “it’s not a problem for them that they are victims of trafficking” and ever more rarely to turn to them for support. This perception of the issue inevitably enhances the risk that people seeking work abroad may find themselves in a situation of labor exploitation.

Profiles of human trafficking victims

In most cases, people who have become victims of human trafficking for labor exploitation are unemployed and go abroad voluntarily, convinced they will work for pay and under conditions they cannot find in Bulgaria. The age of the victims of human trafficking interviewed for this study varies widely: from 17 to 69 years. The interviewed experts pointed out that there has been a rise in the upper age limit of victims. It is above 60 years and even reaches 70 in some cases. Very often, these are people who have had some experience with migration for work, i.e., they have migrated to more than one country and have been earning their livelihood this way for years.

The interviews revealed cases of both unemployed people above the age of 50 years and of young people wanting to gain experience and save money and who are motivated by the spirit of adventure. The story of Stefan (male, aged 17) shows that anyone can become a victim of human trafficking for labor exploitation. He left for the Netherlands, where a relative had promised him a dishwasher job in a restaurant. His parents helped him buy a ticket. He started work immediately but did not sign a contract: "We were working hard, but the bosses were never satisfied. The salary was supposed to be 500–600 euros. But what happened is that I got nothing." After working for about one month without getting any pay, he started to get into ever sharper conflicts with the employers, who tried to prevent him from quitting by threatening him and taking away his identity document.

Experts talk about cases of underage children who have been taken to foreign countries. Some migrate with their parents and work with them in the "grey economy," for instance, in construction. In other cases, the children travel accompanied by traffickers, with the permission of their parents, who have been deceived that their children will do work suitable to their age and be able to send money to their family and younger brothers and sisters. Usually, these are low-income families with many children.

Regarding the gender of these people, although men and boys are the usual victims, in recent years, there has been a visibly growing number of cases of labor exploitation trafficking of women and girls to EU countries (NCCTHB, 2018).

Another trend noticed in the study is that besides the classical group of vulnerable people (permanently unemployed, with low skills and education, living in small settlements with high unemployment and poverty rates), a new group is emerging and constantly growing. These are educated people of active age who are dissatisfied with their work in Bulgaria (in terms of profession or pay) and seek opportunities abroad. Moreover, an increasing number of cases have been registered in which people with comparatively good jobs here are inclined to work for two or three months as seasonal workers abroad to gain more money in a brief period and thereby cover some specific expenses they have. In some cases, the remuneration they are promised for picking strawberries in Greece or blueberries in Sweden for one season is more than their salary for the whole year in Bulgaria.

Recruitment in human trafficking for labor exploitation

The experts pointed out that it was increasingly rare for traffickers to use physical violence in recruiting their victims: "Since we [Bulgaria] became members of the EU, the so-called soft methods for recruitment and control over the victims are being used ... the exceptions are very few in my practice, especially regarding labor exploitation." (investigation and justice expert)

Traffickers make promises about a good life and lots of money and draw a picture of the many chances a person will have to fulfill his/her dreams for a better life. What

contributes to easy inclusion into trafficking is the idealized image Bulgarians have of life abroad. These dreams are combined with low income in Bulgaria.

In most of the stories told by the interviewed victims, the person who offered a job abroad was an acquaintance from the village or city that the victim lives in, and in cases of female victims, an intimate partner. In one in-depth interview, the expert talked about a court case in which it was found that the victims of labor exploitation had been recruited while waiting in front of the employment office. Traffickers would engage them in conversation and offer them a job abroad. The narratives of interviewed victims showed that in some cases, the victims had responded to internet advertisements for work abroad and organized and paid for their trip by themselves. The common feature in most cases is that the recruiters do not personally participate in the exploitation. They recruit and organize the travel and accommodation at the place of exploitation.

The experts informed us of a number of cases in which Bulgarians had been included in human trafficking for labor exploitation by Bulgarian intermediary firms that were officially registered as go-betweens for employers abroad. Such companies have contacts with foreigners abroad seeking cheap labor from Eastern European countries. The intermediaries find the workers and organize the travel formalities, after which they often stop all contact with the victims. In many cases, the victims do not speak the local language. They often sign documents whose content is incomprehensible to them. If they wanted to complain, firstly, they would not know whom to turn to, as the firm that recruited them has disappeared, and secondly, they would find they have no formal grounds for complaint because they have agreed to the employer's terms.

The interviewed victims were often controlled through debt to the traffickers. Debt accumulation begins with the victim's travel expenses, where the travel costs are deducted from future pay. Traffickers strive to maintain and enlarge the victims' debts by adding costs for accommodation, food, etc., so that, after a certain period, they will have control over the victims. People in a situation of labor exploitation often have no contact with anyone but their exploiters; they work in places that are remote from cities or in enclosed spaces. In many cases, the victims fear being delivered to the authorities and punished for irregular documents or violating local laws. Some of the interviewed victims had been threatened that their families in Bulgaria would suffer if they did not repay the sum they owed.

The exploitation of victims of human trafficking for labor

The interviewed victims of trafficking had been exploited in various European countries: Belgium, the UK, Germany, Greece, Spain, Italy, Poland, Hungary, France, the Netherlands, Sweden, and Switzerland. The economic sectors in which they experienced exploitation included agriculture, construction, the restaurant industry, services, cleaning services, and domestic aid. Gergana (female, aged 30) went to

Poland with a female friend, where the two intended to find jobs. They arranged the bus trip by themselves. When they arrived in Poland, they quickly found work as waitresses in an establishment. When they started working, they found out they would have to work 12-to-13-hour shifts and often had to substitute for absent colleagues without being paid extra. They were paid small sums—not regularly, but whenever the owner was in the mood. Gergana worked for three months and wanted to return to her family in Bulgaria. The owner did not stop her but did not pay her for her work.

Another example is the story of Victor (male, aged 39). An acquaintance from his native village offered him a job on a construction site in Germany, with a work contract and for good pay. He agreed and left for Germany. Upon arrival, he contacted his employer who lodged him near the site in a small room together with three migrants from Vietnam. He immediately started work but found that neither the agreed-upon working hours nor the pay was what had been promised: “We worked in shifts of 10 to 12 hours. They make the schedule without asking you. They were supposed to get paid every two or three days, but sometimes they delayed. The money was not enough for anything. Nothing that I had been told in Bulgaria was true. They lied to me” (Victor, male, aged 39).

In one case that the interviewed experts in investigation and law enforcement had worked on, a Bulgarian citizen had been exploited for labor in a foreign country for nine years. His friend offered him work as an unskilled laborer in a private estate in Belgium; the friend made the travel arrangements and led him to the employers. The latter transferred the remuneration for work to the intermediary, who paid hardly anything to the worker. The latter was only given food and clothes, and his documents were taken away.

In some cases, Bulgarians are exploited by other Bulgarians who have a business in a foreign country. The story of Zlatka (female, aged 22) is an example of a severe violation of her rights and human dignity. She had been looking for work in Bulgaria for half a year when a female friend from her village told her she could earn money by working as a waitress in a restaurant in Spain. They contacted a Bulgarian family in Spain through a social network. The family offered her a job and offered to pay her travel expenses and lodge her for free in their house. Zlatka agreed and started working soon after she arrived. The shifts lasted 12 hours, but she received no money. All the money she earned was withheld under the pretext that it covered the expenses for the room and the utility bills. They did not allow her to leave when she refused to work anymore. After about a month, they told her that she was not learning the language and there was not much work in the restaurant, so the only way she could remain there and earn money would be to offer paid sex services. She refused but was coerced. The exploitation was accompanied by violence and threats concerning her family. She succeeded in escaping when she saw a police car and told the police what had happened to her.

This example shows that in the course of human trafficking, one kind of exploitation can very easily pass into another; in this case, labor exploitation turned into

sexual exploitation. Women are particularly vulnerable in this respect, as their desire to work abroad and earn money for their families exposes them to the risk of both labor and sexual exploitation. In the case of men seeking work abroad, the risk is often about forced servitude, coercion to beg, or participation in criminal activities.

DISCUSSION

The present article analyzes the vulnerability of labor migrants to traffickers and exploiters using data from in-depth interviews with victims of human trafficking and experts working on this issue. It is argued in the literature (Bales, 2004; Chuang, 2006; Outshoorn, 2015; Petrunov, 2023) that toward the close of the 20th century, a significant number of developing nations faced a steep drop in job opportunities and income from traditional sectors. Consequently, more and more people turned to alternative means of livelihood and income generation, such as migration and employment within the informal sector. Limited job opportunities combined with poor living conditions and poverty are described as some of the main causes of vulnerability to human trafficking (Kaye, 2003).

Concerning RQ1, our findings also revealed that the leading causes for migration and risk of labor exploitation are poverty, unemployment and the lack of work prospects (especially in the villages and small towns) in the home country. Our findings convincingly show that poverty among some groups of people is so severe that, for them, exploitation abroad is preferable to life in their own country.

Furthermore, the analysis of empirical data indicated that a very significant factor is the high levels of inequality within the country and the vast economic disparities between countries. This is in accordance with other studies (Jac-Kucharski, 2012; DiRienzo & Das, 2018; Mo, 2018) that indicate income inequalities as a significant factor motivating people to seek a better life in a foreign country. The gap in the quality of life between the poor and the rich is increasing at an even faster pace, resulting in numerous adverse effects for people and the societies in which they live (Wilkinson & Pickett, 2009). Milanovic (2012) notes that in the 19th century, the primary division lay between the workers and capitalists within a country, marked by income disparities. However, in the 21st century, stark differences arise from the significant disparities in average incomes across countries, resulting in vast differences in remuneration for the same activity in wealthy and impoverished nations.

In addition to RQ1, we found that most victims had an idealized picture of life and work abroad. Many people in Bulgaria believe life is easier and better in Western European countries (Petrunov, 2019). This is confirmed by the results of a national representative survey conducted by the agency Mediana (Mediana, 2009). One of the questions asked in the survey was, "Do you think that a London taxi driver lives better or worse than one in Sofia, for instance?" More than half (56%) of the respondents indicated the London taxi driver has a better life, only 1% of the surveyed

persons stated that the Sofia driver lives better, 7% stated both live at equal levels, and a considerable part (36%) could not assess. The researchers concluded that what lies at the source of human trafficking is the understanding that a normal life is something “that exists there, in other countries, but not here” (Mediana, 2009, p. 4). Thus, exploited people usually fall into the trap of labor exploitation under the pressure of their social and economic situation while guided by the desire for a new and better life (Petrunov, 2018). Also of importance here is the existing demand for cheap labor in richer countries and the willingness of some employers to use the labor of victims of human trafficking (Skrobanek & Sanghera, 1996; Wheaton et al., 2010).

We also identified some other factors related to the sociocultural environment in Bulgaria—illiteracy because of low education and lack of social skills—aspects that increase the vulnerability of migrants to falling into a situation of labor exploitation.

Some significant problems that contribute to the growth of human trafficking for labor exploitation are the working conditions in Bulgaria. The context in which Bulgarians decide whether to work in their native land or look for a job abroad is not only a push factor for labor migration but also creates conditions conducive to accepting exploitation as a regular part of labor. We identified a disturbing trend: the exploited people do not recognize themselves as victims of labor exploitation. This is because the violation of labor rights is a common practice in Bulgaria: many people work extra hours without pay or have signed work contracts for part-time work but actually work full-time, receive their salaries with delay, etc. (CITUB, 2018). Many Bulgarians are inclined to live under dire conditions as long as they receive some pay, even if much less than the standard local salaries in the destination country. The causes for this may be related to the following: as bad as the working conditions are, the money received is more than they would earn for the same amount of work in Bulgaria; the victim’s tolerance to violation of working rights, something they are used to in their native country; people leave together with the trafficker voluntarily, having accepted the idea that they are going abroad to work and earn money at all costs.

The finding that labor exploitation conditions are becoming normalized for some populations contributes to the debate on human trafficking and labor exploitation issues. This observation highlights two critical elements: the significance of socioeconomic conditions in the origin country (supply side) and the impact of the demand side’s quest for cheap labor, even if it results in labor exploitation.

According to RQ2, we found that anyone seeking a livelihood abroad can become a victim of human trafficking for labor exploitation. This finding was confirmed by the stories of the victims and by the observations of the experts who participated in the study. We observed worrying trends: a rise in the upper age limit of victims, victims who had comparatively good jobs in their home countries, growing number of cases of labor exploitation trafficking of women and girls.

Regarding RQ3, we found that in recruiting the victims, traffickers mostly employ manipulation and promises for future payment of the full work remuneration. Our study discovered that the activity of legal intermediaries is also used. In this way, as other studies have established (Berbec et al., 2019), the agencies cover up the connection to the supposed trafficking activity, while the false documentation for work abroad is arranged directly between the employing firms and the potential victims.

Answering RQ4, we found that traffickers recruit victims who are exploited in legal and economic sectors by employers in the legal economy, even in the homes of families of ordinary citizens. Regardless of the specifics of the different economic sectors, each has the same goal—gaining profit by exploiting another person. For this purpose, they often use coercive means for control—putting the victims in debt, depriving them of their identity documents, and limiting their possibility for unrestricted movement.

CONCLUSION

Human trafficking for labor exploitation is a crime that grows more frequent under conditions of global migration, rising income inequalities, and cheap labor. It results from numerous economic and non-economic factors, of which traffickers take advantage when they seek to gain money regardless of the means used and the violation of human rights and liberties. Designing and implementing a successful strategy for fighting human trafficking requires understanding its key components, the connection between them, and the context in which it occurs. The present article contributes to awareness of the need for knowledge on the phenomenon. It reveals disturbing trends regarding the causes of vulnerability to labor exploitation and the way victims perceive it.

The results of the study presented here lead to the conclusion that more effective measures against the labor exploitation of migrants must be taken at the national and global levels. Human trafficking from Eastern to Western Europe concerns not only the source countries of the victims but is also closely connected with labor migrant policies in the destination countries and the local legislation regarding people who exploit the labor of the trafficking victims.

At the national level, it is necessary to work toward reducing the high rates of poverty, regional discrepancies, and inequality (Petrunov, 2018) and to focus on Bulgaria's living and working conditions, especially for people with low qualifications. For this, various stakeholders should be engaged, including not only politicians and decision-makers but also educational institutions, NGOs, trade unions, and employers. The commitment of all these is essential for improving the quality of labor market relations in a given country with regard to fighting discrimination against women and older people seeking work or against ethnic minorities. On the

other hand, each one of us can make efforts to discourage human trafficking and exploitation. As consumers constantly seeking a better balance between the cost and quality of goods and services, we should think about the workers who produce a given commodity or enable a service to reach us; think about the conditions in which they work and the pay they get for their labor.

At the international level, it is necessary to effectively apply the adopted international documents aimed against human trafficking. Also needed are efforts to implement in practice the Sustainable Development Goals 2030 adopted by the UN in September 2015. Three goals explicitly concern human trafficking: Goals 5, 8, and 16. Namely, to achieve gender equality and empower all women and girls, to promote decent work and economic growth and development, to promote peaceful and inclusive societies, to provide access to justice for all, and to build strong institutions. These goals were adopted in the context of the so-called migrant crisis, which revealed that European societies lacked mechanisms for dealing with the intensified migration movement. Whether those societies have learned the lesson and succeeded in preparing working instruments against the negative aspects of an intensive and extensive movement of people remains an open question.

The appeal to put the problem of trafficking and exploitation of people on the agenda of decision-makers is especially relevant to the present situation, in which thousands of women and children are moving from Ukraine to other countries in Europe. This requires taking urgent measures to guarantee the safety of migrants, as these people are highly vulnerable to the activities of traffickers and exploiters.

Regarding the human trafficking issue, several directions for future research could be proposed. The first is related to further developing the analysis of the conditions that facilitate the operation of criminal networks engaged in human trafficking, both on national and global levels. The second would be to deepen the analysis of what could be effective strategies to diminish the vulnerability of migrants to trafficking and exploitation. Such research should inevitably focus on the effectiveness of anti-poverty policies and an analysis of national and global migration policies to manage migration more equitably and securely for everyone.

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POVZETEK

IZPOSTAVLJENOST MIGRANTOV IZ BOLGARIJE TRGOVINI Z LJUDMI ZARADI IZKORIŠČANJA DELOVNE SILE

Radoslav Stamenkov, Georgi Petrunov

Delovne migracije iz manj razvitih držav v predvsem zahodnoevropske države so zelo razširjen pojav. Trgovci z ljudmi in izkoriščevalci spretno izkoriščajo ljudi, ki si želijo boljšega življenja. Avtorja v prispevku predstavitata rezultate raziskave o trgovini z ljudmi za izkoriščanje delovne sile kot tveganju in resnični nevarnosti za migrante. Raziskava obravnava primere bolgarskih državljanov, ki so bili izkoriščani v zahodnoevropskih državah. Ti primeri iz Bolgarije so lahko dober pokazatelj tega pojava tudi v drugih vzhodnoevropskih državah.

Rezultati raziskave potrjujejo druge podobne študije in kažejo, da so glavni razlogi ljudi za iskanje dela v tujini gospodarski – revščina, brezposelnost, pomanjkanje razvojnih perspektiv. Ti dejavniki vplivajo zlasti na ljudi, ki živijo zunaj velikih mest in prestolnice, kar je posledica velikih regionalnih razlik v Bolgariji. Medtem ko na odločitev za migracijo pomembno vplivajo ekonomski dejavniki, pa druge značilnosti, na primer nizka stopnja izobrazbe, nezaupanje v institucije, občutek nepravilnosti in nižja kakovost življenja v Bolgariji v primerjavi z drugimi državami, povečujejo tveganje za izpostavljenost migrantov izkoriščanju na delovnem mestu. V raziskavi se je pokazal močan vpliv lokalnih okoliščin, zlasti stanja na trgu dela ter nadzora nad spoštovanjem delavskih pravic. Sistematično kršenje delavskih pravic v matični državi znatno vpliva na večjo ranljivost migrantov za to, da v tuji državi padejo v položaj izkoriščanja in v njem tudi ostanejo. Takšna situacija povzroča trend, ki sta ga v raziskavi zaznala avtorja: »normalizacijo« izkoriščanja in sprijaznjenje žrtev s njihovim položajem. Mnogi med njimi so prepričani, da je bolje biti izkoriščen v tujini kot delati v svoji domovini.

Drugi dejavnik, ki pomembno vpliva na večjo ranljivost migrantov za izkoriščanje, je povpraševanje po poceni delovni sili v razvitih državah. Raziskava je pokazala, da so ljudje v zakonitih poslovnih dejavnostih izkoriščani v vseh sferah gospodarstva.

Vsi ti izsledki kažejo, da so za zmanjšanje tveganja za izkoriščanje ljudi, ki se z delom preživljajo v tujini, potrebni ukrepi na nacionalni, regionalni in globalni ravni ter na različnih področjih – izobraževalnem, gospodarskem, socialnem in pravnem. Pri tem pa ne smemo pozabiti, da morajo biti vsi ukrepi, povezani s politikami in ukrepi za preprečevanje trgovine z ljudmi zaradi izkoriščanja delovne sile, usmerjeni v zagotavljanje varnosti migrantov, ne pa v omejevanje prostega pretoka ljudi.

EVIDENCE OF THE DISPROPORTIONATE REPRESENTATION OF FOREIGN POPULATIONS IN SPECIAL EDUCATION IN SPAIN: AN APPROACH TO STATISTICAL DATA

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ABSTRACT

Evidence of the Disproportionate Representation of Foreign Populations in Special Education in Spain: An Approach to Statistical Data

For over half a century, there has been a growing awareness of the disproportionate representation of minority students in special education systems around the world. Spain has yet to undertake an in-depth analysis of this issue. This article investigates this situation using a statistical analysis of relevant data to align with international findings. By applying a z-score to the dataset of national and foreign populations, significant differences emerge, particularly among certain nationalities. The conclusions highlight considerations for future research, emphasizing the need for a multi-situated, interdisciplinary approach to address educational inequality.

KEYWORDS: special education, minorities, segregation, Spain, disproportionate representation

IZVLEČEK

Podatki o nesorazmerni zastopanosti tujcev v izobraževanju za otroke s posebnimi potrebami v Španiji: Statistična analiza

V zadnjih petdesetih letih se v svetu povečuje zavedanje o tem, da so v sistemih izobraževanja otrok s posebnimi potrebami nesorazmerno zastopani učenci iz manjšinskih skupin. V Španiji ta problematika še ni bila podrobno analizirana. Avtorji v prispevku proučujejo stanje na tem področju s statistično analizo relevantnih podatkov, s čimer želijo omogočiti primerjavo z mednarodnimi rezultati. Pri uporabi standardne vrednosti (z-vrednosti) za podatke o španski in tujih populacijah se pokažejo pomembne razlike, zlasti med nekaterimi narodnostmi. V zaključku avtorji predstavijo možna izhodišča za nadaljnje raziskave, pri čemer izpostavljajo potrebo po interdisciplinarnem pristopu k vprašanju neenakosti v izobraževanju.

KLJUČNE BESEDE: izobraževanje otrok s posebnimi potrebami, manjšine, segregacija, Španija, nesorazmerna zastopanost

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INTRODUCTION

According to García Castaño et al. (1999), diversity can be understood as a condition, while difference is a socially constructed phenomenon. Based on this principle, an analysis has been conducted of specific school groups composed of individuals from migrant backgrounds. This analysis focuses on how these groups construct their identities in relation to the rhetoric of inclusion and its implications for their outcomes. To gain a deeper understanding of this phenomenon, examining how these differences are constructed within the educational context, particularly concerning the school population categorized as having Special Educational Needs (hereinafter SEN), is important. Additionally, it is essential to explore the relationship between this category and that of foreign students or immigrants.

The concept of SEN represents a significant turning point in the history of special education. The term was first employed in Spain in the Law for the General Regulation of the Educational System (1990). It was introduced in the United Kingdom in 1978 by the Warnock Report of the UK Ministry of Education (Warnock, 1978). Going beyond the concept of disability, it focuses on diversity and the resources the system needs to accommodate it, with the principal objective being to facilitate greater integration (Rodríguez Díaz & Cano Esteban, 2015). This new model proposes that the educational objectives are consistent for all students, given that they all have educational requirements. However, there are cases where students may require special assistance for various reasons, which must be evaluated and determined (Rodríguez Díaz, 2021, p. 7). Inclusive education, which advocates incorporating both equity and equality models (Booth & Ainscow, 2002), represents a further development. The concept of inclusive education is based on recognizing that students originate from a variety of backgrounds and that the educational system must be capable of adapting to each individual and meeting their needs. Despite the progress made by various educational reforms, however, a great deal still needs to be done.

In anticipation of the emergence of inequalities, our focus on the construction of difference situates us within this SEN scenario as a context for understanding and interpreting diversity management. The present study seeks to examine the hypothesis that a disproportionate number of foreign and/or immigrant students are represented within the Special Education resource within the educational system. This assertion has been previously demonstrated in international literature, as shown below.

A critical examination of these devices, which establishes them as potential mechanisms of school segregation, begins with the seminal work of Evelyn Deno (1970), who provides a propositional analysis of what special education (SE) should be, and Lloyd M. Dunn (1968), who was the first to highlight the disproportionate representation of populations of modest origin identified with ethnic minorities in SE in the United States. Nevertheless, despite the age of these analyses and the widespread interest in the issue of students of immigrant origin and SEN (typically

associated with disabilities, but not exclusively), there are no large-scale studies on our continent that analyze this relationship in a systematic and combined manner. The only study of note, published relatively recently, *Multicultural Diversity and Special Needs Education* (Grünberger et al., 2009), was conducted by the European Agency for Special Needs and Inclusive Education and spans 2005 to 2009. As a consequence of this research, it has become evident that a considerable number of European studies have been conducted on students with special educational needs (SEN) (Meijer et al., 2003) or on students from other cultural backgrounds (Eurydice, 2004; OECD, 2006). However, European-level analysis combining these two topics is lacking.

One factor contributing to the complexity inherent in conducting these studies is the intrinsic heterogeneity of the European nations, both in terms of their internal diversity and their disparate characteristics in comparison to one another. In this regard, it is crucial to highlight three factors that could impede the study of the phenomenon under consideration and render reviewing the scientific literature on the subject more challenging.

First and foremost, the wide range of terms used to describe the students identified as immigrants has led to confusion. The students in question are referred to as “migratory origin” students (Cama, 2018), “immigrant students” (Zouganeli & Mastrothanasis, 2019), students with a “migrant background” (Pit-ten Cate & Glock, 2018), and “immigrants” (OECD, 2006). Such terms as “bilingual students,” “minorities” (Council of Europe, 2006), or “cultural and linguistic minorities” (Brandenburg et al., 2016) represent examples of broad categories employed in some works. Others employ the terms “ethnic minority” or “ethnic minority groups” (UNESCO, 1994; Lindsay et al., 2006). A second obstacle is the paucity of studies referencing specific national or ethnic groups.

Secondly, it is crucial to be aware of the discrepancies in the disaggregated data sets available for analysis in each European nation. The statistical data on education in Spain are presented in detail by nationality—on occasion, even by geographic areas—but neither ethnic data nor migratory status is included in any of these classifications (Fay & Kavanagh, 2019). Census data from some countries, such as Germany or the United Kingdom, are disaggregated by ethnic indicators. However, there has been ongoing debate¹ regarding how these categories are constructed.

The third relevant aspect is the disparity between educational policies across Europe. This has resulted in an inability to consistently understand who students with special educational needs (SEN) are and how they came to be (Chieppa &

1 Professor Aron Cohen has introduced this debate (which he often characterizes as French) to the academic community in Spain on several occasions (Cohen, 2003; 2017). However, Professor Pablo Estévez Hernández has further developed this issue and dedicated his doctoral thesis to the question of potential resistance to ethnic classification in the Spanish national census. Further information can be found in Estévez Hernández (2015; 2020).

Sandoval, 2021). Furthermore, the structure of national education systems is also influenced by this heterogeneity.

The findings of international statistics have long confirmed that “migrants and minorities are disproportionately enrolled in certain educational institutions, despite the various translations of the subject in each state” (OECD, 2006, p. 156). As previously highlighted by the European Observatory on Racism and Xenophobia: “An excessive number of students from migrant backgrounds and ethnic minorities attend specific schools in many EU member nations.” It is important to note, however, that as Gentry (2009) remarks, our position does not entail that students with real functional diversity should be denied special treatment. In the same vein, the same author posits that providing an individual educational plan may be both reasonable and necessary. We are concerned about the possibility of a “pathologization” of cultural origin, or, to put it another way, that the diagnosis that causes a minor to be diagnosed with SEN has more to do with the perceived sociocultural distance between the majority population and the minority population than it does with any potential disabilities.

Considering the aforementioned arguments, it is imperative to underscore that the statistical evidence currently under examination provides clear evidence of the disproportionate representation of foreign schoolchildren in SE in Spain. This paper begins by setting out the context of our research and the key methods that we have employed. We then provide a brief overview of the relevant international literature. Next, we present the data we gathered that enabled us to compare the enrolment of Spanish nationals in SE with that of foreign nationals in the same SE. The data from both populations will demonstrate that the differences are statistically significant. In addition, the conclusions will address a few theoretical, political, and methodological considerations that, in our opinion, should be considered in further investigations based on these findings.

THE CURRENT STATE OF KNOWLEDGE REGARDING THE DISPROPORTIONATE REPRESENTATION OF MINORITY GROUPS IN SPECIAL EDUCATION

The issue of disproportionate representation in SE has been discussed in academic circles worldwide, particularly in North America. The explanations, analyses, and target populations vary considerably depending on the context of the investigations. However, for those of us who inquire about the construction of difference at school, the overrepresentation, disproportion, or over-identification of minority group students in SE is presented as a phenomenon that warrants attention.

Coutinho & Oswald (2000) provided a comprehensive overview of the historical context and existing knowledge regarding the disproportionate representation of minorities in SE. They asserted that the issue remained highly contentious and

unresolved. Subsequently, Donovan & Cross (2002) conducted a comprehensive investigation, focusing on two pivotal questions: the underlying causes of the observed disparity and its perceived severity. The report was of significant academic merit and included a comprehensive review of the existing literature in its second section. In their study, Waitoller et al. (2010) examined research on disproportionate representation from 1968 to 2006 to respond to two key inquiries. What causes disproportionate representation, and why is it a problem? In addition, it is pertinent to ask how the studies in question frame the issue. Due to the subject's recent revival, seven reviews or summaries of the available literature have been published in the past six years. In these investigations, two of the papers present novel arguments. The aforementioned studies were conducted by Morgan et al. (2015) and a similar team of researchers two years later, namely Morgan et al. (2018). Both papers examined a substantial corpus of research (22 studies) to ascertain whether systemic bias could account for the disproportionate representation of minorities in SE. The first publication referred to the Black American population, whereas the second included mentions of Asian, Hispanic, Native American, and minority language groups. Voulgarides et al. (2017) conducted a new review, examining the phenomenon of disproportionality in SE from an explanatory and prescriptive perspective, offering both policy and practical recommendations to address it.

Several papers demonstrate efforts to broaden research contexts beyond the United States. This is the case of Gabel et al. (2009), who provide data on the situation in Canada, Germany, New Zealand, and the United States, offering a broader and comparative perspective to denounce that overrepresentation has become a global phenomenon. On the other hand, Bruce & Venkatesh (2014) analyzed scientific production in Germany, Kenya, the United States, and India using appropriate intersectional methods to explain the phenomenon of disproportionality. Cooc & Kiru (2018), who analyzed the literature on disproportionality in SE in an international context (twelve countries in Asia, Africa, and South America) and identified trends across countries, have done another important work in this regard. They also included how scholars have addressed this issue. In the same year, two works were published with similar objectives in reviewing the scientific literature: Cruz & Rodl (2018) and Gutiérrez-Saldivia (2018). In the first of these, we examine how previous studies have compared statistical analyses of disproportionality with those based on conceptualizing covariates. Using John Ogbu's methods as a point of reference, it was concluded that students from voluntary and involuntary minority groups are likelier to participate in SE than students from dominant groups in Western societies. A year later, Connor et al. (2019) conducted a new literature review and proposed the Disability Critical Race Theory (DisCrit) to rethink the conceptualization and investigation of the disproportionate representation of certain groups. From a bibliographic mapping of the aforementioned databases, Chieppa & Sandoval (2021) analyze what has been produced on the phenomenon of disproportionate representation of students from cultural and linguistic minorities in the SE. This is

the most recent work of its kind focusing on the European context. In an exhaustive and critical analysis, the authors denounce the lack of explicit theoretical frameworks and the persistence of a uniaxial perspective in research on the phenomenon. According to them, this vision overlooks “the historical-cultural forces, the network of racial and colonial elements underlying the production of the power structure that generates institutional selection” (Chieppa & Sandoval, 2021, p. 16). An institutional selection out of which, we would say, differences are constructed, and inequalities are produced.

Suffice it to say from the previous paragraph that most studies criticizing disproportionate representation are already numerous and of some age. The only aspect that needs to be mentioned is the shift in argument that occurred in the middle of the last decade. We refer to the demonstration by Morgan et al. (2012) that minority students are underrepresented rather than overrepresented in SE. The authors employed this work to illustrate that Black and Asian children were markedly under-represented in early childhood services and/or special needs education. This resulted in a skewed distribution of resources and specialist care.

In 2015, they extended the argument to primary and secondary school students in the United States (Morgan et al., 2015). They concluded that minority students were less likely than white English-speaking students to be identified as having a disability and, therefore, to receive SE services (Morgan et al., 2015). Murphy & Johnson (2023) also conclude that, in the USA, minority students—particularly Spanish-speaking students—are under-identified for special education programs. Similarly, Pfende (2024) emphasizes the over-representation of Black students, particularly males, in these programs. In this regard, Cooc (2023) reports a consistent over-representation of English learners, especially in specific categories such as specific learning disability, speech and language impairments, intellectual disability, and developmental delays.

In response to the controversy, Cohen et al. (2015) offered a rebuttal to earlier claims, arguing that patterns of disproportionate representation in special education have remained stable for decades. However, just a year later, Morgan & Farkas (2016) revisited the issue of underrepresentation, shifting the focus to highlight how the failure to identify minority students for special education services leads to systemic inequalities and violations of their rights. Similarly, they highlight that the assessment of disabilities—and consequently access to special education and support services—is influenced by several factors, including family misinformation, limited access to healthcare, and professionals’ implicit biases, particularly against non-English-speaking minority populations.

Whether there is overrepresentation or underrepresentation is moot in and of itself; the latter is a less frequently raised point. Nevertheless, the mechanisms for constructing difference manifest as evident inequalities that directly and negatively impact a particular segment of the school population.

It is crucial to highlight that Spain faces a deficit of research in this field. A literature review revealed no international studies addressing the phenomenon we have described. The limited number of studies conducted in Spain that address the demographic characteristics of students attending SE centers or Early Care Devices (Molina et al., 2007; Ortells Roca et al., 2011; Fernández Muñoz, 2019) do not incorporate nationality or migration background as descriptive variables. Some studies have addressed the intersection of immigration and disability, but these have focused on the integration of adults (Díaz Velázquez et al., 2008; Peñaherrera León & Cobos Alvarado, 2009) and thus have not considered the school context.

The works of Talavera & Guzmán (2018), which critically analyze the psycho-pedagogical evaluation mechanisms of culturally or linguistically diverse students, are situated close to our research interests. The works of Paniagua (2012; 2014), which address the role of migrant families whose children are diagnosed with SEN at school from an anthropological perspective, are also closely linked to these diagnostic processes. While this will be the subject of further investigation, we are particularly interested in examining the author's argument regarding the double harm of belonging to an ethnic minority or immigrant group and being labeled with special educational needs. We would like to highlight that, despite the extensive academic work on the disproportionate representation of certain minorities in SE that has been produced internationally, there is a notable absence of works demonstrating this situation in Spain.

BRIEF CONTEXTUAL AND METHODOLOGICAL NOTES

First, it is necessary to provide a brief overview of Spain's educational system to determine the SE's location. The general educational law in the Spanish state is the regulatory framework used to design regional educational laws. Spain is organized politically and administratively into Autonomous Communities, each running its own school system.

The term "special" is employed in a variety of contexts throughout the structure of the educational system at the state level, and its referent is not always consistent. In contrast to "General Regime Teaching," which encompasses Early Childhood, Primary, Compulsory Secondary, Special Education, Baccalaureate, Vocational Training Cycles, and other Training Programmes, we find the mention of "Special Regime Teaching." This refers to specific teachings on art, design, music, dance, sports, or languages.

The current regulatory framework incorporates the concepts of "Special Education" and "Students with SEN," as defined in the pertinent legislation.

Students with special educational needs are defined as those who, as a consequence of a disability or serious behavioral, communication, or language disorders, encounter obstacles that restrict their access, presence, participation, or learning during

part or all of their education. These students require specialized educational support and attention in order to achieve learning objectives that align with their individual development. (Government of Spain, 2020)

Nevertheless, with the assistance of the aforementioned standards, we intend to delineate those elements that we consider to be of paramount importance. Article 74 of the Organic Law on Education (LOE), as amended by Organic Law on the Reform of the Education System (LOMLOE) (Government of Spain, 2020), establishes the regulatory framework for the education of students with special educational needs (SEN). The legislation in question establishes that the principles of normalization and inclusion will govern this process, ensuring that discrimination is not practiced, that effective equality of access is guaranteed, and that ongoing integration into the educational system is facilitated. In accordance with Royal Decree 334/1985, these students will only be educated in classrooms or schools of SE (a compulsory and free educational modality in the ordinary levels of the school system) if their needs cannot be met within the framework of the measures of attention to the diversity of the ordinary schools. This study's population of interest is students enrolled in SE (within the SE category, students with hearing impairment, motor impairment, intellectual impairment, visual impairment, general developmental disorders, serious behavioral and personality disorders, and combined impairment are identified). We do not intend to include students in regular schools who are in the group of pupils with specific educational support needs (among which SEN are situated). Despite the significance of including this data for a more extensive and more comprehensive study, we do not have specific official statistics on public access in this area.

This study uses a single source of data: the Ministry of Education and Vocational Training's General Subdirectorate for Statistics and Studies' Statistics on Non-University Education.² It is the sole official source that furnishes the requisite data to facilitate a preliminary statistical approximation of the enrolment data for the Spanish national population, which we have defined as the majority, and the foreign population, which we have defined as the minority. We employed the data provided by that source in a bespoke manner and utilized the MS Excel program to perform all the calculations and present them in tables and graphs.

We present data on the presence and evolution of the foreign population enrolled in the education system. The data has been collated during twenty years, from the 1999/2000 school year to the 2019/2020 school year. This allows us to situate our study within the context of the broader 21st century. Secondly, we present data on the school population of foreign nationalities enrolled in SE and compare it

2 The data used here can be found here: <https://www.educacionyfp.gob.es/servicios-al-ciudadano/estadisticas/no-universitaria/alumnado/matriculado.html>.

to the school population of General Education as a whole³ and to the same data on the school population of Spanish nationals. By providing these descriptions, we can contextualize the data and examine the distinctions between the various nationalities in greater depth. Furthermore, we can investigate whether a comparison of the majority and minority populations might yield evidence of significant statistical differences. To determine the representativeness of the difference between the majority (Spanish nationals) and minority (foreign nationals) populations, we used the statistical indicator z-score. The following equation was used to perform these calculations:

$$z_{score} = \frac{\frac{\alpha_{EE}}{\alpha} - \frac{\beta_{EE}}{\beta}}{\sqrt{\frac{\alpha_{EE} + \beta_{EE}}{\alpha + \beta} \cdot \left(1 - \frac{\alpha_{EE} + \beta_{EE}}{\alpha + \beta}\right) \cdot \left(\frac{1}{\alpha} + \frac{1}{\beta}\right)}}$$

α_{-EE} Total number of foreign nationals enrolled in SE (SE minority population)

α Total number of foreign nationals enrolled in the General Education (minority population)

β_{-EE} Total number of Spanish nationals enrolled in SE (SE majority population)

β Total number of Spanish nationals enrolled in the General Education (majority population)

The results show the statistical significance of the differences between the populations. Therefore, a result of zero indicates that the differences are not statistically significant. A result of 1 or -1 indicates that the differences are significant with a probability of 68%; a result of 2 or -2 indicates that the differences are statistically significant with a probability of 95%; and finally, a higher result gives us a higher level of confidence in the statistical significance of the differences. In all cases, if the result is positive, we are talking about the over-representation of the minority population concerning the majority. If the result is negative, it indicates that the minority population is underrepresented compared to the majority.

Two final methodological observations to help us clarify aspects of the population we are analyzing. The first is more theoretical; the second is more technical.

First of all, the school population identified as belonging to ethnic minorities has been the focus of the literature review presented, and the variable we will use here is nationality. Ethnicity processes are very common in contexts where migrant populations relate to and coexist with local populations. However, it is also true that considering an ethnic minority should not always lead us to speak of an immigrant population. Likewise, nationality cannot guarantee a person's connection

3 We will use the term "General Education" to encompass the entire educational system, while "Special Education" (SE) will refer specifically to designated schools and classrooms catering to students with special needs.

to migratory processes, but despite specific migration statistics, demography in Spain often uses it for these purposes.⁴ In addition to the latter, it is important to note that certain groups of foreigners have acquired the nationality of the host country through so-called naturalization processes in Spain. This means that part of the population identified as having Spanish nationality has also participated in migration processes. However, this brief statistical approach to the phenomenon of disproportionate representation does not consider this fact.

Secondly, it must be understood that we are referring to the school population categorized as SE in the official statistics of the Ministry of Education. That is, students enrolled in specific SE centers and in specific classrooms in ordinary centers. These statistics do not include pupils identified as having specific/academic educational support needs (a broader concept). In this case, as already mentioned, official statistics do not allow disaggregated analyses by nationality. As a result, it is currently impossible to carry out any kind of study with this category in the sense that we are proposing here.

FOREIGN STUDENT POPULATION IN THE EDUCATION SYSTEM: QUANTITATIVE PROFILES, TRENDS, AND SPECIAL EDUCATION DATA

The presence of foreign nationals in Spain's educational system has undergone significant changes, with notable disparities in distribution across regions and school types. Over two decades, the proportion of foreign students increased from 14 to 99 per thousand, with annual growth rates approaching 50%. However, the 2008 global financial crisis led to a deceleration of this trend, particularly between the 2011/2012 and 2015/2016 academic years. It is important to interpret these figures with caution, as they exclude naturalized students who still identify as being of migrant origin. Despite such limitations, the 2019/2020 school year recorded an 8.31% increase in foreign student enrolment.

A regional analysis reveals considerable variation in the distribution of foreign students. In the 2019/2020 academic year, regions with a higher proportion of foreign students than the national average included the Balearic Islands (155 per 1,000), Catalonia (149), La Rioja (141), Murcia (138), Aragon (136), Valencia (120), and Madrid (118).

Significant discrepancies also manifest concerning the type of educational establishment. Eight out of ten foreign students are enrolled in public schools, whereas the number of Spanish students attending public schools has declined, with an increase in those attending private institutions. While this trend varies across Autonomous Communities, the overall pattern remains consistent.

4 The data can be accessed at <https://www.ine.es/index.htm>.

We now turn to the statistical data highlighting the circumstances of foreign students enrolled in SE, building on the broader context of foreign nationals in Spain's educational system. Over the past two decades, the number of foreign students enrolled in SE has grown at a steady rate, with an average annual increase of 15.74%. The sole exception to this trend was observed in the 2016/2017 academic year. Conversely, the enrolment of Spanish nationals in SE increased by an average of only 1% over the same period.

Compared with enrolment in Special Education, a more detailed analysis of the data on foreign student enrolment in General Education reveals some noteworthy trends. Until the 2007/08 school year, the proportion of foreign students remained relatively stable across the education system and in SE. However, as illustrated in Table 1, discrepancies emerged, with differences exceeding three percentage points and growth in SE consistently outpacing that of the broader system.

	1999/2000	2009/2010	2019/2020
General Education	1.49%	9.65%	9.92%
Special Education	1.21%	11.33%	13.12%

Table 1: Evolution of the percentage of enrolment of pupils of foreign nationalities in General Education and in SE (source: own elaboration from educational statistics published by General Subdirectorate of Statistics and Studies of the Ministry of Education and Vocational Training).

A disaggregation of the data by school type (public/private) reveals new differences that suggest that public schools consistently enroll a higher percentage of foreign nationals across all educational programs. However, this disparity is particularly pronounced in SE and has persisted throughout the first two decades of the 21st century.

In order to facilitate comprehension of the subsequent analysis, a concise comparison is presented between the Spanish and foreign student populations. Over the 20 years examined, the proportion of Spanish students in SE has remained stable, accounting for approximately 0.4% of the General Education enrolment (ranging from 0.39% to 0.46%). Conversely, the proportion of foreign students has risen from 0.31% in the 1999/2000 academic year to 0.57% in 2019/20.

A disaggregation of the data by type of school reveals comparable trends, particularly in private schools, where the number of foreign students exceeds that of Spanish pupils. While regional variations exist, this analysis will focus on national data to provide an overview of the situation.

In this study, we have provided general descriptions highlighting the differences between Spanish nationals (the majority group) and foreign nationals (the minority group) in SE within Spain's educational system. The objective of this study is to ascertain whether these differences are statistically significant. To this end, data for specific nationalities (grouped by geographical regions as presented in official

statistics) will be analyzed and compared to the overall Spanish population. Table 2 presents data on enrolment for both populations. The data are disaggregated by nationality and grouped into large geographic areas for foreign nationals. The table shows the total number of students enrolled in General Education and in SE, along with the percentage of SE enrolment relative to the total.

	1999/2000			2009/2010			2019/2020		
	Total	EE	%	Total	EE	%	Total	EE	%
Total foreign nationalities	107,301	330	0.31	762,420	3,464	0.45	795,844	4,497	0.57
European Union (28)	27,299	37	0.14	191,486	558	0.29	224,884	989	0.44
Rest of Europe	8,954	19	0.21	27,906	64	0.23	39,329	175	0.44
North Africa	26,421	111	0.42	138,594	904	0.65	203,807	1,387	0.68
Rest Africa	5,478	42	0.77	27,961	197	0.70	37,838	356	0.94
North America	2,401	5	0.21	7,106	13	0.18	8,962	34	0.38
Central America	6,761	29	0.43	29,440	212	0.72	43,878	264	0.60
South America	21,037	70	0.33	295,193	1,362	0.46	149,882	879	0.59
Asia	8,663	17	0.20	43,330	150	0.35	85,157	410	0.48
Oceania	143	0	0.00	376	1	0.27	479	2	0.42
Non-defined country	144	0	0.00	1,028	4	0.39	2,013	10	0.50
Spanish Nationality	6,972,921	27,321	0.39	7,608,292	30,643	0.40	8,219,159	37,500	0.46

Table 2. Enrolment in General Education (total) and SE for foreign and Spanish populations across three academic years: 1999/2000, 2009/2010, and 2019/2020 (source: own elaboration from educational statistics published by the General Subdirectorate of Statistics and Studies of the Ministry of Education and Vocational Training).

Distinctions are evident at three points in the years under examination (the outset, midpoint, and conclusion of the cycle), enabling the coverage of a period of twenty years. This population has changed over time, but the three geographical areas with the largest representation are the European Union, North Africa, and South America (which collectively account for seven of every ten schoolchildren of foreign nationality).

The comprehensive data set, which encompasses all courses and all foreign nationalities, when juxtaposed against the data pertaining to the Spanish nationality population, reveals statistically significant discrepancies in the percentages (with a confidence level of 95%). As outlined in the methodological section, the z-score statistical indicator was employed to analyze these data, and the resulting outcomes are presented in Table 3.

	1999/2000 academic year	2009/2010 academic year	2019/2020 academic year
Total foreign nationalities	-4.39	6.74	13.61
European Union (28)	-6.77	-7.62	-1.14
Rest of Europe	-2.72	-4.57	-0.33
North Africa	0.73	14.45	14.76
Rest Africa	4.44	7.94	13.92
North America	-1.44	-2.93	-1.08
Central America	0.49	8.57	4.50
South America	-1.37	4.92	7.39
Asia	-2.91	-1.85	1.09
Oceania	-0.75	-0.42	-0.13
Non-defined country	-0.75	-0.07	0.27

Table 3: Results of the application of the statistical indicator z-score to the data of the total enrolment and in SE of populations of foreign and Spanish nationalities (source: own elaboration).

We now compare the percentage of students enrolled in SE in three selected geographical areas with the total student population in these regions. It is important to note that the remaining data set is too limited to make accurate comparisons. These data are presented in Figure 1, where we also include percentages for the Spanish national school population to highlight possible differences in representation.

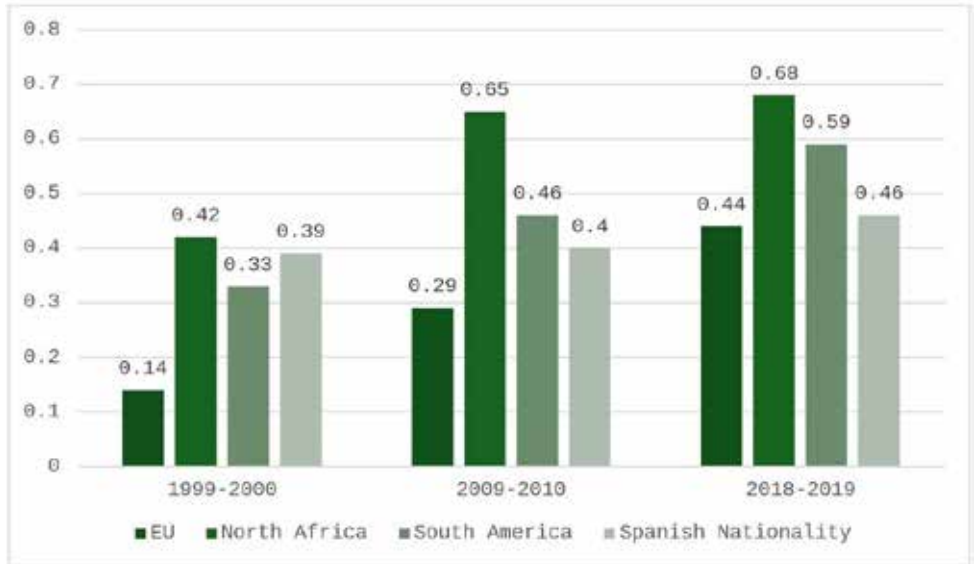


Figure 1: Evolution of the percentages of the population of foreign nationalities enrolled in SE according to the geographical area of the nationality (only the most representative geographical areas). Source: own elaboration from educational statistics published by the General Subdirectorate of Statistics and Studies of the Ministry of Education and Vocational Training.

At the beginning of the period, students from the European Union and South America had lower enrolment rates in SE than Spanish nationals, except for students from North Africa, who had slightly higher rates. Ten years later, only students from the European Union had lower enrolment rates than Spanish nationals, while students from North Africa and South America had higher rates. By the end of the period, the proportion of students from the European Union in SE was almost equal to that of Spanish nationals. However, students from North Africa and South America remained significantly more numerous.

CONCLUSION

The data indicates a notable overrepresentation of foreign nationals, particularly those from North Africa, within Spain's Special Education (SE) system. Despite national legislation (Government of Spain, 2020) aimed at reducing SE placements to promote inclusion, the number of students in this category, particularly foreign nationals, continues to increase.

Given these circumstances, it is pertinent to inquire whether cultural or socio-economic factors contribute to this phenomenon. It would be beneficial to ascertain whether diagnostic practices, as proposed by international research, could be a contributing factor. Furthermore, it would be advantageous to determine whether SE diagnostic procedures are adequately equipped to assess individuals from diverse cultural and linguistic backgrounds.

The statistical data alone offer limited insight into these trends, as the categorization of "foreigners" in public statistics is based on incomplete legal and administrative data, which omits critical factors such as migration patterns, socioeconomic status, and linguistic diversity. To address these gaps, further systematic research incorporating the perspectives of educators and schools is essential. Furthermore, the regional variations in SE practices necessitate a more comprehensive examination of local policies and their impact on categorization and labeling, which influence social roles and expectations for these populations (Arroyo González & Salvador Mata, 2003).

This issue highlights the broader societal construction of otherness within the educational system (Olmos Alcaraz, 2008; 2009; Rubio Gómez, 2013), which is rooted in historical and political frameworks. Schools play a central role in reproducing social inequalities through differentiation and classification strategies (Monarca et al., 2020). To fully comprehend this phenomenon, a comprehensive ethnographic approach to studying public education policies (Wedel et al., 2005) is imperative, necessitating the involvement of all pertinent stakeholders, including schools, teachers, families, and associations.

Ultimately, this text has aimed to draw attention to the disproportionate representation of foreign (minority) students in SE in Spain, to raise awareness of this issue,

and to place it on the research agenda. It is crucial to emphasize the importance of the data analyzed in this work as fundamental elements for identifying differentiation and classification strategies that ultimately produce inequalities. Such strategies require a more comprehensive, qualitative, and multifaceted analytical approach that includes the voices of all relevant actors, including schools, teachers, families, and associations, to gain a more nuanced understanding of the phenomenon.

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POVZETEK

PODATKI O NESORAZMERNI ZASTOPANOSTI TUJCEV V IZOBRAŽEVANJU ZA OTROKE S POSEBNIMI POTREBAMI V ŠPANIJU: STATISTIČNA ANALIZA

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Že več kot petdeset let na globalni ravni poteka razprava o nesorazmerni zastopnosti učencev iz manjšinskih skupin v sistemih izobraževanja za otroke s posebnimi potrebami. V Španiji temu vprašanju do sedaj ni bilo posvečene dovolj pozornosti, prav tako je bilo opravljenih premalo poglobljenih raziskav na to temo. Avtorji se v prispevku posvečajo tej nesorazmerni zastopnosti s pomočjo statističnih podatkov, ki potrjujejo ugotovitve mednarodne strokovne literature o tej temi. Z uporabo statističnih meril, kot je standardna vrednost (z-vrednost), na podatkih, ki zajemajo tako domače prebivalce kot tujce, dokazujejo, da so opažene razlike statistično značilne, zlasti v primerih nekaterih narodnosti.

Avtorji v študiji ugotavljajo, da ni uradnih podatkov, s katerimi bi lahko natančneje opredelili manjšinske skupine v Španiji, vendar pa zaradi zaznane diskriminacije, ki so je deležni tujci v tej državi, zlasti na podlagi njihovega kulturnega porekla, za namene svoje raziskave to skupino prebivalstva opredelijo kot manjšino.

Na začetku prispevka je predstavljen izčrpen pregled mednarodne literature o nesorazmerni zastopnosti manjšin, pri čemer avtorji izpostavijo tako preveliko kot premajhno zastopnost te populacije na področju izobraževanja oseb s posebnimi potrebami. S pomočjo različnih argumentov pojasnjujejo ta pojav, za katerega se zdi, da ni omejen na določeno državo. V nadaljevanju se posvetijo predstavitvi španskega izobraževalnega sistema ter opišejo svoj metodološki pristop, pri katerem so uporabili z-vrednost kot statistično orodje za ugotavljanje statistične značilnosti vseh zaznanih razlik.

V osrednjem delu prispevka so predstavljeni podatki o prisotnosti tujih učencev v izobraževalnem sistemu, s posebnim poudarkom na njihovi prisotnosti v izobraževanju za otroke s posebnimi potrebami. Avtorji prikažejo primerjavo med navedenimi podatki in zaznanimi trendi na ravni celotne populacije ter nato analizirajo statistične podatke o izobraževanju, da bi ugotovili, ali so v španskem sistemu izobraževanja za osebe s posebnimi potrebami nesorazmerno zastopane določene narodnosti.

Na podlagi predstavljenih podatkov avtorji domnevajo, da so v izobraževanju za osebe s posebnimi prekomerno zastopane tuje skupine prebivalstva, zlasti iz severne Afrike. Vendar pa so opazne precejšnje razlike tako glede geografske lokacije šolanja (v Španiji) kot glede vrste izobraževalne ustanove (javna ali zasebna). Cilj avtorjev je z uporabo statističnega pristopa pri raziskovanju pojava, ki lahko kaže na neenakost izobraževalnega sistema za priseljske populacije, izpostaviti potrebo po uporabi širših kvalitativnih metodologij, ki bi pripomogle k razumevanju vplivov takšnega stanja na izobraževalni sistem in življenje tujcev v Španiji.

THE ROLE OF ETHNIC, FAMILY, AND SOCIAL CAPITAL IN INTERGENERATIONAL SOCIAL MOBILITY AMONG THE ARGENTINES AND MOROCCANS IN GALICIA, SPAIN

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ABSTRACT

The Role of Ethnic, Family, and Social Capital in Intergenerational Social Mobility Among the Argentines and Moroccans in Galicia, Spain

The paper's main objective is to present the results of research aimed at analyzing the intergenerational social mobility processes linked to migration in Argentine and Moroccan families settled in Galicia, Spain. By examining family strategies, the study analyzes the varying mobilization of social, financial, and human capital, intersecting with ethnic capital. The results point out the complex interaction and interrelationship of different conditioning elements (macro, meso, and micro-social determinants) and make it plain that there is a real capacity for agency of particular descendants within given structures, despite the barriers imposed by public policies, labor market discrimination dynamics, and the socioeconomic situation in Spain.

KEYWORDS: social mobility, capital, ethnicity, migrations, second generations, Spain, Argentina, Morocco

IZVLEČEK

Vloga etničnega, družinskega in socialnega kapitala pri medgeneracijski socialni mobilnosti med Argentinci in Maročani v španski Galiciji

Glavni namen prispevka je predstaviti rezultate raziskave, katere cilj je bil analizirati medgeneracijske procese socialne mobilnosti, povezane z migracijami, v argentinskih in maroških družinah, ki so se naselile v španski regiji Galicija. Avtorica s proučevanjem družinskih strategij analizira različne mobilizacije socialnega, finančnega in človeškega kapitala v presečišču z etničnim kapitalom. Rezultati raziskave nakazujejo kompleksno interakcijo in medsebojno povezanost različnih dejavnikov (makro-, mezo- in mikrosocialnih determinant) ter jasno kažejo, da lahko nekateri potomci kljub oviram, ki jih predstavljajo javne politike, dinamika diskriminacije na trgu dela ter socialno-ekonomske razmere v Španiji, dejansko avtonomno delujejo znotraj obstoječih struktur.

KLJUČNE BESEDE: socialna mobilnost, kapital, etnična pripadnost, migracije, druge generacije, Španija, Argentina, Maroko

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INTRODUCTION

Studying intergenerational social mobility involves adopting a perspective beyond individual trajectories (Sáiz, 2004). The study of educational and occupational mobility processes between parents and children involves, by definition, describing and understanding how social positions are transmitted from generation to generation (Thélot, 1991). Erikson & Goldthorpe (1993, pp. 301–307) define the concept of “mobility strategies” as “the strategies, whether consciously or unconsciously adopted by individuals and families in particular class positions, either to maintain these positions or to improve them” (in Echeverría Zabalza, 1999, p. 72).

This paper will present the results and conclusions of qualitative research that attempted to reveal the factors that affect and condition the educational and occupational trajectories of young migrants of Argentine and Moroccan origin settled in the autonomous community of Galicia, Spain. In this regard, the study focused on the so-called second-generation immigrants and those reunited children or “1.5 generations” defined by Rumbaut (1997), aged 15 to 29.

A second objective is to determine how intergenerational social mobility strategies work for both groups. To do this, in most cases, two generations were included (parents and descendants) and, when possible, three family generations (grandparents, parents, and children). Despite considering families’ stories from a broad intergenerational approach, we measured social mobility changes by focusing on parents’ and descendants’ educational levels and professional categories. The selected approach was based on the idea that the family group is the basic unit for social mobility, not individuals (Sáiz López, 2004, p. 156). To do so, the analysis of family capital mobilization was carried out, focusing on the activation and maximization of social, financial, and human capital, intersecting with ethnic capital.

This study included a tridimensional approach that analyzed macro-structural, meso-social, and micro-sociological elements. The main hypothesis that guided this research stated that in highly ethno-stratified societies, the social origin of migrant families largely determines the results of social mobility strategies in children, as it conditions migrants’ incorporation processes to the host society and, later, their access and further acquisition of valuable resources as human, social, and financial capital. This hypothesis will guide us, thus, to the analysis of the activation, mobilization, and function of the different types of family capital and their roles in individual and group social mobility strategies.

METHODOLOGY

The results presented in the following paragraphs are based on qualitative research that has applied a multi-sited ethnographical methodology, comprising interviews with two generations of migrants and the non-migrant family members left behind.

Interviews were conducted on several occasions, following the objective of collecting life stories. Observation stages also complete the methodological approach.

This study was carried out between 2011 and 2015 and scoped three different social scenarios: the Spanish region of Galicia, where migrants had settled, and the provinces of Buenos Aires in Argentina and Beni Mellal in Morocco, as the two origin contexts. This approach enabled a transnational perspective on the phenomenon studied. It provided the elements to understand how migrants planned their migration, their resources before and upon arrival, and the strategies they developed to facilitate it.

Thirty families were included in this study: fifteen from Argentina and fifteen from Morocco. A total of 172 interviews were conducted. All of them were contacted following the snowball sampling method. The two parents and at least one descendant were interviewed by applying in-depth interviews, which sometimes led to life stories.

Regarding the observation method, this was also possible at the places of the migrants' origin by sharing different moments of their day-to-day life, and where an ethnographical approach was carried out to understand the social actors' situation prior to migration and the different determinants imposed by the origin societies. In order to do so, the other family members left behind, as well as key informants, were also interviewed.

Regarding the transnational ethnographical strategy, several fieldwork studies enabled this analysis. They were developed in three different social spaces attending to migrants' homelands (Buenos Aires province in Argentina and Beni Mellal province in Morocco) and the host society where they have settled in Spain.

Finally, a three-dimensional conceptual approach (micro, meso, and macro sociological perspectives) completed the analytical strategy.

ARGENTINES AND MOROCCANS IN GALICIA

Argentine migrations to Spain are characterized by trends that historically divide their emigration patterns into five cyclical phases marked by moments of political, social, or economic crisis in this southern country. These phases include the "brain drain" of the 1970s, political exile following the 1976 coup, the hyperinflation crisis of 1989, the neoliberal period from 1997 to 2000, and the crisis starting in 2001, also known as the *corralito* crisis (Actis & Esteban, 2007). This text analyzes a set of family histories of Argentines who migrated to the Autonomous Community of Galicia in Spain, primarily during the most recent phases. However, cases from other migration phases, particularly the hyperinflationary and neoliberal periods, are also included.

The Moroccan population constitutes one of the earliest migrant groups in Spain (López García, 2003; Pumares Fernández, 2002). Their migration patterns date back to the 1970s, increasing in volume during the 1980s and 1990s, although slower

(Gómez Crespo, 2004). The settlement of migrants in areas further from major urban economic centers across the country generally follows specific labor integration strategies (Pumares et al., 2006). This is the case for the Autonomous Community of Galicia, which borders Portugal.

Moroccan migrants from a specific region in Morocco (Beni Mellal) developed a migration network starting in the early 1980s, where the cross-border street market became their primary employment niche. Moroccans in Galicia became visible in the late 1980s and early 1990s, as evidenced by the findings of Golías Pérez (2004). As the author highlights, this visibility seems closely linked to Spain's first extraordinary regularization process in 1991.

Later, in 1995, when a growing number of families arrived after residing in other communities like Catalonia, Madrid, or Andalusia, it began to show characteristics of a true settlement. According to this same study, the distribution of the Moroccan population in Galicia by province shows a clear concentration in the provinces of Pontevedra (49.37%) and A Coruña (28.35%), with the former particularly notable in the municipalities of Vilaboa, Pontevedra, Vigo, and Tui, and the latter showing a significant concentration in the municipality of Arteixo (Golías Pérez, 2004). For this study, we have considered families arriving in the early 1990s, following a staggered migration model: first, the father, followed some decades later by the reunification of women and children.

THE INTERGENERATIONAL EDUCATIONAL AND OCCUPATIONAL MOBILITY TRAJECTORIES OF ARGENTINE AND MOROCCAN FAMILIES IN GALICIA

The Argentine–Galician transnational bridge has already been studied by Oso Casas (2017) and Golías Pérez (2014), revealing the dynamics of a migration route where several generations of migrants move between two social spaces, facilitated by family heritage in the access to European citizenship based in blood ties. Although Argentine migration to Galicia has a long history and has followed several phases throughout the 20th century, the families included in this research are only those who arrived in the early 21st century, particularly those related to the so-called *corralito* crisis. They all come from the province of Buenos Aires.

In the case of Moroccan families, their migration has been staggered and carried out in several stages: first, the men, followed by the women and children, due to immigration policy restrictions. In contrast, Argentine families have evidently benefited from access to naturalization through family heritage. These two case studies, therefore, highlight the opposite effects of citizenship policies.

Moroccan families also followed different migration routes and revealed different timelines. They all arrived in the early 1980s and 1990s and share the same origin:

various locations in the province of Beni Mellal. Both the Argentine and Moroccan families follow the pattern of economic migration.

The stories told by Argentine families reveal a strong intergenerational feature in their migration projects. Based on this main characteristic, we have observed the historical evolution from the grandparents' to the grandsons' generations, where migration has been part of family projects. The primary trend observed in the Argentine community case has shown a predominance of upward intergenerational mobility in education. However, the occupational trajectories have shown some evidence of over-education, underemployment, and job insecurity, which leads migrant children to prefer being inserted into the family's business when possible.

When we analyze Moroccan families' migration stories, as the second case of study, we find that they show strategies based only on two generations. However, this case involves an extensive kinship network. The reduced intergenerational historical dimension is replaced by an interest in observing the geographical mobility linked to several parallel family nuclei, in other words, from a horizontal perspective that passes through generations by which transnational kinship networks are formed. Reunification regulations in Spain have temporally marked Moroccan migrations. Thus, children's educational and occupational trajectories have been significantly impacted by the age of their arrival in the settlement society. Despite this, the analysis shows that many children achieved upward social mobility in both domains. However, others have increased the family educational level but have reproduced parents' occupational category.

If we compare both communities, we can see that the Moroccan families were in the least advantageous position with the first-generation insertion into the Galician labor market. On the other hand, when we analyze this aspect to see if it reveals social mobility linked to migration or is related more to the migratory context, we find significant differences between both communities. As such, if, in Argentine families, a similar trend between men and women shows the reproduction of occupational categories and some downward occupational mobility, the Moroccan families show horizontal mobility (between sectors) for men and the reproduction of the inactivity situation in women, which is primarily explained by the influence of the immigration regulation in Spain which imposes different requirements and restrictions in the access to the legal situation of migrants, depending on their national origin. These differences translate into more precarious labor conditions for Moroccan migrants (working in the informal and lowest steps of the Galician social structure). In contrast, Argentine migrants (and the Latin-American community in general) can accede to the formal and primary market, in Piore's words (Piore, 1979). In this regard, preferential policies for populations of Latin American origin come into play again, particularly those linked to historical Spanish migrations (Izquierdo Escribano et al., 2002). These policies provide easier access to visas and permanent residence for individuals who are not descendants of Spaniards, while offering naturalization by descent for those with family ties to earlier Spanish migrations.

Nevertheless, we find several different nuances to point out: first-generation Argentines do not generate a promotion in occupational conditions, as they do not show any improvement in their new jobs in Galicia. On the contrary, in some cases, they compound their social position. This phenomenon seems to be related to a sacrifice strategy from parents to children, which certainly improved their "potential" for social mobility by acquiring a higher level of education if we take into account the theory of human capital, which outlines that occupational upward social mobility is related to educational attainment. However, they rarely succeed in achieving it.

At the same time, if the Argentine case revealed a higher degree of diversity in the initial occupational categories, the Moroccan case showed occupational uniformity prior to migration. This fact leads us to consider the idea of the variable "migration context" as a fundamental factor determining social mobility strategies. Accordingly, Beni Mellal families, represent farmer fathers and inactive mothers.

So far, in line with reproduction theories (Bourdieu, 1980; Bertaux, 1969), social mobility processes between social spaces seem to show a trend for social position reproduction in the Argentine case by investing in small independent businesses to avoid discrimination in the labor market. In the worst cases, we have observed moderate downward social mobility processes after migration. In the Moroccan case, in contrast, we can see horizontal mobility but not vertical. That is to say, Moroccan first-generation migrants are inserted in the lower strata of the Galician society (informal jobs in the secondary economy) as a large number of them are positioned within the ethnic niche of street commerce. This conclusion must consider that migrants have been contacted by the "snowball sampling" method, which has produced particular bias in this analysis, as all families were related to the economic activity developed by fathers and were linked by the ethnic-niche network. The Argentine families described are first generations of urban origin and with a diversified occupational level, that is to say, without a specific professional profile. These characteristics contributed to placing migrants in more advantageous positions, as their incorporation into the labor market was essentially produced within the primary market. They were, therefore, placed in the small entrepreneurship sector and even in positions of professional and civic leadership, as per the classification by Portes & Böröcz (1989). However, the economic crisis in Galicia has led these migrants to unemployment and job insecurity, which shows that migrants are exposed to significant doses of vulnerability regarding economic cycles. In the case of those migrants settled in Galicia, these results seem to be linked to the lack of useful social networks that can work as a buffer to avoid unemployment.

Despite this, the structural determinants seem to impact the Moroccan community more directly. This phenomenon is related to the lack of valid resources that enable them to dodge social mobility obstacles. The type of jobs where migrants were positioned within the secondary market has further submerged them into social segregation and invisibility. Together with migration policy and the local labor market structure, we can add other factors such as the low qualification

level, the language barrier, and the restrictive and hermetic effect of ethnicized social networks—the community's social capital shields against local discrimination and racism.

We will further develop the premise of the different forms of capital (human, social, financial, and ethnic capital) in more detail in the following section, as they are key elements in understanding these segregation processes. As per Zhou and Lin's theory (Zhou & Lin, 2005), ethnic capital links the first three forms of capital (human, social, and financial).

Nonetheless, anticipating the conclusions suggests that social mobility processes driven by children are profoundly affected by families' struggles to avoid ethnic-stratification.

THE ACTIVATION AND MOBILIZATION OF HUMAN, SOCIAL, FINANCIAL, AND ETHNIC CAPITAL IN SOCIAL MOBILITY STRATEGIES

The mobilization of capital—its nature, function, and efficacy—has been at the core of our principal hypothesis. The results obtained describe concrete behaviors in each migrant community concerning the activation of the different resources and the launching of intergenerational social mobility strategies.

When we follow families' discourses in the Argentine case, the analysis of social capital seems to work as an element that activates motivations and expectations for migration, as it is closely related to kinship networks settled in Galicia. This responds to evidence showing that these migrations are typically linked to the Spanish outbound patterns of yesteryear. Nevertheless, the mobilization of social capital linked to kinship ties does not seem to show the expected results. Although representing a family heritage, family networks do not seem to offer the necessary efficiency to activate useful resources to gain a softer social and professional insertion in the settlement context.

They didn't really help us; we thought this could be an advantage, but instead, it was difficult to bear with family tensions, and there was quite a lot of prejudices about us that we didn't understand. (Pamela, an Argentine woman, settled in A Coruña, Galicia, originally from Buenos Aires)

My Galician family, the cousins of my mother, had promised a job here in Vigo, instead, when we arrived, they offered a bedroom in the basement without windows and exploited us in a sewing workshop with no salary at all. (Marga, an Argentine woman, settled in Vigo, Galicia, originally from San Antonio de Padua, Buenos Aires)

This situation entails a feeling of disappointment in Argentine migrants with a family relation to Galicia, as noted by Cook-Martín & Viladrich (2009). They explained the

“problem with similarity,” arguing that ethnic similarity between the native-born population and Latin-American migrants linked to Spanish ancient migration patterns led immigrants to a subordinated social position, particularly influencing the Argentine community in Galicia. In this case, the problem of Galician roots produces a mismatch between what was expected and what is finally obtained.

There’s a bit of everything, but I’ll give you an example. In my sector, rentals, it’s very hard for me to get a rental over the phone because the first thing is “no foreigners,” “no foreigners.” Now, what I’m not quite sure about is if we, Argentines, are considered “foreigners” ... because it’s a real problem. It’s the property owners who decide not to rent their flats to foreigners ... But I think we Argentines are Spanish ... I think they feel a lot more affinity. What happens is, over the phone, sometimes they don’t really know where you’re from, and there is the accent, so it’s hard for me to get a property over the phone ... but once they see me, once they know me and all, they open the doors for you ... (María José, an Argentine woman, real estate agent, living in Vigo, originally from Vicente López, Buenos Aires)

The self-perception of the interviewed migrants showed a certain ambiguity. On the one hand, whether due to having legal documentation or being born into a family of Spanish origin, the repeated feeling was one of belonging fully to the host culture, seeing themselves as “equals,” which explains the mismatch between what is expected and what is received, as there is a non-visibility or a non-recognition of the otherness that inevitably arises between locals and foreigners, particularly in the labor sphere:

There was another guy, too; we worked together. You work and talk. We were working, talking, and this man, of course, overheard me talking, the accent, and said, “These people who come here starving,” he says, and all the usual stuff ... he was saying, “This is why the country is in this state, we’re going to be left without jobs because these people come here starving,” and so on ... (Mariano, an Argentine man, unemployed truck driver, living in Vigo, originally from Pilar, Buenos Aires)

Moreover, significant findings have shown repeated tensions between earlier migrants and non-migrant members of the same kinship network, tensions that seem to be transmitted intergenerationally. These inherited disputes have even hampered some of the families’ incorporation processes. In this way, returnees (migrants with a family relation within Galicia) have been involved in a subordination process, which has led to a social hierarchy based on the disdain and mistrust of the locals toward roots migrants. This social phenomenon reflects the cracks caused by ancient family tensions that classified and differentiated migrant from non-migrant (the “locals”) family members.

Cook-Martín and Viladrich have already remarked that, in contrast to what actually happens with the preferential migration regulation in Spain, the fact of counting with family boundaries and historical links to Galicia gives rise to unrealistic expectations in migrants. This explains that preferential policies can have a perverse effect or a *boomerang* effect, which is the opposite of what was desired (Cook-Martín & Viladrich, 2009).

Conversely, the co-ethnic social capital appears as an element that merely offers social spaces for cultural membership. Nonetheless, some of these migrants, particularly those without a family link to the settlement society, have arrived in Galicia attracted by the co-ethnic networks of neighbors and friends already settled there. In contrast, Moroccan co-ethnic social capital seems to play a fundamental role. It seems to show a different nature, as it presents more solid solidarity processes inside the community compared to the Argentine case. It implies, as well, a “migratory culture” as a consequence of the transnational circuits that enabled a more fluent continuity of solidary-focused links between the different members of the kinship network, of the different phratries and generations. This objective seems to have become more difficult for the Argentine families due to the distances that separated families between Galicia and Argentina. Solidarity nexuses, therefore, entail a larger conception of the family within the Moroccan cultural universe. The higher cohesion of family and community networks might have led, at the same time, to a greater ability to control its members.

Following Putnam’s theory (Putnam, 2000) leads us to state that in a highly ethno-stratified society, the higher the possession and mobilization of a “bridging” type of capital, the higher the disposition to upward social mobility, and the higher the dependency on family and “bonding” capital, the lower the probabilities of succeeding. This premise criticizes Portes and Zhou’s theory, which argues that the higher the co-ethnic social capital and the more rigid the family structure, the easier it is to avoid the structural determinants (Portes & Zhou, 1993). In contrast, lower family flexibility and a higher dependence on the family and community networks have a more limited predisposition to upward social mobility, at least in the social context (Galicia) where this research has been developed.

At the same time, if we follow the notions of *weak ties* and *strong ties*, we can state that the lack of weak ties related to professional networks seems to restrict migrants’ access to a better job position in the local labor structure. On the other hand, ties nature seems to be differently defined in both communities. While Galician kinship networks (or *far family ties* as called by Aguilera & Massey, 2003) seem to represent weak ties in the case of Argentine migrants, extended family members and co-ethnic networks definitely represent strong ties for Moroccan families and, therefore, show an impact according to Granovetter’s principle on the “strength of weak ties” (Granovetter, 1973).

We came here because my uncle and his family came here, and he came here because his brother-in-law came here. We’d come to Galicia to follow our family

and then all work together in the street commerce. (Fatiha, a young Moroccan female university student, settled in Cesantes, Galicia, originally from Tagzirt, Beni Mellal Province)

Secondly, analyzing the mobilization of financial capital shows two clearly differentiated attitudes for each of the studied communities. In this way, while the Argentine case reveals a significant investment destined for the economic activity developed in the migration country, particularly in acquiring a house, revealing a clear settlement choice, the Moroccan families save their earnings to invest them in the homeland. This aims at producing visible social mobility in the migrants' place of origin. This fact explains how investment is usually destined to build or improve the family house and enable a transnational productive way of life between Morocco and Spain.

My parents are saving money to build a house in our hometown of Beni Mellal. They plan to return there once we are all working. They don't want to stay here permanently, and all the money they earn is being set aside to invest in our home in Beni Mellal. (Morad, a young Moroccan boy, settled in A Coruna, Galicia, originally from Ouled Youssef, Beni Mellal Province)

Some of the migrant parents invested in a business in their homeland, counting the contribution of non-migrant family members to manage a double economic activity in Beni Mellal and in Galicia, which enabled them to maintain the regular legal situation in Europe and helped as a buffer when the economic crash arrived in Spain.

When he hadn't worked here [father], he returned to Souk Sebt and worked in the country with my grandparents or in the family business. (Salma, a young Moroccan girl, settled in Arteixo, Galicia, originally from Souk Sebt, Beni Mellal Province)

In the third place, when we analyze the mobilization of human capital, fieldwork has confirmed a higher investment in education by Argentine families, showing much more interest in training and acquiring extracurricular human capital in children. The migrants' first language is undoubtedly one of the most important factors that determine the acquisition of further human capital, as Moroccan first generations do not have the same possibility because they rarely speak Spanish fluently and have equal difficulties in reading or writing it. The parents' education level also plays a fundamental role in this behavior. As such, a lower human capital in Beni Mellal's families explains the lack of intergenerational transmission of the educational value from parents to children and confirms the premise of a direct relationship with educational attainment, as the lower the educational level in the parents, the higher the level of academic failure in descendants (Fernández Enguita et al., 2010, pp. 75–79). At the same time, the interrelation between human capital and financial capital is confirmed in the premise that affirms that school attainment is linked to a family's

socioeconomic situation as holder of different forms of capital (Coleman, 1988; Bourdieu, 1996, as cited in Waters, 2006, p. 182). In this regard, we must emphasize the importance of the social position within the host society's social structure, as Moroccan families do not usually have sufficient financial resources to afford additional training for their children apart from the official and compulsory education.

In line with other studies, the results on occupational mobility trajectories in Argentine families point out that the transfer of human capital from parents to children seems to work as a pillar in the reproduction of the sociocultural level (Fernández Enguita et al., 2010; Mijares Molina, 1999; 2004; 2007; García Borrego, 2008; Pedreño Cánovas, 2010), as children tend to reproduce their parents' occupational category (Pedreño Cánovas, 2010, p. 148). In Moroccan families, the upward educational mobility in boys seems to be related to the social and educational contexts as a consequence of the regulatory framework that obliges young migrants to obtain the compulsory education level, which is indeed much higher than the average educational level of the parents.

Moreover, as we have already mentioned, the trajectories of families are differentiated depending on the gender variable. In this way, if boys tend to finalize their studies at the end of the first stage of their secondary education and continue, at best, with initial or intermediate professional training, girls tend to increase this level by obtaining baccalaureate levels or even higher education diplomas, which increases the family human capital as well. Despite this, occupational categories show that Moroccan migrant children are placed in the most vulnerable positions of the labor structure, reproducing what García Borrego (2008) has called the "heritage of the immigrant condition."

THE INFLUENCE OF THE SOCIAL ORIGIN IN OWNING CAPITAL

A family's social origin significantly influences its survival strategies and trajectories (Borjas, 1993; Pedreño Cánovas, 2013). Consistent with Bourdieu and Passeron's theory (Bourdieu & Passeron, 1970), we can explain the "social origin" concept as a further approach to a parents' socioeconomic level, not only considering economic means but other resources to which social agents can also have access, such as financial and social capital, taking into account their initial possessions as well as the ones generated after migration. This perspective is repeatedly intertwined with the context of origin and destination as a social arena that can limit or enable further educational and occupational mobility.

The study's general hypotheses set out three specific variables to define "social origin": the parents' educational level, their professional category and socioeconomic level prior to migration, and their rural or urban origin. The conclusions developed in the previous paragraphs confirm the prominent role of at least the first two variables in the trajectories of migrant youngsters. In other words, the higher

the possession of human and financial capital, the higher the probability of evading ethno-stratification barriers. In the third place, the rural or urban origin influences the kind of occupation the parents had prior to migration, the family's worldview, and its propensity to social mobility. The parents' occupational category and human capital before migration can then influence their occupation after migration, which, at the same time, will determine the family's income level.

We can see that "social origin" entails a complex interrelation of elements (Figure 1). The theoretical logic that helps close this rational circle between human capital, financial capital, and "social origin" is due to the initial possession of human capital, which will determine the possibility of acquiring a higher amount after migration. This acquisition will influence, at the same time, the greater disposal of resources that will enable migrants to be placed in a more favorable position within the new social structure. However, educational attainment does not ensure obtaining the corresponding occupational level. Meanwhile, the parents' occupational level will influence children's access to human capital, which will, therefore, have a bearing on the descendants' occupational level. In this way, the parents' human capital and the family's financial capital will condition the result on the educational trajectories of the children and, at the same time, will determine the need to provide economic support to the group in an earlier stage. Thus, the lack of financial capital within the family can lead to children attaining lower trajectories, as they tend to abandon the educational pathway in favor of financially supporting the group. This explains why many of the social actors' decisions are greatly conditioned by the family's position within the settlement social structure. This "inertial effect," as Pedreño Cánovas (2013) calls it, reflects that a *state of existential fragility* is transferred onto the children by the parents' work conditions, which explains why not all of the descendants can benefit from the investment in schooling in the same way to generate social mobility.

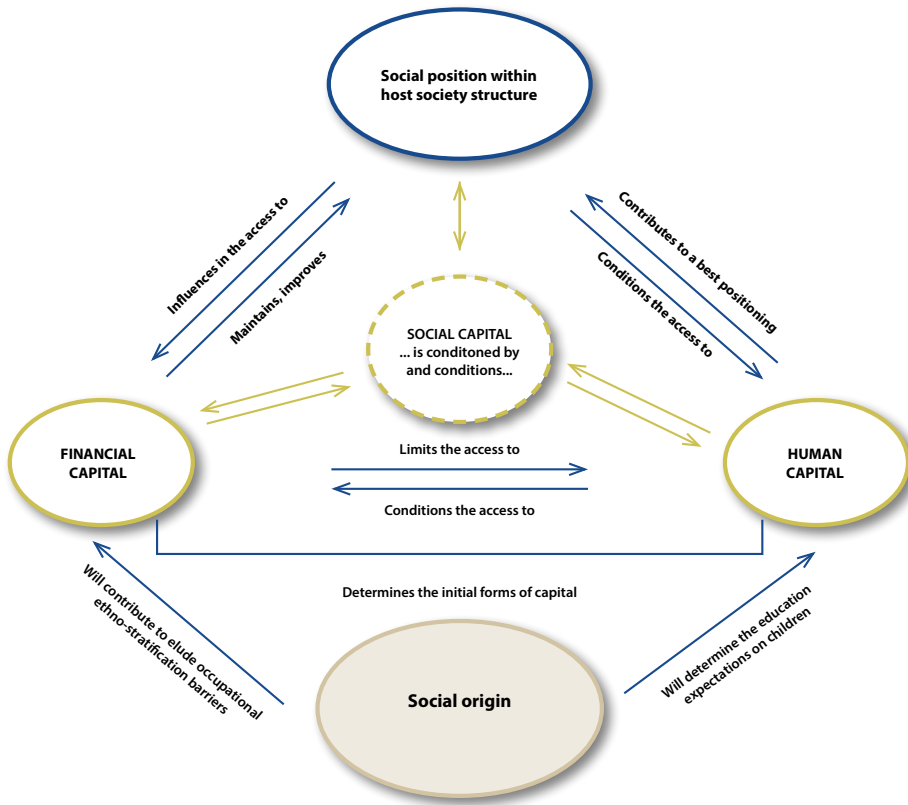


Figure 1: Conceptual interrelation between the social origin and the different forms of capital (source: own elaboration).

Thus, the social position in the home society plays an important role in the intergenerational social mobility trajectories after migration, as it strongly influences the family’s “social origin” (Borjas, 1993). The differences in social origin are also translated in the parents’ expectations of their children’s education, reflected in their social position, the kind and quality of resources that children will be able to count on to help educational and occupational social mobility happen (Pedreño Cánovas, 2013). The stories of the families analyzed have revealed a social inequality that transcends the two social spaces (origin and destination), determining the educational and occupational trajectories of first-generation migrants and their descendants.

CONCLUSIONS

The interaction and interrelationship of the different conditioning elements have made it plain to see that there is a real capacity for the agency of certain descendants within given structures, whose process involves complex hierarchies of gender and age.

We have seen that both migrant communities mobilize different capital to reach the objective of being inserted into the Galician labor structure while trying to avoid the discrimination processes in the labor market. The narratives analyzed have brought to light that there is a complex interdependence between migrants' social position and their ethnicity (Pedreño Cánovas, 2013), as one and the other seem to go hand in hand and are closely interrelated. Therefore, if Argentine migrants have tended to activate their financial and human capital as strategic resources to avoid possible discriminatory situations, Moroccan migrants have tended to mobilize social capital to respond to the lower possession of the other two forms of capital. The different positions occupied by migrants have revealed that the propensity to employability is much higher in the Argentine case than in the Moroccan one. While the first group is one of the best-positioned migrant communities, the Moroccan migrants reveal a significant gap between the desirability to work (activity rate) and the success in obtaining a job (employment rate). Once more, the Argentine phenomenon seems possible thanks to the initial financial and human capital, which has enabled them to consolidate the "independent professional" pathway as their occupational activity in Galicia (Villares Varela, 2010). This fact confirms the premise that where migrants are placed within the social scale may have much more of an impact on occupational trajectories than their ethnic origin (Cebolla Boado, 2004). However, both variables must be considered (Aparicio, 2006). In contrast, the social mobility strategies of Moroccan families, whose human and financial capital are much lower, have been significantly affected by the structural determinants and labor market segmentation.

Last but not least, our results have shown, concerning social capital, that the precarious conditions faced by migrants in the labor market lead to a lack of opportunities for children, competencies, and the necessary connections in order for them to advance further within the social scale (Gans, 1992).

Therefore, we can state that if human and financial capital can contribute to generating a more equal insertion of the social actors into the labor market, the efficacy of social capital depends especially on its *nature*. We highlight the difference between *family social capital* and *extra-family social capital* as elements that impact the social actors' trajectories differently. While the former pertains to the family as a migrant's primary unit of belonging and situates the individual into a group context, the latter situates the social actor within a broader network of interconnected relationships. Hence, social capital linked to ethnic networks will not produce the same effects as the mechanism to accede to the labor market, as it will keep social

actors caught up in subordinated categories, particularly when migrants are part of communities exposed to high levels of labor discrimination, as in the Moroccan case (De Lucas & Torres, 2002). In other words, the lack of financial and human capital and the exclusive mobilization of co-ethnic social capital explains why Moroccan migrants could not avoid occupational and ethnic stratification with the same success that the Argentine migrants have achieved. In the following diagram (Figure 2), we present a sort of “radar” that can comparatively measure the differentiated mobilization of capital by each community:

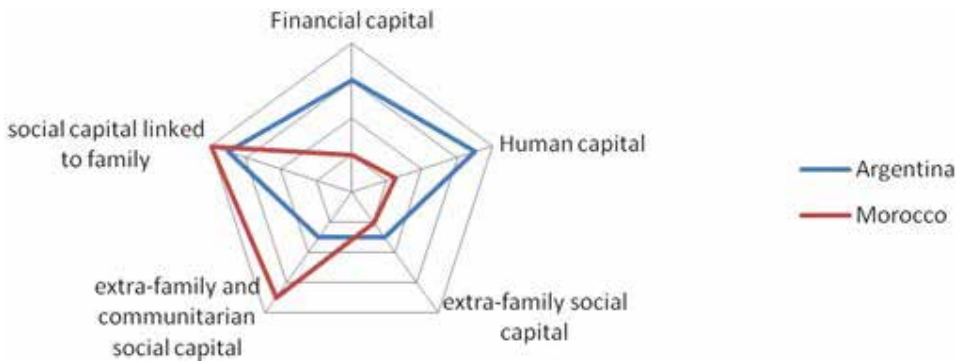


Figure 2: The differential uses of forms of capital in Argentine and Moroccan families (source: own elaboration).¹

The conclusions indicate that social capital linked to ethnic networks restricts social promotion possibilities and probably limits migrants’ economic activity, related to their ethnic community. On the other hand, the closer the relationship is between the migrant actor’s occupational strategy and their family, the more significant the impact of *meso-social* determinants, as this enhances the influence of the group’s expectations and the tensions related to solidarity and reciprocity within the group. Accordingly, the greater the dependence on kinship networks and family, the greater the limitations on individual expectations in favor of group desires and the greater the likelihood of existing tensions within the different family components (family nucleus or beyond, within kinship networks).

Finally, the position of each ethnic origin within the local ethnic stratification scale will increase or limit the social mobility possibilities inside the social structure.

1 Figure 2 represents the relevance that each capital has had in the migrants’ social mobility strategies. We must remark that this figure is just an approximation of reality, as social behaviors can difficultly be traduced into mathematic equations. We must also take into account that this graph makes reference to the different capital activated in the occupational insertion processes of first generations parents. Its relevance relies on the influence of this behavior toward capital investment in children’s trajectories. The acquisition of forms of capital by children is not considered in this figure.

If we translate this final reasoning as an equation, we can find the following relations (Figure 3):

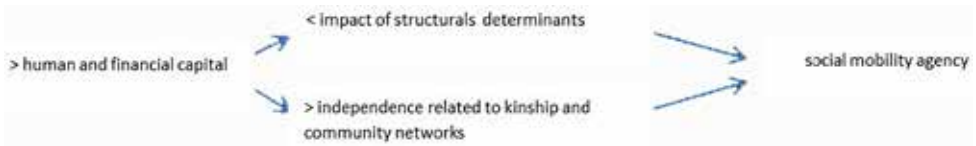


Figure 3: The logical interrelation of determinants to social mobility (source: own elaboration).

As we can see, if human and financial capital reveal an inverse impact of structural factors, social capital demonstrates a direct relationship. At the same time, the lower the possession of the first two, the higher the dependence of social actors on the family, kinship, and community networks, which would simultaneously reduce agency capabilities for social mobility.

However, although our principal hypothesis insists on the dependence of trajectories on the structural framework—*context specific*—we open a window to the social actor's agency—*path dependent*—as conclusions help to argue that the strategic use of resources can soften stratification effects and can help to avoid some of the barriers imposed on intergenerational social mobility.

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POVZETEK

VLOGA ETNIČNEGA, DRUŽINSKEGA IN SOCIALNEGA KAPITALA PRI MEDGENERACIJSKI SOCIALNI MOBILNOSTI MED ARGENTINCI IN MAROČANI V ŠPANSKI GALICIJI

Sofia Laiz Moreira

Avtorica v prispevku predstavi rezultate raziskave, ki je potekala med letoma 2011 in 2015 in katere namen je bil analiza procesov medgeneracijske socialne mobilnosti, povezanih z migracijami, v argentinskih in maroških družinah, ki so se naselile v španske regije Galicija.

V raziskavi je bil uporabljen teoretični okvir, ki je temeljil na celostni obravnavi pojava migracij, pri kateri je družbeni akter razumljen v okviru različnih dinamik moči, ki ga povezujejo z družinsko sfero in družbeno dimenzijo na podlagi razrednih, spolnih, starostnih in etničnih hierarhij.

Avtorica je v študiji s preučevanjem družinskih strategij analizirala različne mobilizacije socialnega, finančnega in človeškega kapitala v presečišču z etničnim kapitalom. Študija izpostavlja kompleksno interakcijo in medsebojno povezanost različnih dejavnikov (makro-, mezo- in mikrosocialnih determinant, njeni rezultati pa jasno kažejo na dejansko zmožnost avtonomnega delovanja nekaterih potomcev v okviru obstoječih struktur, kljub oviram, ki jih predstavljajo javne politike, dinamika diskriminacije na trgu dela ter socialno-ekonomske razmere v državi.

V študijo je bilo vključenih trideset družin: petnajst iz Argentine in petnajst iz Maroka. Avtorica je opravila 172 intervjujev, s katerimi je pridobila ključna spoznanja o migracijskih izkušnjah sogovornikov. Pri pogovorih v obliki poglobljenih intervjujev so sodelovale različne generacije: oba starša in vsaj en potomec, pri čemer so bili, kadar je bilo to mogoče, vključeni tudi stari starši.

V študiji so bili zaobjeti trije različni družbeni scenariji: španska regija Galicija, kjer so se migranti naselili, ter provinci Buenos Aires v Argentini in Beni Mellal v Maroku kot dve izvorni območji. Izbrani pristop je avtorici omogočil transnacionalno obravnavo preučevanega pojava ter ji zagotovil osnovne podatke za razumevanje načinov, na katere migranti načrtujejo svojo selitev.

Ugotovitve raziskave so pri migracijah iz Maroka izpostavile pomen socialnega kapitala kot glavnega dejavnika za uspešno integracijo, v nasprotju s tem pa se je v primeru Argentine pokazala neučinkovitost socialnega in etničnega kapitala, uporabnejša pri strategijah migrantov pa sta se izkazala kulturni in finančni kapital.

Poglavitno odkritje raziskave je bilo dejstvo, da človeški in ekonomski kapital obratno sorazmerno vplivata na strukturne dejavnike, medtem ko se pri socialnem kapitalu kaže neposredna povezava. Poleg tega je bilo ugotovljeno, da manj kot imajo družbeni akterji prvih dveh vrst kapitala, večja je njihova odvisnost od družinskih, sorodstvenih in skupnostnih omrežij, kar zmanjšuje njihovo sposobnost za socialno mobilnost.

Pri tem pa avtorica kljub temu, da v glavni hipotezi raziskave izpostavlja odvisnost trajektorij od strukturnega okvira (pogojenost z okoliščinami), prepoznava tudi možnost vpliva samih družbenih akterjev (pogojenost z usmeritvijo). Ugotovitve raziskave podpirajo tezo, da lahko strateška uporaba virov ublaži vplive stratifikacije ter pomaga preseči določene ovire na področju medgeneracijske socialne mobilnosti.

K N J I Ž N E O C E N Ě

B O O K R E V I E W S

A. Kalc, M. Milharčič Hladnik, and J. Žitnik Serafin, *Daring Dreams of the Future: Slovenian Mass Migrations 1870–1945*

Thought, Society, Culture Series, Vol. 5. Berlin: Peter Lang, 2024, 460 pp.

The migratory processes during the 19th and 20th centuries were a characteristic feature of Slovenian social and political history, deeply affecting the daily lives of entire communities, families, and individuals. In this book, two different phases of Slovenian migration are addressed: the free movement within and across state borders and then the interwar period, when migration policies were subordinated to the tyranny of the nation, which resulted in more restrictive measures.

The authors of this complex volume are Aleksej Kalc, Mirjam Milharčič Hladnik, and Janja Žitnik Serafin, researchers at the Slovenian Migration Institute at the Scientific Research Centre at the Slovenian Academy of Science and Arts. Over the past decades, they have made a significant contribution to Slovenian social, cultural, and political history, reconstructing the migratory movements that have taken place in the Adriatic border area and helping to shed light on integration processes, gender inequalities, and the cultural elements in which those who left and those who remained identified.

The studies proposed in this volume offer a historical overview of migratory processes that, over almost a century, have involved a territory historically linked to different state entities, empires, and political spaces. The proposed research fills some gaps in an area only partially investigated by Slovenian historiography. The geographical area under analysis, as explained in the introductory note, is called the "Slovenian ethnic territory," a definition adopted to indicate the region that has historically been inhabited by Slovenian men and women for language and culture and which extends beyond the borders of today's Republic of Slovenia.

The administrative and political structure of this area, which was first part of the Habsburg Monarchy, then part of the Kingdom of the Serbs, Croats and Slovenes (1918–1929), the Kingdom of Yugoslavia (1929–1945), and the Socialist Federal Republic of Yugoslavia (1945–1991), is one of the challenges that this volume faces, both from a technical and methodological point of view. In fact, the region under consideration does not correspond to the governmental fragmentation to which statistics and sources refer in different historical periods. In addition, the cultural differences between the spaces, already characterized by multiple and multifaceted linguistic and cultural identities, have been accentuated by the variations in power centers. Therefore, changes and hybridizations of these elements have also occurred within the same family and generational context.

The introduction frames the central theme: the individuals' mobility and movement as the structural elements of social processes. In the historical period under consideration, migration became a constituent factor of the human social and economic strategies of entire households and communities, not only because of material needs and political pressures but also in the perspective of future planning

and in pursuing their aspirations. By highlighting the migratory forms that have crossed the Slovenian ethnic territory, the book looks at the impact that local, international, and socioeconomic political contexts have had on these processes and extends the cultural space of Slovenia beyond the defined historical boundaries, witnessing the displacement even of the same multiple national identifiers that have seen the appearance of many other "Slovenians" around the world.

These pages focus on the different migration patterns and give prominence to their multiplicity of forms: within the same regions or abroad, temporarily or permanently, short- or long-distance. Moreover, they outline the peculiar characteristics of specific regions, showing a continuation of existing practices or new ways of entering these regions to follow new possibilities and new opportunities in domestic and international job markets. The research aims to emphasize the differences in these short- or long-term, continental or transcontinental migration processes, both from the point of view of logistics, timing, and practices and to serve precise needs, plans, and socioeconomic strategies.

Covering nearly a century, this book approaches Slovenian migration through historiography, sociology, and literary studies, and it brings to the fore the moments of rupture and continuity of these processes in relation to multiple geopolitical disruptions and redefinitions of state boundaries. The volume is divided into three sections, in which the voices and individual experiences of the protagonists of migration flank analytical approaches.

The first part introduces a survey by Aleksej Kalc that explores the morphological, geographical, and demographic characteristics of the countries of origin and destination, focusing on how regional differences and social and economic diversity affect travel dynamics. This section is centered around mobilization heterogeneity, outlining the structural elements of the migratory phenomena, emphasizing the continuity and breaks in the historical context being studied due to the varied spectrum of factors that have influenced this shift. The author shows how these movements adapted, both in form and methods, to the changes that occurred in the context of the modernization of the 19th century, to which macro-structural changes individuals responded by adopting diversified migration strategies. Migration patterns emerge according to their desires and socio-organizational goals, which are partly based on previous social behavior but take on new structural connotations conditioned by organic aspects, legal frameworks, and gender distinctions.

The migration of men and women is presented as two complementary practices integrated into economic and social systems. The analysis of this process offers a useful observation point for their insertion according to the labor market logic and social roles, which have led to the creation of asymmetric and divergent routes. Linking with the identification community, cultural and linguistic affinities, and daily habits played a vital role in the migratory context, and the social network system was essential for support during both the pre-and-post-transfer phases, as the chapter illustrates.

One important aspect of the volume is the correlation between the increase in the phenomenon's size and the country's national construction. In this context, not only did migration become the subject of heated debates, but from the very beginning, the masses of young people were viewed as a painful wound and serious threat. World War I represents a watershed in the history of European migration, marking the beginning of the alignment of the "migration issue" with the economic, social, and national interests of the countries of origin and reception. The two wars saw Slovenian migration take on new forms, primarily due to geopolitical changes and international migration regimes, which redirected routes to new destinations regarding age and gender structures.

In the book's second section, Janja Žitnik Serafin sheds light on the general history intersection with the Slovenian community life's constituent elements, revealing the organization process, the cultural productions, and the creative engagements in the host countries. Here, the emphasis is on the associative effort in local and regional communities and the many functions they have fulfilled at the political, economic, and social levels and, above all, at the cultural, religious, and educational stages. New social and mutual aid structures emerged in the new relocation contexts, followed by the creation of political, economic, humanitarian, and sports organizations – some still active today – and the construction of churches, schools, and recreation centers.

The proposed reflection looks at such structures' functions both as a bridge between the immigrant community and the host country and as a means of preserving social, cultural, and political ties with the place of origin.

In introducing the great variety and nature of organizations, the author illustrates the heterogeneity of cultural positions taken by migrants and the multiple worldviews that have evolved in different generational contexts and space-time. The author pays considerable attention to the ethnic and identity criteria on which this self-organization system was based, showing how the mission of preserving the Slovenian linguistic and cultural heritage was carried out. A decisive role was played by some prominent figures in schools and religious assistance, as well as the commitment of societies to transmit this heritage to younger generations through daily activities, acting clubs and theater, and children's choirs.

Re-examining the history of Slovenian migrant organizations means observing the geographical expansion of the Slovenian world and its adaptation to host contexts. It also offers a useful insight into the strategies individuals adopt in integrating into new environments while maintaining a close connection with the place of origin. This part of the volume highlights the ideological and political heterogeneity inherent in the characteristics of the Slovenian diaspora. It shows the cultural transformations and hybridizations that occurred in the process of identity preservation.

The need to preserve identity reflects the crucial role played by the literary production of Slovenian migrants: the works emerged for the vast majority within the organizational structures and give us the perception of lived experience, the

periods of adaptation in the new homeland, the complex identity issues, dilemmas, trauma, and social challenges. They also look at the old home with nostalgic tones and idealized representations. The diaspora's political, ideological, and cultural dynamics are evinced in the Slovenian press, which is still a decisive tool for understanding events, attitudes, and relations established in the context of Slovenian communities abroad and in their country of origin.

The tail end of the volume offers an in-depth study by Mirjam Milharčič Hladnik, where she illustrates the different migratory trajectories and patterns through the words and interpretations of the diaspora's main characters. This section, called "Migration Stories," suggests six points of view, perceptions, and migratory experiences, invaluable sources of Slovenian mobility in different historical contexts. Furthermore, the multiplicity of perceptions reflects the diverse migration routes and demonstrates various stimulatory factors and levels of involvement in the transfer countries. As the author explains, by giving voice to the diaspora leading characters, we can observe the complexity of human interactions, practices, and experiences in the social, cultural, political, and religious contexts that surround them. Personal human narrations emphasize the multidimensionality of such movements and each individual's extremely subjective experience of these events has resulted in a series of faceted representations of the world.

Stories come from multiple contexts, as part of biographies, memoirs, autobiographies, and diaries, or even publications in magazines, newspapers, and books. Sometimes, these sources are preserved in archives or accompanied by the protagonists' personal memories, letters, photos, and postcards. The criteria for selecting stories make a point of the disparate experiences accentuating diversity of gender, class, religion, origins, and destination contexts, all factors that influenced personal decisions, dynamics, and daily negotiations.

This subjectivity reveals the broad spectrum of interpersonal connections, transnational ties, family contexts, political and moral norms, gender roles, religion, ethnicity, and nationality. This last part of the volume perceives the subjective dynamics as a valuable tool for shedding light on the elements of continuity and rupture between those who left and those who remained and on the perceptions of identity, heritage, traditions, and political sentiments that developed within migrant communities.

From the intimate letters of a young couple emerge the feelings of hope, concern, and doubt that define the lives of those who must leave the country and those who stay; the diary of a young mother is an expression of the painful and dramatic condition of refugees in the context of war; the experiences of collective exile are testimony to the involuntariness of mass displacements operated during conflicts; the stories of two women, different for extractions and contexts, they give us the anguish and the feeling of loss for having abandoned their home, but it also represents a demonstration of tenacity and realization. Through memories, letters, direct testimonies, and diaries of participants in the migration process, the

author wants to show the most intimate and emotional perceptions of these experiences, revealing a wealth of reflections, decisions, and transformations of identity that have marked the lives of all individuals involved in these multidimensional mobility circuits.

The volume offers an overview of population movements between the middle of the 19th century and World War II in the Slovenian ethnic territory, elucidating the evolution, the prevailing mobility patterns, and the changing and continuing aspects of these migratory dynamics in the wider European and global framework. The analysis proposed in these pages does not reduce the migration process to the men and the women who moved into a different social context. Instead, it insists on the heterogeneity of these movements and on how they were affected by the variation of socioeconomic circumstances, the geopolitical framework, and administrative structures.

The emergence of (new) differentiated migratory regimes caused the diaspora characters to adapt to the policies of the countries of origin and settlement, alternating encouraging and indulgent attitudes with selective and restrictive policies dictated by the market logic.

The book focuses on the diverse spectrum of causes that have led entire families and individuals to emigrate, whose decision to leave or return to their native country depended on the political circumstances, the economic conditions of the labor market, their community ties and networks, personal ambitions, or the intent to achieve their "daring dreams."

An interesting aspect highlighted by the book is the dynamics of national identities and traditions preservation, expressed in political and cultural communities abroad. The organization of community life in Slovenia shows the associative and integrative commitment of migrants, the emergence of specific identity groups, and their relationship with the dominant social, political, and cultural environment. The concrete experiences of individuals represent a critical point of observation of the multiformity of these movements and transnational links, direct testimonies of the extension of the migratory process beyond the delineated political, economic and social boundaries. This social-historical picture closes with World War II, an event with a dramatic and violent impact on the movements of the Slovenian population, which was followed by a new phase in the migration history marked by the new political geography of the Cold War.

Benedetta Fabrucci

Navodila avtorjem za pripravo prispevkov za revijo

Dve domovini / Two Homelands

Najnovejšo verzijo navodil lahko najdete na spletni strani <https://ojs.zrc-sazu.si/twohomelands/prispevki>.

1. Usmeritev revije

Revija *Dve domovini / Two Homelands* je namenjena objavi znanstvenih in strokovnih člankov in knjižnih ocen s področja humanističnih in družboslovnih disciplin, ki obravnavajo različne vidike migracij in z njimi povezane pojave. Revija, ki izhaja od leta 1990, je večdisciplinarna in objavlja članke v slovenskem ali angleškem jeziku. Letno izideta dve številki v tiskani in elektronski obliki na svetovnem spletu (<https://ojs.zrc-sazu.si/twohomelands>).

Prispevke, urejene po spodnjih navodilih, pošljite uredništvu v elektronski obliki na naslov dd-th@zrc-sazu.si. Članki so recenzirani. Avtorji so odgovorni za jezikovno in slogovno dovršenost člankov. Rokopisov, ki jih uredništvo sprejme v objavo, avtorji ne smejo hkrati poslati drugi reviji. Avtorji se strinjajo, da se objavljeni članki v tiskani reviji *Dve domovini / Two Homelands* objavijo tudi v elektronski obliki na svetovnem spletu.

2. Sestavine prispevkov

Celoten članek je lahko dolg največ 60.000 znakov s presledki (vključno z literaturo) in mora vsebovati sestavine, ki si sledijo po naslednjem vrstnem redu:

- Naslov članka (okrepljeno) naj bo kratek, jasen in naj vključuje ključne pojme iz članka.
- Ime in priimek avtorja. Priimku naj sledi opomba pod črto, v kateri so s podpičjem ločeni štirje elementi:
 - avtorjeva izobrazba (na primer: 'dr. zgodovine', 'mag. antropologije');
 - ime avtorjeve institucije: Ustanova, Oddelek, Mesto (na primer: 'ZRC SAZU, Inštitut za slovensko izseljenstvo in migracije, Ljubljana');
 - avtorjev elektronski naslov;
 - šifra ORCID.
- Predlog vrste prispevka (izvirni, pregledni ali kratki znanstveni članek oz. prispevek)
- Izvleček: do 700 znakov s presledki
- Ključne besede: do 5 besed
- Izvleček v angleškem jeziku (Abstract): do 700 znakov s presledki
- Ključne besede v angleškem jeziku (Keywords): do 5 besed
- Glavno besedilo, po potrebi razdeljeno na poglavja in podpoglavja
- Zahvale in drugi podatki: Informacije o projektu oz. financiranju (če je članek nastal v okviru projekta) ter morebitne zahvale avtorja oz. avtorjev (neobvezno)
- Seznam literature (urejen po spodnjih navodilih)
- Angleški povzetek prispevka (Summary) s prevedenim naslovom (ameriško črkovanje): do 3.000 znakov s presledki

3. Oblika

- Celotno besedilo naj bo označeno s stilom »Normal« – brez oblikovanja, določanja slogov in podobnega;
- Robovi strani: »Normal« (2,5 cm na vseh štirih straneh)
- Oštevilčenje strani: z arabskimi številkami spodaj desno
- Dokument naj bo oblikovan brez prelomov strani
- Pisava:
 - Glavno besedilo: pisava Times New Roman, velikost 12 pt, obojestranska poravnava, razmak med vrsticami 1,5
 - Sprotne opombe: pisava Times New Roman, velikost 10 pt, obojestranska poravnava, razmak med vrsticami 1, oštevilčenje z arabskimi številkami

- Med odstavki naj ne bo razmaka ali praznih vrstic. Vsak odstavek (razen za podnaslovi, slikami, tabelami in izpostavljenimi daljšimi citati) naj se začne z zamikom prve vrstice za 1,25 cm.
- Naslov in podnaslovi naj bodo označeni (Headings), oblikovani polkrepko (bold) in z malimi tiskanimi črkami. Podnaslovov oz. (pod)poglavij ne številčite.

V besedilih se izogibajte podčrtovanju besed oz. delov povedi ter okrepljenemu in poševnemu tisku; s poševnim tiskom označite le navedene naslove knjig, časopisov in revij. Izpust znotraj citata označite s tropičjem v oglatih oklepajih [...].

Knjižne ocene morajo imeti sestavine, ki si sledijo po naslednjem vrstnem redu: ime in priimek avtorja ali urednika knjige, ki je predmet ocene, naslov knjige, založba, kraj, leto izida, število strani. Besedilo naj obsega 5.000–10.000 znakov skupaj s presledki, na koncu sledita ime in priimek avtorja ocene.

4. Citiranje in sprotno navajanje virov

- Citati, krajši od petih vrstic, naj bodo v narekovajih in v pokončni pisavi (ne v kurzivi).
- Citati, dolgi pet ali več vrstic, naj bodo v posebnih odstavkih, zamaknjenih v levo za 1,25 cm, brez narekovajev ter v pokončni pisavi (ne v kurzivi).
- Viri naj bodo v besedilu navajani v skrajšani obliki, v celoti pa na posebnem seznamu v podpoglavju »Literatura« za glavnim besedilom (glej Točko 5). Avtorji naj tako pri sprotnem navajanju virov v besedilu kot pri oblikovanju seznama literature sledijo 7. verziji standardov Ameriškega psihološkega združenja (APA7).
- V besedilu naj bodo viri navajani v oklepajih, in sicer po sistemu (*priimek avtorja/naslov vira, letnica dela, str. stran oz. razpon strani*), pri čemer je lahko priimek avtorja oz. naslov vira, če avtor ni znan, naveden tudi izven oklepaja – npr. »kot navaja Anderson (2003, str. 19) ...«.
- V primeru dveh avtorjev istega vira priimka ločimo z znakom, &' – npr. (Vah & Hacin, 2011).
- V primeru treh ali več avtorjev istega vira navedemo samo prvega avtorja in dodamo kratico ,et al.' – npr. (Besozzi et al., 2009, str. 12).
- V primeru navajanja več virov naj bodo ti med seboj ločeni s podpičji in razvrščeni naraščajoče po letnicah izdaje – npr. (Vah & Hacin, 2011, str. 251–253; Hladnik et al., 2019).
- V primeru navajanja več virov istega avtorja iz istega leta letnicam dodamo male tiskane črke – npr. (Anderson, 2003a, 2003b).

5. Urejanje seznama literature

Revija *Dve domovini / Two Homelands* sprejema strukturirane oblike seznama literature v digitalnih formatih BibTeX, RIS in JATS XML. Za urejanje literature v digitalnih formatih priporočamo uporabo računalniških programov za upravljanje z referencami, kot so Zotero, EndNote, Mendeley, Citavi ipd., s pomočjo katerih lahko seznam v strukturirani obliki prenesete oziroma izvozite kot datoteko v enem izmed zgoraj navedenih formatov.

Če literature ne morete oddati v strukturirani obliki, upoštevajte spodnja pravila in primere. Seznam literature in virov naj bo v posebnem podpoglavju »Literatura« za glavnim besedilom. V seznamu literature naj bodo navedene vse in samo tiste enote, na katere se avtor sklicuje v besedilu. Enote naj bodo razvrščene po abecednem redu priimkov avtorjev (oziroma naslovov drugih virov, pri katerih avtorji niso znani), enote istega avtorja pa razvrščene po letnicah. V primeru več virov istega avtorja iz istega leta letnice posameznih enot označite z malimi tiskanimi črkami (npr. Ford, 1999a, 1999b). Posamezne enote naj bodo oblikovane z visečim zamikom (Hanging Indent) 1,25 cm, med njimi naj ne bo razmakov.

Samostojne vire (npr. knjiga, diplomska, magistrska ali doktorska naloga, film, videoposnetek, glasbeni album, neobjavljen rokopis) pišemo v ležeči pisavi (kurzivi), ostale vire, ki so del večje celote (npr. članek v reviji ali časopisu, poglavje v zborniku, spletna stran, poglavje v enciklopediji, objava v spletnem dnevniku), pa v običajni pisavi.

Polnopomenski elementi v angleških naslovih knjig in člankov se pišejo z veliko začetnico. Enote v seznamu literature naj vsebujejo naslov DOI (<https://doi.org/...>) ali katerega od drugih stalnih identifikatorjev (ARK, URN, Handle, URI), kjer je ta na voljo. Stalni spletni naslov je v bibliografski enoti vedno zadnji podatek (glej primere spodaj).

Primeri:

- a) Knjiga:
Anderson, B. R. (2003). *Zamišljene skupnosti: O izvoru in širjenju nacionalizma*. Studia Humanitatis.
Besozzi, E., Colombo, M., & Santagati, M. (2009). *Giovani Stranieri, Nuovi Cittadini: Le Strategie di una generazione ponte*. FrancoAngeli.
- b) Zbornik:
Milharčič Hladnik, M., & Mlekuž, J. (ur.). (2009). *Krila migracij: Po meri življenjskih zgodb*. Založba ZRC, ZRC SAZU. <https://doi.org/10.3986/9789612541125>
Leitch, M. G., & Rushton, C. J. (ur.). (2019). *A new companion to Malory*. D. S. Brewer.
- c) Poglavje v zborniku:
Milharčič Hladnik, M. (2009). Naša varuška. V M. Milharčič Hladnik & J. Mlekuž (ur.), *Krila migracij: Po meri življenjskih zgodb* (str. 15–20). Založba ZRC, ZRC SAZU. <https://doi.org/10.3986/9789612541125>
Dežan, L., & Sedmak, M. (2020). Policy and Practice: The Integration of (Newly Arrived) Migrant Children in Slovenian Schools. *Annales, Historia et Sociologia*, 30(4), 559–574. <https://doi.org/10.19233/ASHS.2020.37>
- d) Članek v reviji:
Mlekuž, J. (2022). Vsakdanji nacionalizem in kranjska klobasa med slovenskimi izseljenci v ZDA. *Dve domovini / Two Homelands*, 55, 173–192. <https://doi.org/10.3986/dd.2022.1.10>
Dežan, L., & Sedmak, M. (2020). Policy and Practice: The Integration of (Newly Arrived) Migrant Children in Slovenian Schools. *Annales, Historia et Sociologia*, 30(4), 559–574. <https://doi.org/10.19233/ASHS.2020.37>
- e) Članek v časopisu:
Majovski, J. (2021, 9. marec). Testiranje za prehajanje meje ne bo plačljivo. *Primorski Dnevnik*, 5.
Woodman, D., & Power, J. (2018, 16. maj). Internships have much to offer but provisions are necessary to ensure the young truly benefit. *The Australian*, 29.
Carey, B. (2019, 22. marec). Can we get better at forgetting? *The New York Times*. <https://www.nytimes.com/2019/03/22/health/memory-forgetting-psychology.html>
- f) Predstavitev na konferenci:
Evans, A. C., Jr., Garbarino, J., Bocanegra, E., Kinscherff, R. T., & Márquez-Greene, N. (2019, 8.–11. avgust). *Gun violence: An event on the power of community* [predstavitev na konferenci]. Srečanje APA 2019, Chicago, ZDA. <https://convention.apa.org/2019-video>
- g) Spletna stran:
Lamovšek, T. (2020, 4. april). *Prišel, videl, spravil Slovence domov – Andrej Šter*. MMC RTV Slovenija. <https://www.rtvsl.si/slovenija/prisel-videl-spravil-slovence-domov-andrej-ster/519439>
Kochhar, R. (2020, 9. junij). *Hispanic women, immigrants, young adults, those with less education hit hardest by COVID-19 job losses*. Pew Research. <https://www.pewresearch.org/fact-tank/2020/06/09/hispanic-women-immigrants-young-adults-those-with-less-education-hit-hardest-by-covid-19-job-losses>
Quantum mechanics. (2019, 19. november). V Wikipedia. https://en.wikipedia.org/w/index.php?title=Quantum_mechanics&oldid=948476810

Dodatni primeri za druge vrste virov so na voljo na spletni strani <https://apastyle.apa.org/style-grammar-guidelines/references/examples>.

6. Grafične in slikovne priloge

- Preglednice oz. tabele naj bodo narejene v programu Microsoft Word in vključene v besedilo. Oblikujte jih čim enostavneje (zanje ne uporabljajte posebnih slogov).
- Vsega drugega slikovnega gradiva (fotografije, zemljevidi, ilustracije, grafi ipd.) **ne** vključujte v besedilo, temveč jih pošljite kot ločene datoteke. V izogib potrebi po naknadnih popravkih bodite pri morebitnem besedilu na slikovnem gradivu (npr. legenda grafa ipd.) pozorni na pravopis (npr. vejice za decimalna števila, stični pomišljaj za razpon števil oz. datumov, velike začetnice ipd.).
- Vse preglednice, tabele in fotografije morajo biti označene v besedilu (npr. Tabela 1, Slika 1). Točno lokacijo v besedilu navedite po naslednjem vzorcu: ... (Slika 1) ... (Preglednica 1).
- Vse preglednice in drugo slikovno gradivo mora imeti pripis, ki naj se vedno začne z naslovom Slika/Preglednica (in zaporedna številka), npr.:

Slika 1: Kuharica Liza v New Yorku leta 1905 (avtor: Janez Novak, vir: Arhiv Slovenije, 1415, 313/14)

Preglednica 1: Število prebivalcev Ljubljane po popisu leta 2002 (vir: Statistični urad RS, *Statistične informacije*, 14).
- Pripisi k slikam in preglednicam naj ne vsebujejo opomb.
- Datoteke slikovnega gradiva poimenujte s priimkom avtorja in zaporedno številko gradiva, npr. „Novak1.jpg“, „Novak2.jpg“ itd.
- Velikost slike naj bo takšna, kot bo natisnjena, ali večja. Fotografije naj bodo v enem od naslednjih formatov: TIF, EPS, SVG, JPG, PNG v polni kakovosti in s tipografijami v krivuljah. Ločljivost slik naj bo najmanj 300 dpi.
- Za grafične in slikovne priloge, za katere nimate avtorskih pravic, morate dobiti dovoljenje za objavo in uredništvu predložiti dokazilo.

Instructions for Authors Preparing English Articles for Publication in *Dve domovini / Two Homelands*

For the latest version of instructions for authors, please refer to website <https://ojs.zrc-sazu.si/twohomelands/prispevki>.

1. Editorial Content

Dve domovini / Two Homelands welcomes scientific and professional articles and book reviews from the humanities and social sciences focusing on various aspects of migration and related phenomena. Established in 1990, the journal is multidisciplinary and publishes articles in Slovenian or English. Two volumes are published annually in print and online digital format (<https://ojs.zrc-sazu.si/twohomelands>).

Articles should be prepared according to the instructions below and sent to the editorial board at the e-mail address dd-th@zrc-sazu.si. All articles undergo a peer-review procedure. Authors are responsible for language and style proficiency. Manuscripts accepted for publishing by the editorial board should not be sent for consideration and publishing to any other journal. By publishing their articles in *Dve domovini / Two Homelands*, the authors also grant permission to publish them online.

2. English Article Elements

The length of the entire article can be up to 45,000 characters with spaces (including the References section) and should contain the sections below in the following order:

- Article Title (Title Case, bold): should be clear and concise and include the article's keywords.
- Name and surname of the author. The surname should be followed by a footnote with the following four elements, each separated by a semicolon:
 - o the author's education (e.g., PhD in history, MA in social sciences);
 - o the author's affiliation – Institution, Department, City (e.g., ZRC SAZU, Slovenian Migration Institute, Ljubljana);
 - o e-mail address;
 - o ORCID ID.
- Type of contribution (original, review, or short scientific article)
- Abstract: up to 700 characters with spaces (will be translated into Slovenian by the journal)
- Keywords: up to 5 words
- Main text: divided into sections and subsections, if necessary
- Information about the project or funding (if the article was written as part of a project) and any acknowledgments by the author(s) (optional)
- Reference list (References): see point 5 below for instructions
- Summary: up to 3,000 characters with spaces (will be translated into Slovenian by the journal)

3. Document Formatting

- The style of the entire text should be "Normal" – no formatting, defining styles, or similar.
- Please use American English spelling (Merriam-Webster Dictionary) and serial (Oxford) commas.
- Page margins: "Normal" (2.5 cm margins at all sides)
- Page numbering: Arabic numerals, bottom right
- The document should not contain any page breaks.
- Font
 - o Main text: Times New Roman, 12 pt, justified, line spacing 1.5
 - o Footnotes: Times New Roman, 10 pt, justified, line spacing 1, Arabic numerals

- There should be no spacing or blank lines between paragraphs. Each paragraph (except those after subtitles/headings, figures, tables, and long quotations) should begin with a first-line indent of 1.25 cm.
- The Title and Section (Sub-section) headings should be manually formatted: The Title and Level 1 Headings are bold, Title Case; Level 2 Headings are bold, Sentence case. Headings should not be numbered.

Avoid underlining words or parts of sentences, as well as using bold and italics. Italics should be used only when citing titles of artworks, books, newspapers, and journals. Indicate omitted parts of a citation with square brackets and an ellipsis [...].

Book reviews should contain the following elements in the order given: name and surname of the author or editor of the book, title of the book, name of publisher, place of publication, date of publication, and number of pages. Reviews should be 5,000–10,000 characters with spaces and include the name and surname of the reviewer at the end.

4. Quotations and In-Text Citations

The following instructions should be followed for citing sources in the text:

- Quotations shorter than five lines should be included in the main text and separated with quotation marks in normal font (not italics).
- Long quotations (five lines or more) should be formatted in a separate paragraph indented by 1.25 cm, without quotation marks, in normal font (not italics).
- Sources should be cited in abbreviated form in the text and in full in a separate list in the “References” section after the main text (see Section 5). Both for in-text citations and the reference list, authors should follow the 7th edition of the American Psychological Association (APA) standards (APA7).
- Cite sources using In-Text Author-Date citations in parentheses: *author’s surname, year of publication: page number(s)*. Examples:
 - o citing a single source: (Anderson, 2003, pp. 91–99);
 - o citing a source with two authors: surnames separated by “&”, e.g. (Vah & Hacin, 2011);
 - o citing a source with more than two authors: the surname of the first author followed by “et al.”, e.g. (Besozzi et al., 2009, p. 12);
 - o citing multiple sources: sources separated by semicolons and sorted by the year of publication in ascending order (Hladnik, 2009, p. 15; Vah & Hacin, 2011, pp. 251–253; Hladnik et al., 2019);
 - o citing multiple works by the same author published in the same year: years marked with lowercase letters (Anderson, 2003a, 2003b).

5. Reference List

Dve domovini / Two Homelands accepts structured reference lists in digital formats BibTeX, RIS, and JATS XML. For editing the reference list in digital formats, we recommend the use of reference management software such as Zotero, EndNote, Mendeley, Citavi, etc., which can be used to download the list in a structured format or to export the list as a file in one of the abovementioned formats.

If you are unable to provide the reference list in one of the abovementioned formats, please follow the rules and examples below:

A list of references should appear after the main text in a separate section named “References”. The reference list should include all and only those sources that are cited and referred to in the text. The entries should be arranged alphabetically by the authors’ surnames (or titles of newspapers/articles or other sources where authors are unknown), with multiple references by the same author arranged by year of publication. Multiple references by a single author published in the same year should be separated with lowercase letters (e.g., Ford, 1999a, 1999b). Each entry should be formatted with a hanging indent of 1.25 cm, with no line spacing between entries.

Titles of self-contained and independent sources (e.g., a book, a master's thesis, a PhD dissertation, a film, a video, a music album, or an unpublished manuscript) should be in italics. Other sources that are part of a larger work (e.g., an article in a magazine or newspaper, a chapter in a collection of papers, a website, a chapter in an encyclopedia, or a blog post) should be written in normal font.

English book and article titles (except conjunctions, articles, and prepositions) should be capitalized in Title Case. The entries in the reference list should contain DOI addresses (<https://doi.org/...>) or any other persistent identifier such as ARK, URN, Handle, or URI when available. The permanent web address is always the last information in a reference entry (see examples below).

a) Book:

Anderson, B. R. (2006). *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Verso.

Besozzi, E., Colombo, M., & Santagati, M. (2009). *Giovani Stranieri, Nuovi Cittadini: Le Strategie di una generazione ponte*. FrancoAngeli.

b) Edited book / Collection of articles:

Leitch, M. G., & Rushton, C. J. (Eds.). (2019). *A New Companion to Malory*. D. S. Brewer.

Moran, A., & O'Brien, S. (Eds.). (2014). *Love Objects: Emotion, Design and Material Culture*. Bloomsbury Academic. <https://doi.org/10.5040/9781474293891>

c) Chapter in an edited book / Article in a collection:

Armstrong, D. (2019). Malory and Character. In M. G. Leitch & C. J. Rushton (Eds.), *A New Companion to Malory* (pp. 144–163). D. S. Brewer.

Mihaylova-Garnizova, R., & Garnizov, V. (2018). Refugee Crisis As a Potential Threat to Public Health. Defence Against Bioterrorism. In V. Radosavljevic, I. Banjari & G. Be-lojevic (Eds.), *NATO Science for Peace and Security Series A: Chemistry and Biology* (pp. 25–42). Springer. http://dx.doi.org/10.1007/978-94-024-1263-5_4

d) Journal article:

Vah Jevšnik, M. (2024). Navigating Integration and Emotional Distress During Vulnerable Stages of Life: The Case of Slovenian Repatriates From Venezuela. *Dve domovini / Two Homelands*, 60, 49–68. <https://doi.org/10.3986/2024.2.4>

Dežan, L., & Sedmak, M. (2020). Policy and Practice: The Integration of (Newly Arrived) Migrant Children in Slovenian Schools. *Annales, Historia et Sociologia*, 30(4), 559–574. <https://doi.org/10.19233/ASHS.2020.37>

e) Newspaper article:

Carey, B. (2019, March 22). Can We Get Better at Forgetting? *The New York Times*. <https://www.nytimes.com/2019/03/22/health/memory-forgetting-psychology.html>

Woodman, D., & Power, J. (2018, May 16). Internships have much to offer but provisions are necessary to ensure the young truly benefit. *The Australian*, 29.

Majovski, J. (2021, March 9). Testiranje za prehajanje meje ne bo plačljivo. *Primorski Dnevnik*, 5.

f) Conference presentation:

Evans, A. C., Jr., Garbarino, J., Bocanegra, E., Kinscherff, R. T., & Márquez-Greene, N. (2019, August 8–11). *Gun violence: An event on the power of community* [Conference presentation]. APA 2019 Convention, Chicago, IL, United States. <https://convention.apa.org/2019-video>

g) Website:

Price, D. (2018, March 23). *Laziness Does Not Exist*. Medium. <https://humanparts.medium.com/laziness-does-not-exist-3af27e312d01>

Kochhar, R. (2020, June 9). *Hispanic women, immigrants, young adults, those with less education hit hardest by COVID-19 job losses*. Pew Research. <https://www.pewresearch.org/fact-tank/2020/06/09/hispanic-women-immigrants-young-adults-those-with-less-education-hit-hardest-by-covid-19-job-losses>

Quantum mechanics. (2019, November 19). In *Wikipedia*. https://en.wikipedia.org/w/index.php?title=Quantum_mechanics&oldid=948476810

Additional examples for other types of sources are available at <https://apastyle.apa.org/style-grammar-guidelines/references/examples>.

6. Graphics and Illustrations

- Tables should be created in Microsoft Word and included in the text. Use simple formatting (no special builtin styles).
- All other figures (pictures, maps, illustrations, graphs, etc.) should **not** be included in the text but should be sent as separate files. To avoid unnecessary corrections in the editing phase, they should use the period (.) for decimals (i.e. 14.50), the endash (–) for number or date ranges (i.e., 2010–2019), the Oxford comma, and American English spelling.
- All figures and tables should be referenced in the main text, e.g. (Table 1), (Figure 1).
- Please add the figure captions at the exact locations where they should appear in the text.
- All tables and other visual material should be captioned, always starting with the title Figure/Table [number], for example:

Figure 1: Lisa the Cook in New York in 1905 (Photo: Janez Novak, source: Archives of Slovenia, 1415, 313/14).

Table 1: The population of Ljubljana according to the 2002 Census (source: Statistical Office of the Republic of Slovenia, *Statistics*, p. 14).

- Captions to visual material should not include footnotes.
- All digital files for visual material should be named with the author's surname and numbered, e.g., "Brown01.jpg", "Brown02.jpg".
- The size of images should be the same as they should appear in print or larger. Photos should be submitted in one of the following formats: TIF, EPS, SVG, JPG, PNG in full quality and fonts in curves. The image resolution should be at least 300 dpi.
- Permission to publish must be obtained for all copyrighted graphic and illustrative material. Please include proof of permission alongside the copyrighted visual material you submit to the editor.

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NAPOTITVE DELAVCEV: PROFILI PODJETIJ, DOSTOP DO INFORMACIJ IN SPOŠTOVANJE PRAVIL / POSTING OF WORKERS: COMPANY PROFILES, ACCESS TO INFORMATION, AND RULE COMPLIANCE

Sonila Danaj

Introduction: Posting of Workers – Company Profiles, Access to Information, and Rule Compliance

Frederic De Wispelaere, Lynn De Smedt

Unraveling the Profile of Posting Companies: A Case Study for Slovenia

Sonila Danaj, Elif Naz Kayran, Eszter Zólyomi

Access to Information on Labor and Social Regulations and Compliance in the Posting of Foreign Workers in Construction in Austria

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