

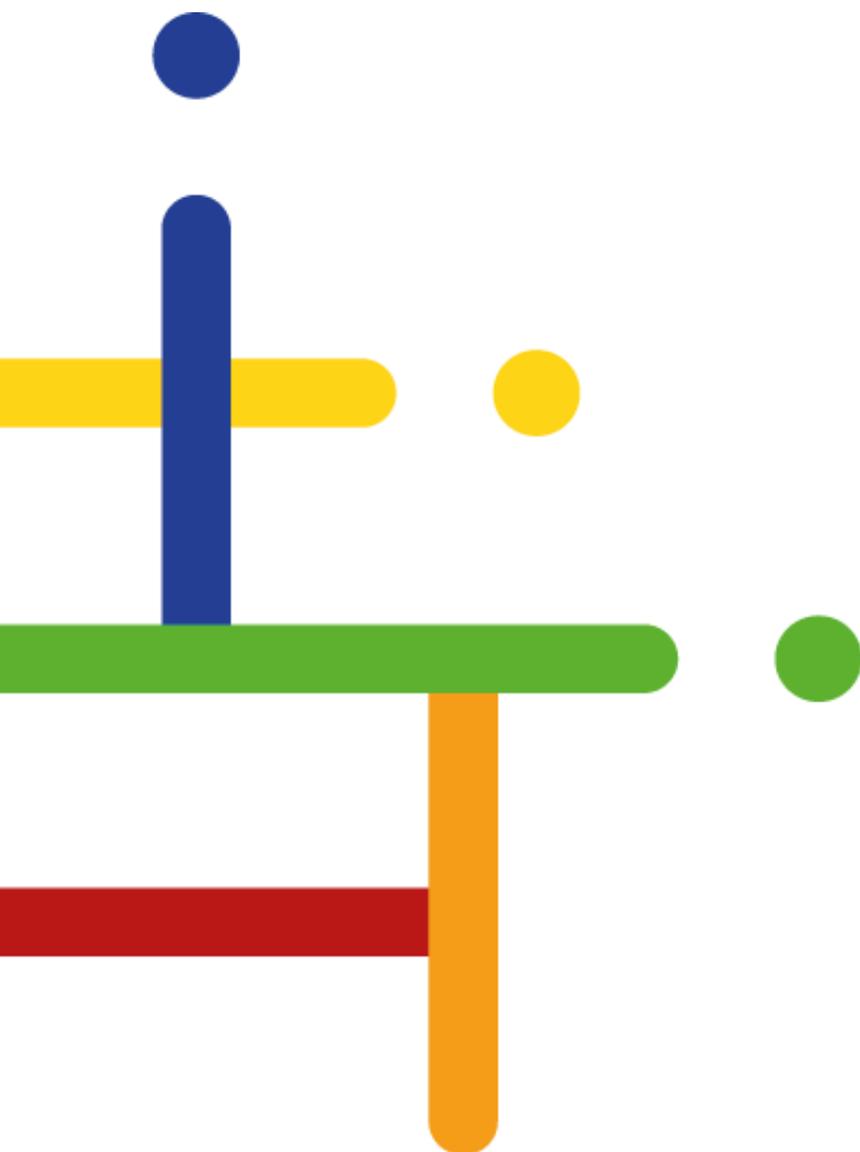
INFO – POW

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

COUNTRY REPORT SLOVENIA

Mojca Vah Jevšnik & Kristina Toplak

Research Centre of the Slovenian Academy of Sciences and Arts



October 2023

© 2023 – INFO-POW, Assessment of the channels of information and their use in the posting of workers – project number 101059290.

General contact: Sonila Danaj [danaj@euro.centre.org]

For more information: Mojca Vah Jevšnik [mojca.vah@zrc-sazu.si] and Kristina Toplak [kristina.toplak@zrc-sazu.si]

Please refer to this publication as follows:

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

Information may be quoted provided the source is stated accurately and clearly.



Co-funded by
the European Union

This publication is part of the INFO-POW project. This project has received funding by the European Commission, DG Employment, European Social Fund+ (ESF+) Social Prerogatives and Specific Competencies Lines (SocPL), Call ESF-2021-POW.

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or European Commission, DG Employment, ESF+ and SocPL. Neither the European Union nor the granting authority can be held responsible for them.

Contents

List of tables	4
List of figures	5
List of acronyms	6
Executive summary	7
1 Introduction	8
2 Methodology	10
2.1 Empirical data	10
2.2 Analysis	13
3 Country Profile: Slovenian construction and posting characteristics	14
4 National regulatory framework for access to information	17
4.1 Legal instruments on information about employment terms and conditions	17
4.2 Legal instruments on information about the posting of workers	18
4.3 Information providers	18
4.3.1 Public institutions	19
4.3.2 Social partners	19
4.3.3 Private actors	19
4.4 Availability of posting information and targeted audience	19
4.5 Accessibility and quality of posting information	21
4.6 Scope and content of posting information	21
4.7 Gaps in posting information channels	22
5 Information providers' and users' insights on posting information	24
5.1 Information provided to posting/user undertakings	24
5.1.1 Experiences with information provided	24
5.1.2 Posting undertakings' challenges	26
5.1.3 Information providers' challenges	27
5.2 Best practices and recommendations	Error! Bookmark not defined.
6 Posting/user undertakings' insights on posting information	29
6.1 Respondents' sample	29
6.2 Survey findings	30
6.2.1 Experiences with accessing and using information	30
6.2.2 Information needs and preference	32



6.2.3	Barriers	33
6.3	Best practices and recommendations	34
7	Conclusions	35
8	Recommendations	37
9	References	38

List of tables

Table 1: Stakeholders and experts interviewed on providing information to posting/user undertakings in Slovenia

Table 2: Number of persons in employment in construction by nationality, M6 (2019-2022)

Table 3: The number of construction companies by size, according to the number of employees (2021)

Table 4: Number and share of PDs A1 issued to TCNs and SI nationals in Slovenia by sectors of activity and nationality (2021)

Table 5: Number of workers posted to Slovenia in the construction sector, number of posting notifications in the construction sector, total number of workers posted to Slovenia and total number of posting notifications (2018 – 2021)

Table 6: The size of the companies measured by the number of employees

Table 7: The main economic activities of the companies

Table 8: What type of information did you look for regarding posting/receiving workers (from) abroad?

Table 9: How important would you say the following aspects are when seeking posting-related information?

Table 10: How often did you use the following channels for information on posting?

Table 11: Does the company, when posting workers abroad, take care of the following components itself or does the company outsource, i.e., contract an external private company or individual?

Table 12: Which of the following would you need to have additional information on in order to correctly post workers abroad?

Table 13: Among those listed, which are the three main elements that you think would help companies to better comply with the applicable wage and working conditions for posted workers?

List of figures

Figure 1: Posting of workers from Slovenia by the number of issued PDs A1 and the number of workers posted (2018 – 2022)

Figure 2: Number of information providers included in the dataset

Figure 3: Number of information channels in the dataset with open access to the public, under paywall, or available for purchase

Figure 4: Number of information channels in the dataset targeting posting and user undertakings

Figure 5: Number of information channels in the dataset that provide information in different languages

Figure 6: Number of open access websites and online manuals that provide information on selected categories

List of acronyms

EU: European Union

EEA: European Economic Area

EURES: European Employment Services

NGO: Non-Governmental Organisation

OSH: Occupational Safety and Health

PD A1: Portable Document A1

TCN: Third Country Nationals

Executive summary

The challenges of information provision and the use of information regarding the posting of workers are manifold. This case study report presents the findings for Slovenia, which has continuously been one of the main sending Member States of posted workers in the European Union (EU). The report is based on three types of primary empirical data, collected from January to August 2023: mapping of information channels in Slovenia, semi-structured interviews conducted with representatives from public authorities, social partners and private consultants involved in providing information about posting and/or user undertakings, and the web survey sent to the companies that post and/or receive posted workers.¹ The main questions guiding the research for this report are:

- How do transnational posting undertakings and user undertakings find and use information on the posting of workers?
- How do posting undertakings and user undertakings assess the availability, accessibility, and quality of the available information on the posting of workers?
- How can access and quality of information on the posting of workers be improved to address the needs of posting undertakings and user undertakings?

The most pressing challenges that emerged from all three sets of data collection include the fragmentation of data across different information channels, the time-consuming process of identifying and collecting comprehensive information about specific regulations in place in Slovenia as well as finding credible country-specific and sector-specific information about rules and regulations in other Member States. The research shows that challenges of posting undertakings seem to vary according to the size of the company 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 and, therefore, ensure compliance with various national legislations.

The report presents the research methodology and data collection process, country profile that includes basic information about the Slovenian construction sector and posting characteristics, and the national regulatory framework for access to information. It includes the empirical findings from the mapping exercise, semi-structured interviews with the stakeholders, and the web survey. The report is concluded with a set of recommendations for the national authorities and other relevant stakeholders.

¹ The authors would like to thank the interviewees and all other persons participating in the empirical research. Special thanks go to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the regional branch of the Chamber of Commerce and Industry of Slovenia in Maribor and the Chamber of Craft and Small Business of Slovenia, for their assistance with the dissemination of the survey. Thank you to the research team at the European Centre for Social Welfare Policy and Research, Sonila Danaj, Eszter Zólyomi and Elif Naz Kayran, for their valuable feedback, and Amalia Solymosi for proofreading the report and preparing it for publication.

1 Introduction

The INFO-POW (Assessment of the channels of information and their use in the posting of workers) research project aims to identify and assess challenges and needs of construction companies in accessing and using relevant information regarding the posting of workers. The geographical scope of the project covers five Member States: Austria, Belgium, Italy, Slovakia, and Slovenia. Based on evidence collected from 1) the mapping exercise on available information providers and information channels, 2) expert interviews with the information providers and information users, and 3) a pilot web survey with representatives of posting undertakings and user undertakings (receiving companies) in the construction sector, the project seeks to identify challenges, as well as best practices, and provide recommendations on the improvement of the availability and quality of information. The study fills a gap in the understanding of how transnational posting undertakings and user undertakings find and use information in their interaction with national institutions and how that affects their overall performance in terms of the correct application of the posting rules and the protection of labour and social standards.

The research questions guiding the research for this report are:

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

This country case study report presents the findings for Slovenia. Slovenia has been one of the main sending Member States of posted workers in the EU, mainly to Germany and Austria. The upward trend of the posting of workers from Slovenia to other EU Member States has been persistent throughout the years. Outgoing posted workers amount to roughly 7% of total employment in Slovenia and even to some 30% of total employment in the Slovenian construction sector. The latter is the highest percentage among all Member States (Vah Jevšnik et al., 2021). The findings of the case study are based on three types of empirical data collected in Slovenia and concerning primarily the companies that post workers abroad. The first set is the mapping of 36 channels of information on the posting of workers, comprised primarily of national and regional information providers. The second set is drawn from six qualitative interviews conducted with representatives from public authorities, social partners and private consultants involved in providing information about posting and/or user undertakings. The third set includes the findings from a web survey sent to the companies that post and/or receive posted workers.

The findings stemming from empirical data serve stakeholders in a number of ways. Public authorities and social partners will have a better understanding about current information gaps for posting undertakings/user undertakings and be informed about steps/measures to take to fill these gaps and improve access to information. By involving the companies directly as participants in the research, we enable them to express their voice on the challenges and needs, and persuade, through the study results, public authorities, and social partners to provide more transparent, coherent, and efficient information that is needed for the correct application of the rules.

The report is structured as follows. First, methodology and data collection are presented, followed by a country profile that includes basic information about the Slovenian construction sector and posting characteristics. National regulatory framework for access to information is presented next, focusing on the legal instruments on information about employment terms and conditions in general and the posting of workers in particular. The next three chapters present the empirical findings from the mapping exercise, interviews with the stakeholders, and the web survey. The report is concluded with a set of recommendations for the national authorities and other relevant stakeholders.

2 Methodology

The study applies a mixed-method approach drawing on and combining qualitative and quantitative data. The qualitative component of the study builds on desk research, mapping of the information channels and stakeholder interviews that jointly provide information required to outline and analyse the national context and identify best practices and gaps in information provision. The quantitative data is obtained with a survey on the posting undertakings' and user undertakings' experiences with information provision on the posting of workers in the construction sector.

In line with the common INFO-POW research design and methodology framework (Danaj et al., 2022), the data collection began with mapping the existing information available for posting undertakings on posting rules and obligations in five participating countries, including channels and formats in which they can be accessed. This was followed by semi-structured interviews with national stakeholders. Findings from the information mapping exercise and the interviews were analysed at the country level and synthesised with the country results from the survey.

In this chapter we outline the details of the data collection process and the utilised methodological strategies.

2.1 Empirical data

The case study is based on three types of empirical data. **The first set is the 36 channels of information identified in the mapping exercise for Slovenia**, comprised primarily of national and regional information providers. The mapping was conducted from January 15 to February 23, 2023. Our sampling of the information channels aims to cover all relevant units of existing channels that are discoverable through desk research. The providers identified are public authorities, social partners and private service providers offering information online.

To determine the focus and content of the mapping, inclusion and exclusion criteria were applied driven by two key theoretical terms. First is the definition of what constitutes '*information*' in the context of posting of workers. Based on previous studies and following the dimensions highlighted in the EU Directives, we use the following definition for information on the posting of workers: content on rules, rights, obligations, entitlements, procedures, sanctions, redress (complain and/or appeal), and guiding format. Policy areas that this information might cover include employment relations, labour 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. Second is the definition of what constitutes a '*channel of information*.' In this respect, we use the following definition for channels of information: online and offline means of distributing content on rules, rights, obligations, entitlements, procedures, sanctions, redress, and institutions related to the posting of workers.

Based on the literature and the specifications for access to information prescribed in the Enforcement Directive (Article 5), the following five key themes were identified as the focus of the mapping of the channels:

- **Information provider:** the type and characteristics of the entity providing the information that is responsible for the channel
- **Availability:** refers to the format and type in which the information is provided (e.g. online or offline)
- **Target groups:** at whom the information provided is targeted (e.g. only at undertakings posting to the country or also those posting from the country)
- **Accessibility and quality:** whether information is provided in an easily accessible format which is clear and understandable to numerous audiences
- **Scope and content:** whether the information provided addresses the target audience's information needs and concerns related to the posting of workers, particularly from the perspective of user or posting undertakings.

The mapping data collection has been facilitated via a template provided in a Microsoft Excel worksheet, together with instructions, which was used for all country cases. The template is used to collate the evidence according to the key themes and indicators in each country, and thus, it enables comparison of the findings across the different information sources as well as across the countries. Further details of the methodological details of the indicators and the approach in the mapping exercise are available in the mapping data technical report (Danaj et al., 2023). All INFO-POW mapping data from the five case countries is publicly available in the AUSSDA data repository (Kayran et al., 2023). It should be emphasised that the mapping dataset *does not include all available channels of information*, but only the ones identified during the data collection stage.

The second set of empirical data is drawn from six qualitative interviews conducted between March and April 2023 with representatives from public authorities, social partners and private consultants involved in providing information about posting and/or user undertakings in Slovenia. The interviews have a two-fold objective: to validate the results of the mapping exercise and to generate new empirical data on aspects that cannot be captured by the other methods used during the fieldwork, such as stakeholders' reflections on the quality of the available information on posting in terms of accuracy, accessibility and use/application of information.

All interview participants were explicitly asked for their consent to participate in the interviews (written consent form adhering to GDPR guidelines) and whether to use the provided information directly or in an anonymous format, ensuring that their responses are not recognisable in the text. The same questionnaire was used in the five countries to ensure that the collected information is cross-nationally comparable between the case countries of the INFO-POW project. The questionnaire followed a semi-structured format using open-ended questions. The interviews were conducted either in person (4) or via teleconferencing tool (2). The average duration of the interviews was 30 minutes. All interviews were recorded.

Table 1: Stakeholders and experts interviewed on providing information to posting/user undertakings in Slovenia

Code	Organisation	Interview date
<i>Respondent 1</i>	Accounting consultancy	23.3.2023
<i>Respondent 2</i>	Posting undertaking	30.3.2023
<i>Respondent 3</i>	Health Insurance Institute of Slovenia	4.4.2023
<i>Respondent 4</i>	Chamber of Commerce and Industry of Slovenia, regional branch (Maribor)	5.4.2023
<i>Respondent 5</i>	Chamber of Craft and Small Business of Slovenia	5.4.2023
<i>Respondent 6</i>	European Employment Services (EURES)	14.4.2023

The **third set of empirical data is drawn from a web survey** sent to the posting undertakings in the construction sector in Slovenia. The companies were identified using a list of posting undertakings provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities. Some of the companies are both posting and user undertakings.

The web survey questionnaire consisted of three sections: (1) questions on the availability, accessibility, and quality of information when sending a worker to another Member State on a temporary basis, or receiving a worker from another Member State, in the context of positioning; (2) questions about the posting activity in the company and; (3) questions about the company's profile. The questionnaire was comprised mostly of closed-ended questions, but a few open-ended questions were included to elicit further information, i.e. description of best practices and suggestions for the improvement of information channels. The questionnaire was prepared in Slovenian and English language and was designed for a 15-minute survey.

The first draft of the questionnaire was shared with the project partners and updated based on their feedback before the final draft was shared with the stakeholders for the consultation workshop. The stakeholder consultation was based on a participatory approach aimed at collecting the perspective of those stakeholders who are most likely to provide an informed, in-depth feedback on the components of the draft questionnaire. These included three main groups of stakeholders: participants from the project's associated partners, representatives of other national and EU-level institutions (e.g. ELA officials), and independent experts (specialised in similar surveys and/or the topic).

The web survey was launched on April 20, 2023. The questionnaire was first sent via e-mail to 560 posting undertakings active in the construction sector in Slovenia, using the list from 2021 provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities. Several e-mails bounced back due to the e-mail addresses being no longer valid. We were also contacted by a couple of bigger undertakings with a clarification that it is their company's policy not to participate in such surveys. Moreover, some owners of smaller companies and the self-employed whose nationality is not Slovenian, informed us that they do not understand the survey questions, because they are not proficient in Slovenian and complained about the questionnaire being too long. Two weeks later, a request for assistance with dissemination of the survey was sent to the regional branch of the Chamber of Commerce and Industry and Chamber of Craft and Small Business of Slovenia, which forwarded the survey to their

members. Finally, the survey was sent to all Slovenian construction companies registered in the Orbis database (2.051 companies, 9% of the e-mails bounced back). The survey was closed on August 15, 2023. Answers were submitted by 29 companies registered in Slovenia (for more on the survey design and dissemination strategy see De Smedt et al., 2023).

2.2 Analysis

In the mapping data, the information channels were coded with their different indicator dimensions based on each information channel and not by content. For instance, if one channel provides multiple forms of information on different topics, these were still coded as a single channel within the national sample. Information channels coming from the same source were only separated if they were distinct enough. Therefore, each information channel was analysed as a whole in terms of the five themes determined. The coders of the case study were given instructions which were discussed between the research design team and the coders with ongoing feedback loops for clarification wherever decisions were unclear for coding categories. Any hesitations concerning coding were dealt with by the research design team and were applied across all the national teams. The national country mapping tool and the indicators for measuring different dimensions of the information channels were checked for validity also through national stakeholders working in the field of the posting of workers, including public authorities and social partners' representatives in each case country, in a transnational online workshop organised as part of the INFO-POW project. In certain cases, i.e. when seeking to analyse content of a webinar, content behind a paywall or content only available for purchase, it was not possible to determine the exact scope and content of posting information. This is a significant limitation of the mapping analysis. To analyse the survey, a codebook was developed. In the codebook, the numerical code and corresponding labelled responses were provided for every question of the survey. Survey findings are presented in this report under four broad categories: i) experiences with accessing and using information, ii) information needs and preferences iii) barriers, and iv) best practices and recommendations.

3 Country Profile: Slovenian construction and posting characteristics

The number of construction companies registered in Slovenia in 2022 was 22.758, which is 11.8% of all registered companies. Throughout the recent years, the construction sector has been expanding. According to Eurostat, Slovenia marked the highest annual increase in construction output in the EU in January 2023, at 26.7%. In monthly terms, Slovenia also recorded the highest increase in construction production among EU Member States in Southeast Europe (SEE), for which data is available, and second largest in the EU, at 9.8% (Miteva, 2023). It is estimated that the Slovenian construction sector generated value added of EUR 3.7 billion in 2022, which is EUR 859 million more than in 2021. The real growth of value added in the construction industry was 10.4% (nominal growth: 30.4%). Value added in construction accounted for 7.1% of the total value added of all sectors of the economy in 2022 (6.2% in 2021), while in the EU-27 it is around 5.5%. The data on imports and exports of construction service shows that exports in 2022 amounted to just under EUR 750 million, while imports amounted to EUR 250 million, which means that Slovenia construction services added EUR 500 million net exports to Slovenia's GDP (0.9%) (European Construction Industry Federation, 2022).

The total number of employed and self-employed persons in the construction sector in 2022 was 83.095, which is 10.9% of all persons in employment. This is an increase of around 13% from 2019. Most notable is the increase in the employment of third country nationals – around 30% compared to 2019.

Table 2: Number of persons in employment in construction by nationality, M6 (2019-2022)

	2019	2020	2021	2022
Persons in employment	64.657	64.812	67.661	72.837
Citizens of Slovenia	37.866	37.457	38.555	39.237
Foreign citizens	26.791	27.355	29.106	33.600
<i>Citizens of EU Member States</i>	<i>2.151</i>	<i>1.938</i>	<i>1.967</i>	<i>1.953</i>
<i>Third country nationals</i>	<i>24.640</i>	<i>25.417</i>	<i>27.139</i>	<i>31.647</i>

Source: SiStat database

Most persons in construction work in micro (0-9 employed) and small (10-49 employed) enterprises, which present over 99% of all construction enterprises in Slovenia. Less than 1% of construction companies are medium (50-249 employed) and large (250+ employed)(Table 3.

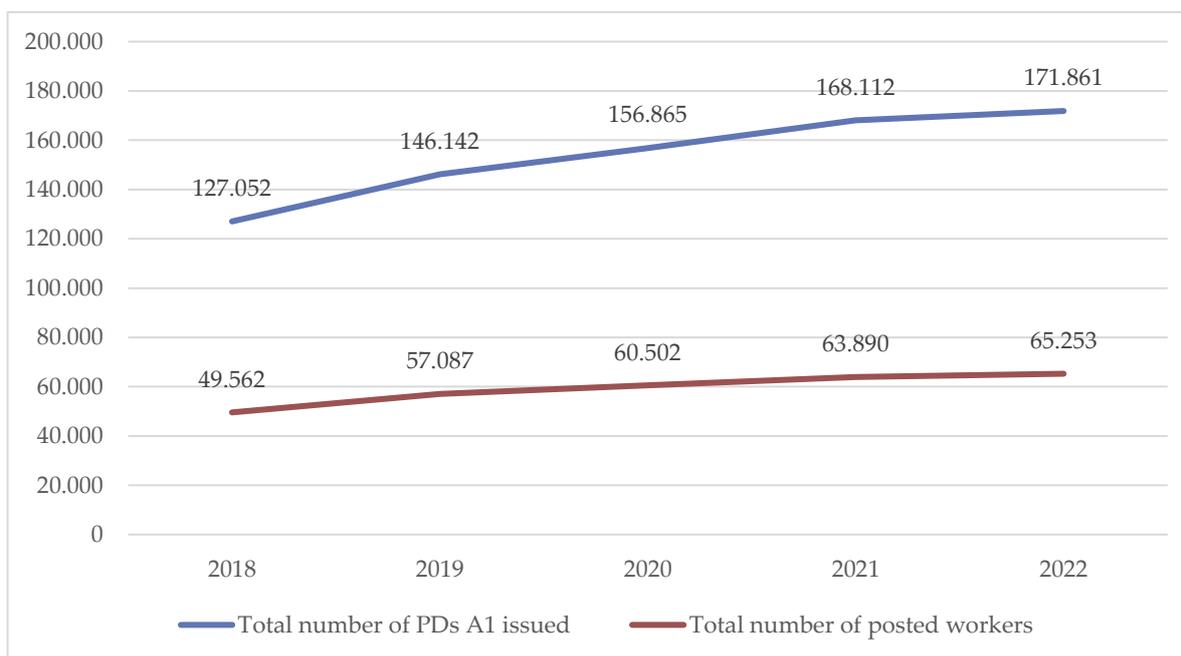
Table 3: The number of construction companies by size, according to the number of employees (2021)

The number of companies				The number of employed persons			
Micro (0-9)	Small (10-49)	Medium (50 – 249)	Large (250+)	Micro (0-9)	Small (10-49)	Medium (50-249)	Large (250+)
19.753	1.363	123	10	37.466	25.368	10.771	3.915

Source: SiStat database

Slovenia has been one of the main sending Member States of posted workers in the EU, mainly towards Germany and Austria. The upward trend of the posting of workers to other EU Member States has been persistent and even continued in 2020 despite the COVID-19 pandemic. Outgoing posted workers amount to roughly 7% of total employment in Slovenia and even to some **30% of total employment in the Slovenian construction sector**. The latter is the highest percentage among all Member States (De Wispelaere et al., 2021).

Figure 1: Posting of workers from Slovenia by the number of issued PDs A1 and the number of workers posted (2018 – 2022)



Source: own calculations based on the data provided by the Health Insurance Institute of Slovenia

An important characteristic of posting from Slovenia, especially in the construction sector, is the posting of third country nationals (TCNs). In 2021, 62% of the workers posted by Slovenian undertakings were TCNs. The share of all employed TCNs in total employment was 10.3%, which shows that TCNs are significantly overrepresented in the group of outgoing posted workers from Slovenia. The share of employed TCNs posted was 43.6%. Only one out of three workers posted from Slovenia had the Slovenian nationality. The share of employed Slovenian nationals who were posted was less than 3%. Compared to 2018, the percentage of posted workers who are Slovenian nationals and EU nationals in 2021 has decreased by nearly 10%, while the share of third-country nationals increased by over 70%. TCNs posted from Slovenia are the citizens of former Yugoslavian republics. The share of workers from Bosnia and Herzegovina (BiH), Serbia, Kosovo, North Macedonia, and Montenegro in the total group of posted TCNs from Slovenia in 2020 was 99% and in 2021 it was 98.9%. 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 ones (3.4%). Compared to 2018, the number of posted workers who are the nationals of BiH increased by 72.5% in 2021. By contrast, the number of Slovenian posted workers has decreased by nearly 10% from 2018 to 2021. As a result,

less Slovenian than BiH nationals were posted from Slovenia in 2021. The share of Bosnian and Slovenian nationals posted abroad was 39% and 31.8%, respectively (Danaj et al., 2023a).

The figures on the posting of persons by sector of activity are not available for the persons posted, but 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 (25% of all PDs A1 issued)**. **Over 74% of PDs A1 issued to posting undertakings in the construction sector were issued for TCNs**. In all four sectors, the highest share of PDs A1 was issued to the nationals of BiH (*Table 4*).

Table 4: Number and share of PDs A1 issued to TCNs and SI nationals in Slovenia by sectors of activity and nationality (2021)

Sector of activity	Total PDs A1 issued	PDs A1 issued to TCNs		PDs A1 issued to BiH nationals		PDs A1 issued to SI nationals	
		Number	Share of total	Number	Share of total	Number	Share of total
International freight transport	23,218	16,140	69.5%	9,922	42.7%	6,270	27%
Installation/assembly and servicing	37,852	25,738	68%	18,879	49.9%	10,250	27%
Construction	42,105	31,358	74.5%	19,871	47.2%	7,800	18.5%
Industry	30,915	19,084	61.7%	14,408	46.6%	8,393	27.1%

Source: Own calculations based on data from Health Insurance Institute of Slovenia

Posting to Slovenia has been less notable, although the number of workers posted to Slovenia as well as the number of posting notifications had increased significantly from 2020 to 2021. In the construction sector, too, there was a notable rise in the number of posting notifications (47%) and workers posted (32%) (see *Table 5*).

Table 5: Number of workers posted to Slovenia in the construction sector, number of posting notifications in the construction sector, total number of workers posted to Slovenia and total number of posting notifications (2018 – 2021)

	Number of workers posted to Slovenia		Number of posting notifications	
	Construction	Total	Construction	Total
2018	3,291	7,457	805	3,042
2019	2,494	7,370	735	3,328
2020	2,119	6,866	683	3,432
2021	2,789	9,048	1,006	4,728

Source: Employment Service of Slovenia, raw data

4 National regulatory framework for access to information

The Posting of Workers Directives ([Directive 96/71/EC](#), [Directive 2014/67/EU](#) and [Directive 2018/957/EU](#)) 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 that the reason why existing rules are not applied by the posting undertakings is often the difficulty in accessing information on terms and conditions of employment. 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 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 emphasises 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 national website, ensuring that the information provided is accurate and up to date.

The [Directive 2019/1152](#) on transparent and predictable working conditions in the European Union also stipulates that Member States shall notify posted workers about remuneration entitlements, posting allowances and reimbursement arrangements for travel, subsistence and accommodation costs, as well as about the single official national website (Article 7).²

4.1 Legal instruments on information about employment terms and conditions

The Directive (EC) 2019/1152 on transparent and predictable working conditions requires employers to provide extensive information to their employees about the employment terms and conditions. Article 3 of the Directive requires employers to provide the necessary information in writing, while Article 4 specifies the information that must be provided, including personal details, job description, remuneration, working hours, and social security institutions. Article 5 mandates Member States to

² More specifically, Article 7 of the Directive states that: Member States shall ensure that, where a worker is required to work in a Member State or third country other than the Member State in which he or she habitually works, the employer shall provide the documents referred to in Article 5(1) before the worker’s departure and the documents shall include at least the following additional information: (a) the country or countries in which the work abroad is to be performed and its anticipated duration; (b) the currency to be used for the payment of remuneration; (c) where applicable, the benefits in cash or kind relating to the work assignments; (d) information as to whether repatriation is provided for, and if so, the conditions governing the worker’s repatriation. Member States shall also ensure that a posted worker covered by Directive 96/71/EC shall in addition be notified of: (a) the remuneration to which the worker is entitled in accordance with the applicable law of the host Member State; (b) where applicable, any allowances specific to posting and any arrangements for reimbursing expenditure on travel, board and lodging; (c) the link to the single official national website developed by the host Member State pursuant to Article 5(2) of Directive 2014/67/EU of the European Parliament and of the Council (15).

make information on laws, regulations, and collective agreements available in a clear, transparent, comprehensive, and easily accessible manner, free of charge. Posted workers are also mentioned several times – most comprehensively in Article 7 (see footnote 1). Member States were required to transpose the Directive into national laws by 1 August 2022, but Slovenia has only recently initiated the transposition procedure and the starting date of the implementation remains unknown. Nevertheless, Slovenia's [Employment Relationship Act](#) already regulates most of the provisions of the Directive and major changes to the legislation are, therefore, not expected.

4.2 Legal instruments on information about the posting of workers

Slovenia transposed all Posting Directives (Directives 96/71/EC; 2014/67/EU; 2018/957/EU) in the national law, i.e. the [Transnational Provision of Services Act](#). The Act first came into force in 2018 (Official Gazette of the Republic of Slovenia No 10/17) and was amended twice since (119/21 and 40/23). The Act was introduced to prevent abuse of posted workers and, therefore, sets very strict rules, especially as regards formalities, monitoring, and sanctions. It regulates subcontracting and subsidiary liability, posting of temporary agency workers, sets strict criteria for the issuing of PDs A1, and regulates cooperation and communication with the controlling authorities of the other Member States.³ It does not, however, explicitly mention the obligation to create a single official national website containing the information on the terms and conditions of employment applicable to the posting of workers. All Member States have the obligation to set up a website that is generally available free of charge in a clear, transparent, comprehensive and easily accessible way, providing accurate and regularly updated information on the posting of workers. But regardless of not being mentioned in the Act regulating the posting of workers, the Slovenian website has been set up and does contain basic information, including the links to other relevant websites and other contact points, i.e. social partners (trade unions, employment associations). The official national website on posting of workers can be found [here](#).

Systematic mapping of existing channels of information was conducted with the aim to identify and analyse the following five themes: the information providers (5.1), availability of information and targeted audience (5.2), accessibility and quality of information (5.3), scope and content of information (5.4), and gaps in posting information channels (5.5). Multiple indicators were selected to capture different dimensions of each of the explored themes. The sample included in the mapping data was comprised of 36 information channels in total.

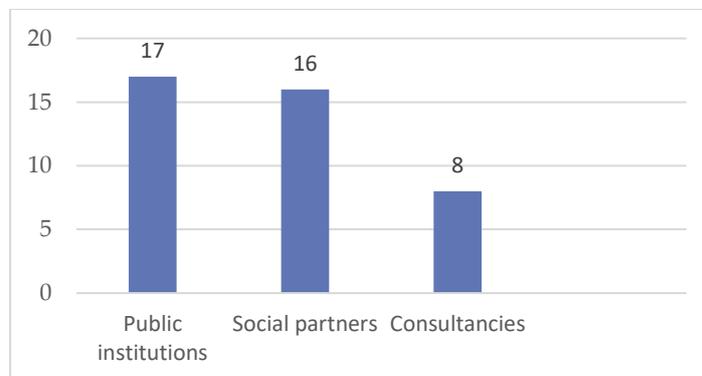
4.3 Information providers

The actors that provide information were identified as state or non-state and further grouped into three categories: public institutions, social partners, and private actors. The analysis shows that the most common actors of information provision are public institutions (47%) and social partners (45%), followed by the consultancies (8%) (see *Figure 2*). All actors provide information mostly as online sources. Almost half (47%) of the identified channels are funded by public resources, 33% by other

³ The new Transnational Provision of Services Act was adopted in March 2023; the basic objective and purpose of the Act is to ensure the relevant transposition of EU directives into national legislation in order to regulate the employment law status of all posted workers, as determined by the Employment Relationship Act.

sources (not for profit) and 11% are privately funded for profit. In addition, around 9% of the channels are funded from acquired grants.

Figure 2: Number of information providers included in the dataset



4.3.1 Public institutions

In terms of the governance level of the public institutions providing the information channel, over 80% of the information channels in our sample are active at a national governance level and are provided by ministries, government offices, embassies and a public institute that is responsible for issuing PDs A1 (Health Insurance Institute of Slovenia). Less than 20% of the explored channels operate at the EU level.

4.3.2 Social partners

Social partners that provide channels of information include mostly employers' associations at national and regional levels (around 70%), trade unions (around 20%) and NGOs (less than 10%). They are mostly financed by membership fees and grants.

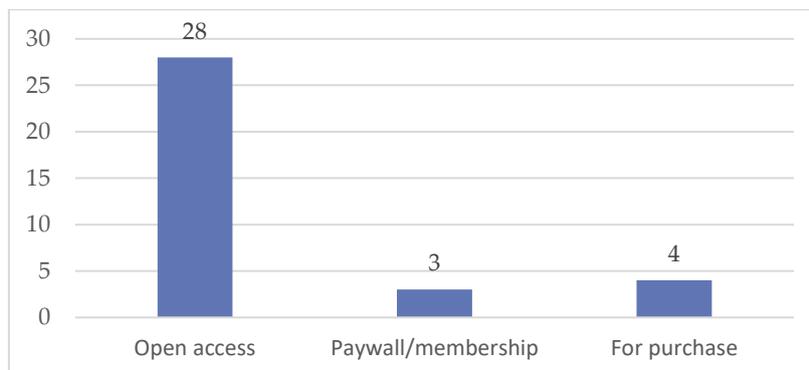
4.3.3 Private actors

Four out of 36 information channels that we reviewed, provide information for profit. These include mostly consultancies that provide accounting and tax-related guidance and legal advice.

4.4 Availability of posting information and targeted audience

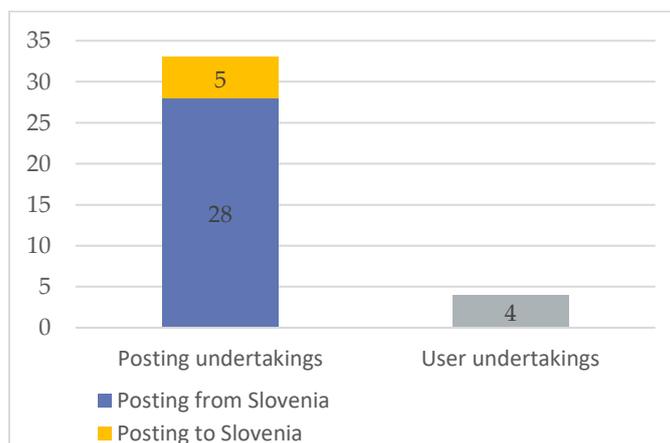
Most channels in our sample (72%) provide information to the public free of charge. Around 30% of the information is behind paywall or needs to be purchased from a private, for-profit source. Paywall is in some cases introduced by the employers' associations and only their members have access to the content. However, only three out of ten reviewed information channels provided by the employers' associations is behind the paywall. Private consultancies tend to provide general information to the public free of charge, but targeted and in-depth information needs to be purchased (see *Figure 3*).

Figure 3: Number of information channels in the dataset with open access to the public, under paywall, or available for purchase



Over 80% of all information channels in the dataset provide information that is relevant for posting undertakings and employers. The majority of these channels (93%) targets undertakings that are posting workers *from* Slovenia, and around 7% of channels target undertakings that post workers *to* Slovenia. The latter include the public employment service and a private consultancy. There is very limited information for user undertakings. Only around 10% of sources in the dataset also provide some (very limited) information for the user undertakings, mostly on domestic (in-country) postings (see *Figure 3*).⁴ Posted workers are specifically targeted by around 20% of the sources, which are mainly provided by the trade unions, but relevant information that concerns them can also be found in the sources primarily addressing the undertakings.

Figure 4: Number of information channels in the dataset targeting posting and user undertakings



We did not identify any information channels that cover exclusively posting in the construction sector. 86% of the sources provide general information and 14% provide both general and construction sector-specific information.

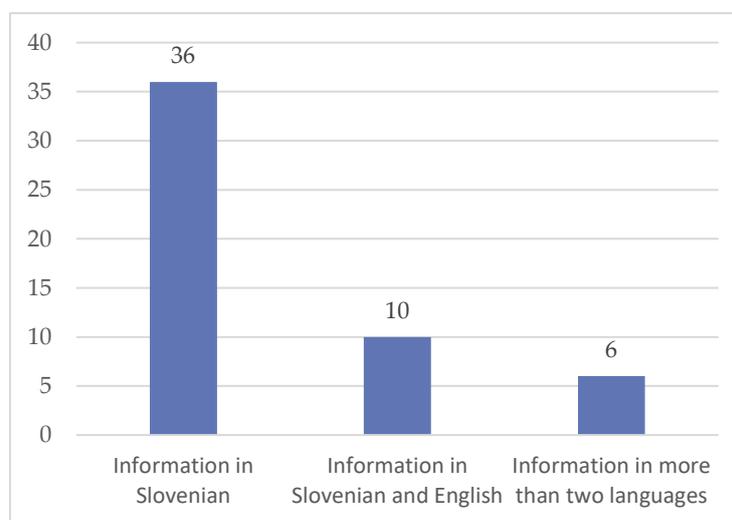
⁴ It should be noted, however, that there are a number of information channels available for companies that are posting workers to Slovenia in foreign languages only.

4.5 Accessibility and quality of posting information

The percentage of the information channels that provide content only in the Slovenian language is 70%. Around 27% of the content is provided in English and about 17% is provided in more than two languages – mostly in English and German (see *Figure 5*).

Most sources provide at least some hyperlinking to external websites, as well as general contact details, i.e. website address and/or phone number. The person in charge is identified with their contact details in 17% of the information channels.

Figure 5: Number of information channels in the dataset that provide information in different languages



75% of websites in our dataset provide information by using text only. The remaining 25% also use other mediums, such as photos, charts, graphs, infographics, or videos. Links to social media accounts are provided by about a half (56%) of the information channels. All of them provide links to their Facebook accounts and most of them are also active on X (formerly Twitter) and LinkedIn. Other social media accounts include Instagram and YouTube.

4.6 Scope and content of posting information

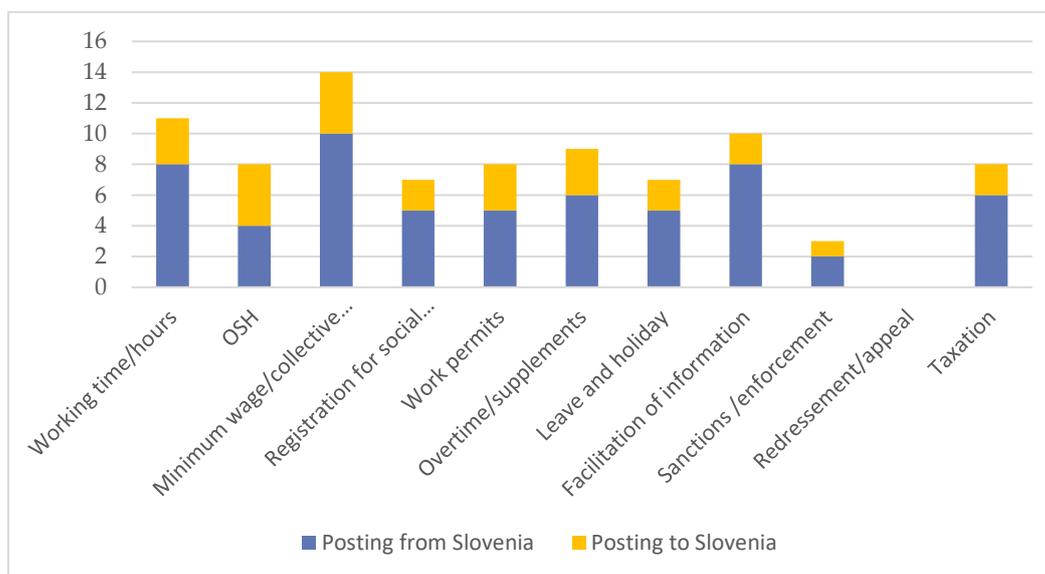
Our sample of information channels includes websites (55%), online trainings/webinars (17%), online manuals and guidelines (14%), and other online forms of information, such as videos, online leaflets/brochures for print-out, and written educational material that can be purchased and accessed for a certain period of time. We were not able to identify any offline sources of information which may be disseminated in the field.

Eleven pre-determined categories were selected as a measure of the content and scope coverage of our sample: 1) working time/work hours; 2) occupational safety and health (OSH); 3) minimum wage/collective agreements; 4) registration for social insurance/contribution; 5) work permits; 6) overtime and other additional supplements including bonuses and wage supplements such as night and weekend shifts; 7) leave and holiday; 8) facilitating information targeted to companies; 9) sanctions and enforcement; 10) redress and appeal; and 11) taxation. All categories were coded according to

their addressment of either posting *to* Slovenia or posting *from* Slovenia. Unsurprisingly, topics covering posting *from* Slovenia were significantly more widely covered. It should be noted that detailed analysis of the content is not possible in the cases of online trainings/webinars or if information was behind paywall.

Most information channels 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. More detailed information concerning the posting of workers *from* Slovenia is provided in the following categories: facilitation of information targeted to companies, minimum wage/collective agreements, working time/work hours, overtime and other additional supplements, work permits (which applies to posting of third country nationals), and taxation. Taxation issues, in particular, are presented very comprehensively and in much detail in the online manual provided by the Financial Administration of the Republic of Slovenia. Very detailed and user-friendly information on the conditions and procedures of obtaining PDs A1 is provided by the Health Insurance Institute. Also, the procedures for obtaining work permits for third country nationals are widely covered. The least information is provided on sanctions and enforcement, and redress and appeal. The latter was not identified in any of the sources included in the dataset (see *Figure 6*).

Figure 6: Number of open access websites and online manuals that provide information on selected categories



Information for undertakings that post workers *to* Slovenia is very limited. General information concerning prior notification is provided only by the Employment Service of Slovenia. Detailed information is provided on topics such as occupational safety and health as well as minimum wage/collective agreements – but only by four information channels in our dataset. Again, the least information is provided on sanctions and enforcement (only by one information channel). Redress and appeal is not covered by any sources in the dataset. Gaps in posting information channels

The biggest gap in posting information channels is the lack of information on the enforcement of rules and regulations, sanctions and appeals. The labour inspectorate does not provide its own content on

their website, only a link to the national website on the posting of workers. The national website, however, does not provide any details regarding possible sanctions and procedures in the case of violations.

Little information is provided also for the undertakings posting workers *to* Slovenia and user undertakings. This is understandable since Slovenia has mostly been a sending state. Nevertheless, the provision of information to these target groups should be improved. It should be noted, however, that the dataset does not include information channels in foreign languages that might be provided by Slovenian information providers and target exclusively foreign companies, i.e. private consultancies offering information on the posting of workers to Slovenia.

The **fragmentation of information** across different information channels is a significant limitation. In most cases, users have to combine content from several different sources to get the complete information. In addition, some providers offer content on the posting under different titles within one website, which makes it difficult to find. For example, they offer an online training under the title 'News' or provide links to information packs under the title 'Projects.' **User-unfriendly website structure** is, therefore, a significant obstacle when looking for information.

5 Information providers' and users' insights on posting information

Semi-structured interviews were conducted with five respondents representing information providers and one respondent representing a posting undertaking (see Chapter 3: *Methodology*, for their profiles). The main objective was to identify the challenges of collecting and providing information on the posting of workers by the information providers, and the challenges of accessing information by the posting undertakings.

5.1 Information provided to posting/user undertakings

5.1.1 Experiences with information provided

Websites

The first step in getting information on the regulations and bureaucratic procedures concerning posting of workers is to consult the existing national websites. The mapping of the information channels shows a strong fragmentation of information across different public and private information providers.

Posting undertakings are able to find basic information about the posting of workers on the websites of competent national authorities; i.e. Health Insurance Institute of Slovenia (*Zavod za zdravstveno zavarovanje Slovenije*, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*), and Financial Administration of the Republic of Slovenia (*Finančna uprava Republike Slovenije*). In the case of posting of third country nationals, very comprehensive and user-friendly information is provided on the website of the Slovenian Employment Service (*Zavod za zaposlovanje Republike Slovenije*). Several employers' associations also provide basic information on their websites free of charge, although more detailed content remains locked and is accessible to their members only.

None of the respondents were able to identify the [single official national website on posting of workers](#). Some of them were referring to an [older version](#) of the website that is still available online, but has not been updated since 2016. This finding is in line with the argument of De Wispelaere and De Smedt (2023) that posting companies tend to frequently consult multiple information channels to obtain information on the posting, which raises several policy questions. First, whether the strong, almost exclusive, focus on the single official national website as the main information channel is still defensible. Second, whether more efforts should be put into the accessibility, accuracy, completeness, and user-friendliness of the single official national websites to avoid a further proliferation of other information channels. After all, consulting other information channels may increase the risk of obtaining incorrect, outdated information. This increases the risk, they argue, of unintentional non-compliance with the applicable terms and conditions of employment.

E-mails and phone calls

All website information providers (national, regional, employers' associations) also offer consultations via e-mail or phone. Most often, smaller user undertakings contact them with a request for clearing

up ambiguities relating to specific cases, i.e. does a specific work trip abroad require a travel order or a PD A1, are they eligible to post workers under Article 13 of the Basic regulation⁵ or must they follow the regulations stipulated in the Transnational Provision of Services Act,⁶ and how to do payroll accounting in cases of multiple postings to different countries and under different Article.⁷ Bigger companies that have their own HR and legal departments, less so. Most posting undertakings, however, are facing difficulties in obtaining country-specific information of the state they are posting workers to. Most frequently they enquire about the country-specific registration procedures, visa requirements and other specific rules and regulations concerning the posting of workers (see *Box 1*). Employers' associations provide such information to their members upon request. Personal contact via phone is still considered to be one of the most useful and efficient ways of obtaining information.

Box 1: Frequently asked questions by user undertakings over the phone or e-mail

- When does a travel order suffice for a work trip and when do they need to apply for a PD A1?
- What are the conditions for posting under Article 13 of the Basic Regulation?
- Is their company eligible to post workers?
- How do they calculate social security contributions when a worker is posted to several different countries in one month and under different Articles of the Basic Regulation?
- Which rules and regulations are in place in a Member State they are posting workers to (inquiries mostly about the notification system, visa regime for third country nationals, wages,...)

Educational seminars, handbooks, and guidelines

Seminars are considered an excellent information channel, because the users are able to ask specific questions and exchange posting experiences with other attendees. Usually, employers' associations organise seminars after changes in legislation or administrative procedures. One specific seminar was mentioned by Respondent 3 as extremely useful and accessible free of charge to all stakeholders; i.e. a seminar offered by The Chamber of Commerce on the work permits for third country nationals. The seminar was successful, because the speakers were the representatives of all competent authorities (ministries, administrative units, and other relevant authorities) and they were able to answer every possible question. After the seminar, it was not necessary to look for any additional information. The employers' associations occasionally also invite speakers from the other Member States to convey the information on their national regulations to associations' members, but such seminars are organised sporadically and randomly. In general, the seminars are not organised on a regular basis, and it is, therefore, not possible for the employers to plan ahead and rely on the seminars as a regular source of information.

5 Regulation (EC) No 883/2004 on the coordination of social security systems.

6 Transnational provision of Services Act (Official gazette No. 10/17, 119/21 and 40/23) regulates posting of workers under Article 12. Posting under Article 13 is not subject to the strict provisions in the Act and in addition requires less bureaucracy.

7 According to the Pension and Disability Insurance Act (ZPIZ-2, Article 144, paragraph 4), social security contributions for workers posted under Article 12 of the Basic Regulation are not to be calculated based on the actual wage earned but based on the wage they would have earned in Slovenia for comparable work. Workers who are posted according to Article 13 of the Basic Regulation are exempt from this legal provision. Their social security contributions are to be calculated on the basis of the actual wage earned while working abroad.

Handbooks are useful, especially in the e-form that allows updates. Printed materials are not considered very useful anymore, because the users tend to look for all information online or via phone. Among the handbooks/guidelines that were mentioned as most useful are the EU-provided practical guide on the applicable legislation in the European Union (EU), the European Economic Area (EEA) and in Switzerland and the guidelines provided by the Slovenian Financial administration on tax related issues.

Social media, newsletters, and magazines

Employers' associations tend to notify their members about any changes in legislation and regulations via social media, mostly Facebook. Social media are also used to send notifications about upcoming seminars and other events. The Chamber of Craft and Small Business of Slovenia, for example, relies heavily on the social media to spread information to their members. In addition, they send e-news to their members every 1 - 2 weeks and publish a monthly magazine. Governmental agencies are less inclined to choose social media as a preferred channel of information.

5.1.2 Posting undertakings' challenges

The challenges of posting undertakings vary according to the size of the company 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.

Financial ability to purchase advising services that facilitate information-sharing makes a major difference for all posting undertakings. Smaller companies and the self-employed benefit greatly from the accounting services that calculate salaries and legal services that provide assistance with drafting of work and service contracts. All undertakings, however, also require information about specific regulations in place in individual Member States in order to ensure compliance with the national legislations. Representative of a posting undertaking that provides services in over ten Member States stated that it is essential to hire advisers from the countries of posting, especially in cases where legislation is not easily accessible or is in a language that posting undertakings are not familiar with. In order to ensure compliance with all country-specific regulations and avoid being fined due to lack of knowledge and awareness about legal and administrative specificities it is, therefore, highly recommended, the representative argued, to seek advice from foreign competent advising agencies.

Establishing whether information is credible can be a challenge for some posting undertakings. Many companies without previous posting experience and prior knowledge about regulations and procedures may not recognise whether information is provided by a credible source, whether it is correct and complete. This is a problem also for well-informed companies that hire subcontractors who are not aware of country-specific regulations and may not be in compliance with the rules. The responsibility for maintaining good reputation abroad, therefore, also includes informing the subcontractors about the applicable rules and regulations by the hiring companies.

Another problematic issue is the fragmentation of information across different providers and channels of information. For the responders, sometimes finding all information feels like 'investigative work' and is extensively time-consuming.

5.1.3 Information providers' challenges

Information providers' main source of information is the national legislation. Most of them are already involved in the policymaking processes as social partners and are, therefore, well-informed about the legal provisions and bureaucratic procedures. They also frequently attend the meetings with the representatives from the Ministry of Labour, Family, Social Affairs and Equal Opportunities with the purpose of familiarising themselves with any new provisions or to resolve ambiguities. Based on their knowledge, they prepare information for their users on their websites and provide contact details (e-mail address, phone number) for further information. Employers' associations, in particular, also tend to organise seminars for their members whenever there is a change in the legislation that affects posting of workers. In most cases, the users inquire mostly about specific rules, i.e. what documentation is required to obtain a PD A1 and how long will it take.

The biggest challenge for the information providers is responding to requests for information about the rules, regulations, and bureaucratic procedures in other Member States. In order to obtain country-specific information, national services reach out to relevant Ministries, employers' associations or send an inquiry via the IMI system. Employers' associations reach out to their partners, branch offices or economic advisers abroad. However, finding information is a very time-consuming task that, in addition, does not always bear fruit and in some cases the user undertakings benefit more from the foreign hired expert services that provide information for a fee.

Often, the information providers receive complex inquiries via e-mail or phone, and they can only provide information on a specific issue that is in their competence. The user must then contact several other services to obtain the answer, which is not an efficient and user-friendly way of providing information.

Respondents were not able to identify the single official national website on posting of workers. Some of them knew that it is in place, but kept referring to an outdated, older version that is no longer operational (see also Chapter 7: *Posting/receiving companies' insights on posting information* for the survey results regarding the use of the single official national website).

5.2 Best practices and recommendations

Basic information on the posting of workers, especially *from* Slovenia, can be found on websites of relevant national authorities. Contact information is provided, and users can reach out in case of additional questions. However, there are several issues that need addressing:

- In order to improve access to information for all posting undertakings the national authorities need to address the issue of accessibility and fragmentation of information, which is especially troublesome for smaller construction companies and/or those with less financial or HR resources required to access and correctly interpret relevant information. A national contact point for posting undertakings would be helpful in this respect, providing reliable and complete information via e-mail and phone. According to the interviewees, providing information via phone is considered to be especially useful and efficient, as many users prefer to rely on verbal assistance. Inquiries over the phone would enable them to explain their inquiry in detail and the provider would be able to ask additional questions in order to identify the root of the problem. The national contact point should

be able to provide sector-specific, and country-specific information. That would contribute to eliminating the informal exchange of information (which can be false or outdated) that is often the result of the lack of resources to employ or outsource competent staff or services.

- Websites need to be regularly updated. This refers not just to the content provision, but also to the visual and structural upgrades with the aim of attracting users and providing a user-friendly experience. Systematic evaluation of existing websites by the users is key to successful updates. Smaller companies, in particular, should be invited to systematically evaluate whether the information is useful and easy to understand, and does, therefore, reduce the need to outsource to agencies for assistance with interpretation of the applicable rules and regulations. Most importantly, the single official national website on posting needs to be promoted and made more visible. The aim is for the companies to receive reliable, comprehensive information free of charge and not to have to necessarily fully rely on outsourced consulting firms.
- The respondents agreed that purchasing information from foreign private consulting companies regarding the posting of workers in other Member States is considered to be a very efficient and speedy way of obtaining credible information. However, the problem of affordability is especially pressing for smaller, lower income companies. Frequent educational seminars provided by the employers' associations for the construction sector specifically and free of charge may contribute to the solution. The seminars would need to be organised on a regular basis, i.e. every few months on a fixed date, not sporadically and depending on the availability of funding, either in person or online. The seminars would need to offer the users the chance to ask specific questions.
- A highly functioning and regularly updated EU portal with country-specific information should be created. The portal should provide detailed information on all relevant rules and regulations concerning posting in all Member States in the same format.

6 Posting/user undertakings' insights on posting information

The aim of the survey was to collect information from representatives of companies involved in the posting of workers on their experiences with accessing and using information provided by state and non-state actors regarding the posting of workers. The questionnaire included questions on how the undertakings involved in posting find and use information relevant to posting as well as on their needs and preferences for information. It should be noted that the survey is a **pilot study** and, therefore, data cannot be weighed (for more information see De Smedt et al., 2023).

6.1 Respondents' sample

29 companies registered in Slovenia participated in the study: 28 posting companies (11 of which declared to be also receiving companies) and one receiving company. The size of the companies measured by the number of employees varied significantly (see *Table 6*).

Table 6: The size of the companies measured by the number of employees

No. of employees	No. of companies
Self-employed	0
1-9	7
10-49	8
50-249	8
250-499	6
500 or more	0

The companies are involved in different construction or construction-related activities (see *Table 7*). For all companies, the last calendar year of posting/receiving workers was 2022.

Table 7: The main economic activities of the companies

Economic activity	No. of companies
Construction of buildings (NACE F41)	7
Civil engineering (NACE F42)	3
Specialised construction activities (NACE F43)	13
Other construction activities ⁸	5
Not active in the construction sector	7
I don't know	1

The number of workers posted abroad in 2022 ranges from 2 to 280. The number of instances in which workers were posted ranges from 2-5 times (7 companies), 6-10 times (5 companies) and more than 10 times (14 companies).⁹ The companies were posting workers to Germany (21 companies), Austria (19), Belgium (7), Finland (6), France (6), The Netherlands (6), Croatia (5), Denmark (5), Sweden (5),

⁸ The companies indicated that their main activity includes montage, electric installations or plastering.

⁹ 3 out of the 29 companies did not provide information on the frequency of posting/receiving workers.

Czechia (4), Hungary (3), Italy (3), Romania (3), Slovakia (3), Spain (3), UK (3), Luxembourg (2), Poland (2), Norway (2), Portugal (1), Greece (1), and Latvia (2). The receiving company received workers from Hungary.

6.2 Survey findings

In the following section, the table headings refer to the actual questions included in the survey and display the number of responses to the respective question.

6.2.1 Experiences with accessing and using information

Table 8 shows the type of information the companies look for. Most often, they are looking for information regarding wages, additional allowances (for instance overtime rates, allowance for working at night, allowance for working on Sundays, or on public holidays), working conditions (for instance working time, holidays, etc.) and the request of a PD A1. Less often, they look for information concerning occupational safety and health (OSH) of posted workers.

Table 8: What type of information did you look for regarding posting/receiving workers (from) abroad?

Type of information	YES	NO
Wages	26	3
Additional allowances	23	6
Reimbursement for travel and accommodation	17	12
Working conditions	19	10
OSH	12	17
Payment of social security contributions	17	12
Payment of personal income tax	18	11
Request of a PD A1	19	10
Making a notification in the prior declaration tool of the receiving Member State	17	12
Posting exceeding 12 months	15	14
Other (specify)	Visa policies and procedures (2), work permits for third country nationals (1)	

Table 9: How important would you say the following aspects are when seeking posting-related information?

Aspects	Importance			
	1 - not at all	2 - not very	3 - fairly	4 - very important
The information is available in different languages	1	1	10	16
The information is up to date	1	0	0	28
The information is easy to understand	1	0	0	28
The information is sufficiently detailed, i.e., there is no need to search for additional information	2	0	2	25
The information is available in one single place	1	2	6	20
Having an office or person to contact (call or visit) for all my questions	1	0	4	24

All aspects of information included in the survey are considered by the respondents as very important or fairly important (90% of all responses) (*Table 9***Table 9**). The two most important aspects are the information being easily understandable and updated (97% of respondents indicated these aspects as very important), while the aspect of information being available in different languages was very important to only 55% of respondents.

Table 10: How often did you use the following channels for information on posting?

Information channels	1 – never	2 – some-times	3 – often	4 – always
Single official national website on posting	8	9	8	4
Other public authorities' websites	2	11	11	5
Employer organisations/associations websites	11	8	9	1
Trade unions websites	24	3	2	0
NGO websites	23	5	1	0
Consulting company/private sector website	10	13	4	2
Social media platforms	12	12	5	0
Attending information sessions/trainings/workshops	8	14	7	0
Information guide/manual/leaflet]	9	12	8	0
Newspapers, specialised magazines, publications	15	12	2	0
Business partners/business contacts	2	14	10	3
Other channels	Web forums (1), Embassy (1)			

Other public authorities' websites are used as a source information most often (55% of respondents use it often or always), followed by business partners/contacts (45%), and the single official national website on posting (41%) (See *Table 10*).

Most respondents believe that **the most useful information is received from business partners/contacts (72%), followed by information sessions/trainings/workshops (62%), other public authorities' websites (48%), and national contact points on posting (45%).**

Most companies have indicated that they are aware of the existence of the single official national website on posting. However, given the fact that none of the interviewees were able to identify this website, some caution is required when analysing the survey responses. Only seven respondents evaluated the Slovenian website – five of them were satisfied or very satisfied with the website, two were neutral.

Slovenian posting undertakings most often consulted Austrian and German single official national websites on the posting of workers. Over 70% of the users were satisfied or very satisfied with the Austrian website, while only 47% were satisfied or very satisfied with the German website.

Table 11: Does the company, when posting workers abroad, take care of the following components itself or does the company outsource, i.e., contract an external private company or individual?

Components	Company it-self	Outsourced
Calculation of the gross wage to be paid to the posted worker(s)	20	8
Calculation of the additional allowances	21	6
Calculation of reimbursement for travel and accommodation	22	6
Calculation of the social security contributions	20	8
Requesting a Portable Document A1	23	5
Making a notification in the national declaration tool of the receiving Member State	26	2
Providing workers' accommodation	25	3

Most respondents take care of different calculations and other regulations regarding the posting of workers themselves. Outsourcing is used most often for calculations of the gross wage to be paid to posted workers and calculation of social security contributions. Least often, the respondents outsource companies to take care of the notification in the national declaration tools of the receiving Member States. (see

Table 11)

6.2.2 Information needs and preference

Most sought for is the information on the notification in the prior declaration tool of the receiving Member State, followed by the information on wages and additional allowances (such as overtime rates, allowance for working at night, allowance for working on Sundays, or on public holidays), and payment of personal income tax (Table 12). The respondents have less need for the additional information on PDs A1 and occupational safety and health of posted workers. The latter is likely not due to there being enough comprehensive information available, because the mapping showed that information on OSH is very scarce. It might be that the employers tend to overlook the aspect of OSH as less important and, therefore, do not specifically look for information on OSH.

Table 12: Which of the following would you need to have additional information on in order to correctly post workers abroad?

Information regarding ...	YES	NO
Wages	17	8
Additional allowances	16	9
Reimbursement for travel and accommodation	14	11
Working conditions	13	12
Health and safety of workers	11	14
Payment of social security contributions	13	12
Payment of personal income tax	16	9

Request of a PD A1	10	15
Making a notification in the prior declaration tool of the receiving Member State	18	7
Posting exceeding 12 months	13	12
No need for additional information	4	25
Other: Visa regime (2); work permits (1); special permits for forklifts and lifting platforms, registration into the register of foreign companies (1); special conditions of posting into certain Member States (LIMOSA, VANDER ELST ...) (1); tax accounting (1)		

As for the preferred information channels for receiving information on posting in the future, 70% of respondents reported that they would like to get information on posting through institutional websites (national government and European Commission) and through hotlines, during office hours, by contacting a person, or by chat. The least preferred channels for receiving information are through newspapers, specialised magazines, and publications. Only one respondent opted for this channel of information.

6.2.3 Barriers

The respondents were asked whether the access to information regarding the posting of workers is a challenge for their company to participating in posting. For 48% of the respondents, it is not a challenge and for 40% it is. The remaining 12% of the respondents did not know.

The factors most frequently reported by respondents to create challenges regarding the access of information are: i) understanding of information provided (100% of respondents agreed that this is relevant or very relevant), ii) time and effort required (96% of respondents agreed that this is relevant or very relevant), and iii) language (72% of respondents agreed that this is relevant or very relevant). Other factors that respondents noted in an open-ended question include willingness to cooperate and responsiveness of foreign competent authorities (1), time spent on finding information and the urgency of receiving correct information quickly (2).

About half of the respondents who post workers abroad think that it is fairly difficult or very difficult to determine the applicable wage and working conditions for posted workers, but most of them acknowledge that this depends on the country to which the workers are sent. They noted the following challenges (responses written in an open-ended question, directly translated from the Slovenian, and not rephrased):

- It is easier to get data for some countries than the others. For some countries, you need to hire a tax consultant.
- Every country provides these rules via different channels – some in a more coherent way, others in a more fragmented way.
- Every country has their own way of collecting and distributing data.
- Not enough information, not easily understandable, different from our laws.
- Information is fragmented. Foreign countries take care of informing the countries that post workers abroad, but there is an overload of information and often the information is not coherent. A problem also arises when countries do not provide information in foreign languages.

- Different countries have different approaches. There is no obligation for all countries to fulfil the same requirements regarding information sharing. Also, the forms are in different languages. Belgium provides information in English, Germany only in German (although it does business with Slovenia). There should be a rule that all information concerning countries outside their borders should be in English.

Table 13: Among those listed, which are the three main elements that you think would help companies to better comply with the applicable wage and working conditions for posted workers?

Elements for better compliance	Yes	No
Clearer description of what should be understood under 'remuneration'	12	17
Improved support and guidance in determining the wage and working conditions that should be respected (for example by means of a template or wage calculator)	23	6
Improved availability and accessibility of information	18	11
Improved clarity and quality of information	25	4
Increased number of inspections on the applicable wage and working conditions	0	29

The three main elements that would help companies with the compliance concerning the applicable wage and working conditions for posted workers are improved clarity and quality of information (86%), improved support and guidance in determining the wage and working conditions that should be respected (79%) and improved availability and accessibility of information (62%). (Table 13).

6.3 Best practices and recommendations

The survey asked respondents to name or suggest best practices in an open-ended question. Their responses are presented below:

"Certain Slovenian websites are good. The problem is, however, that they provide few concrete examples from practice. There is a lot of general information available (for example, we all know that we need to notify the foreign authorities), but very little specific information (e.g. about Freistellung,...). Information should be precise, structured, and available in one place (not fragmented across different information channels)."

The mapping exercise supports this claim, i.e. there is strong fragmentation of information across different public and private information providers.

"Websites provide a lot of information that are outdated, inaccurate and sometimes even contradictory. (Best practice is that) sometimes a company in the sending country provides very detailed instructions concerning visa regime, salaries, working time etc. for posted workers."

This statement is in line with the overall opinion of the respondents that most useful information is received from business partners/contacts.

"Usually, there is very little accurate information, and they are in contradiction. All the rules should be simplified, because Slovenia has become a country of montage that provides services across the entire western part of Europe."

"(Best practice is) getting information from a real person by making a phone call."

This statement supports the overall opinion of the respondents whose top preference for receiving information is through hotlines, office hours, contact persons or chat.

7 Conclusions

The challenges of information provision and the use of information in Slovenia are manifold. One of the most pressing challenges that emerged from all three sets of data collection is the fragmentation of data across different information channels. The single official national website on the posting of workers is in place, but it is relatively invisible and poorly publicised, as none of the interviewees were able to identify it. In addition, the website does not provide all required information in a comprehensive manner and resorts to providing links to other institutional pages for more information. As a result, the survey respondents do not consider the official website as one of the most useful sources of information on the posting workers, and rather emphasise the usefulness of receiving information directly from business partners/contacts, at workshops and trainings, from other public authorities' websites, and from national contact points on the posting of workers.

The challenges of posting undertakings vary according to the size and resources of the company, 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. Financial ability to purchase advising services that facilitate information-sharing makes a major difference for all posting undertakings. Smaller companies and the self-employed benefit greatly from the accounting services that calculate salaries and legal services that provide assistance with drafting of work and service contracts. All undertakings, however, also require information about specific regulations in place in individual Member States in order to ensure compliance with the national legislations. The representative of a posting undertaking that provides services in over ten Member States stated during the interview that it is essential to hire advisers from the countries of posting, especially in cases where legislation is not easily accessible or is in a language that posting undertakings are not familiar with. To ensure compliance with all country-specific regulations and avoid being fined due to lack of knowledge and awareness about legal and administrative specificities, it is, therefore, highly recommended – the representative argued – to seek advice from foreign competent advising agencies. This issue was acknowledged as problematic also by the information providers. They noted that their biggest challenge is responding to requests for information about the rules, regulations, and bureaucratic procedures in other Member States. In order to obtain country-specific information, national services reach out to relevant Ministries, employers' associations or send an inquiry via the Internal Market Information System (IMI). Employers' associations reach out to their partners, branch offices or economic advisers abroad. However, finding information is a very time-consuming task that, in addition, does not always bear fruit and in some cases the user undertakings benefit more from the foreign hired expert services that provide information for a fee.

Another challenge for some posting undertakings is establishing whether information is credible. Many companies without previous posting experience and prior knowledge about regulations and procedures may not recognise whether information is provided by a credible source, whether it is correct and complete. This is a problem also for well-informed companies that hire subcontractors who are not aware of country-specific regulations and may not be in compliance with the rules. The responsibility for maintaining good reputation abroad, thus, also includes informing the subcontractors about the applicable rules and regulations by the hiring companies.

The most sought for piece of information is the notification in the prior declaration tool of the receiving Member State, followed by information on wages and additional allowances (such as overtime rates, allowance for working at night, allowance for working on Sundays, or on public holidays), and payment of personal income tax. The respondents have less need for the additional information on PDs A1 and occupational safety and health (OSH) of posted workers. The latter is likely not due to there being enough comprehensive information available, because the mapping showed that information on OSH is very scarce. It might be that the employers tend to overlook the aspect of OSH as less important and, therefore, do not specifically look for such information.

8 Recommendations

Recommendations were developed based on the desk research and the empirical data collected with the mapping exercise, interviews with stakeholders and the online survey.

In order to improve access to information for all posting undertakings the national authorities need to address the issue of accessibility and the fragmentation of information, which are especially troublesome for smaller construction companies and/or those with less financial or HR resources required to access and correctly interpret relevant information. A national contact point for posting undertakings would be helpful in this respect, providing reliable and complete information via e-mail and phone. According to the interviewees, providing information via phone is considered to be especially useful and efficient, as many users prefer to rely on verbal assistance. Inquiries over the phone would enable them to explain their inquiry in detail and the provider would be able to ask additional questions in order to identify the root of the problem. The national contact point should be able to provide sector-specific, and country-specific information. This would contribute to eliminating the informal exchange of information (which can be false or outdated) that is often the result of lack of resources to employ or outsource competent staff or services.

Websites need to be regularly updated based on the feedback from the companies, especially smaller ones without the HR and other support. It is important to invite them to systematically evaluate whether the information is useful and easy to understand and does, therefore, reduce the need to outsource agencies for assistance with interpretation of the applicable rules and regulations.

The respondents agreed that purchasing information from foreign private consulting companies regarding the posting of workers in other Member States is a very efficient and speedy way of obtaining credible information. However, the problem of affordability is especially pressing for smaller, lower-income companies. Frequent educational seminars provided by the employers' associations for the construction sector specifically and free of charge may contribute to the solution. The seminars would need to be organised on a regular basis, i.e. every few months on a fixed date, not sporadically and depending on the availability of funding, either in person or online. The seminars would need to offer the users the chance to ask specific questions.

Given the fact that the posting of workers in the construction sector in Slovenia has continuously been on the rise, more attention should be given to comprehensive and user-friendly information provision that benefits the posting undertakings and contributes to ensuring compliance with the applicable regulations in both sending and receiving countries.

9 References

Danaj, S., Kayran, E. N. and Prinz, N. (2023). *Information Channels Mapping Tool Cross-National Dataset. Technical Report*. Vienna: European Centre.

Available here: <https://www.euro.centre.org/downloads/detail/4690>

Danaj, S., Vah Jevšnik, M., Kielbasa, M. and Szaraniec, M. (2023a). There and gone again? Migration to and posting of third-country nationals from Slovenia and Poland. *European Labour Law Journal*, 14 (3), 391-420. DOI: <https://doi.org/10.1177/20319525231165851>

Danaj, S., Zólyomi, E., Kayran, E. N., De Wispelaere, F. and De Smedt, L. (2022). *Research Design. Assessment of the channels of information and their use in the posting of workers, INFO-POW*. Vienna: European Centre for Social Welfare Policy and Research.

De Smedt, L., De Wispelaere, F., Zólyomi, E., Kayran, E. N. & Danaj, S. (2023). *Survey Manual of the Survey on Posting and Receiving Companies in the Construction Sector*. Leuven: HIVA – KU Leuven.

De Wispelaere, F., De Smedt, L. & Pacolet, J. (2021). *Posting of Workers. Report on A1 Portable Documents issued in 2019*. Luxembourg: Publications Office of the European Union. Retrieved from: https://limo.libis.be/primo-explore/fulldisplay?docid=LIRIAS3519317&context=L&vid=Lirias&search_scope=Lirias&tab=default_tab&lang=en_US&fromSitemap=1

European Construction Industry Federation (2022). Statistical Information: Slovenia. Retrieved from: <https://fiec-statistical-report.eu/slovenia>

Kayran, E. N., Danaj, S., Zólyomi, E., Cillo, R., De Smedt, L., De Wispelaere, F., Kovacova, L., Moran, A., Perocco, F., Prinz, N., Toplak, K., & Vah Jevšnik, M. (2023). INFO-POW: Information Channels Cross-national Mapping Tool Data Codebook. Vienna: AUSSDA. DOI: <https://doi.org/10.11587/HS6WHC>

Miteva, M. (2023). *Slovenia posts EU's highest increase in construction output in Jan*. See News article available here: <https://seenews.com/news/slovenia-posts-eus-highest-increase-in-construction-output-in-jan-818121>

Vah Jevšnik, M., Cukut Krilić, S. and Toplak, K. (2021). *Posted workers from Slovenia. Facts and figures*, POSTING.STAT research project. Available here: https://isim.zrc-sazu.si/sites/default/files/Posted%20workers%20from%20Slovenia.%20Facts%20and%20figures_0.pdf

Republic of Slovenia, Statistical Office. SiStat Database: <https://pxweb.stat.si/SiStat/en>



COORDINATOR

European Centre for Social Welfare Policy and Research (Austria)

PARTNERS

HIVA – Research Institute for Work and Society, KU Leuven (Belgium)

UNIVE – Ca' Foscari University of Venice (Italy)

CSPV SAV – Centre of Social and Psychological Sciences, Slovak Academy of Sciences (Slovakia)

ZRC SAZU – Research Centre of the Slovenian Academy of Sciences and Arts (Slovenia)

ASSOCIATED PARTNERS:

EBC - The European Builders Confederation (Belgium) • FIEC - The European Construction Industry Federation (Belgium) • EFBWW - The European Federation of Building and Woodworkers (Belgium) • Bouwunie - The Union of the SME construction companies (Belgium) • Confindustria Vicenza - Italian Association of Enterprises (Italy) • SOPK - The Slovak Chamber of Commerce and Industry (Slovakia) • KOZ SR - The Confederation of Trade Unions of the Slovak Republic (Slovakia) • NLI SR - National Labour Inspectorate (Slovakia) • ESS - Employment Service of Slovenia (Slovenia)