

## Translation

# The digitalization in the field of posting of workers needs to be accelerated

The language barrier is an obstacle to the fruitful cooperation – this was uncovered at an international virtual workshop with the participation of BCC

Pictures BCC

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The Bulgarian Construction Chamber (BCC) participated in an international virtual workshop, dedicated to the theme "Administrative cooperation in the field of posting of workers: current practices and future scenarios", part of ISA project: Information Sharing Agreements. Building EU Agreements for the Posting of Workers in the Construction Sector. Valentin Nikolov, Executive Director, and Maria Zheleva, Chief Expert represented BCC. Guests from labor inspectorates, social ministries, paritarian funds, trade unions and employers' organizations from Bulgaria, Italy, Portugal, Spain, France, and the European Construction Industry Federation (FIEC) also attended the event. The purpose of the seminar was to discuss good practices and problems of existing international cooperation agreements in order to make recommendations



percentage of Portuguese workers.

The content of these documents is based on a research on the actual needs and difficulties faced by workers in each host country. Some of the activities include joint inspections and sharing of good practices during on-site checkups, procedures for raising the flag in case of irregularities, informative events and materials, analysis of the working conditions and the respective national legislation,

illustrated by Dana Schäfer, a representative of the Social Fund for the Construction Industry (SOKA-BAU) in Germany, responsible for workers, posted to and from Germany. The presented agreements, concluded between SOKA-BAU and the responsible institutions in Denmark and Poland, focus on several social aspects of the posting of workers: use or compensation for untaken annual leave, correct payment of social security

## the need to accelerate the digitalization in the field of posting of workers

and to overcome the language barrier with respect to national regulations and collective agreements.

It was pointed out that the effectiveness of the digital tools, implemented as a result of the execution of the Posting of Workers Directive, depends on the administration's motivation to use them appropriately as well as synchronously

## ISA Project



Project ISA: Information Sharing Agreements. Building EU Agreements for the Posting of Workers in the Construction Sector', funded by the EC, is the third one in a series of projects of the Italian Joint National Committee for Building Workers' Welfare Funds (CNCE). All of them focus on the analysis and improvement of the Posting of Workers Directive, as well as on existing agreements on posting of workers in the EU, facilitating the working conditions and the related administrative processes. Through research, analysis and informative meetings, ISA Project aims to raise awareness among stakeholders to improve cross-border cooperation in the field of posting of workers and to strengthen the transnational partnership between authorities and stakeholders, involved in the posting of workers in the construction sector.

The project promotes the establishment of information sharing agreements, meant to monitor and ease the posting of workers and to extend the scope of existing agreements to other countries. The conclusions from the workshops, as well as all reports, studies and interesting practices in the field of posting of workers, developed under ISA project, are available in the platform [www.isaproject.eu](http://www.isaproject.eu)

research center FGB.

An efficient solution to some of these problems provide

## the multilateral agreements between the social partners and the paritarian funds.

Through the involvement of employers' organizations and trade unions, the opinion of both parties is likely to be taken into account, which is aimed at better understanding of the contracts that characterize the process of posting of workers. In addition, such agreements are ensuring better social protection, fairer labor market and provide opportunities for the adoption of policies to prevent abuses. In order to be efficient however, these settlements need institutional support, as well as implementation of an effective data collection system to track the social contributions.

Valentin Nikolov, the Executive director of BCC, pointed out that the topic of the workshop is extremely important for the construction sector. "The problems with the posted workers are not new. They have been accumulating throughout the years; however, the pandemic situation did exacerbate them and bring them to the fore. This is why we have to deal with new challenges now, in addition to the traditional ones we were facing so far." Nikolov highlighted that the legal aspects, the quality of the translation and the understanding of the concepts should be prioritized. "It is only then that we can talk about digitalization, because digitizing concepts, for which there is a misunderstanding between us, will have no effect," he explained.

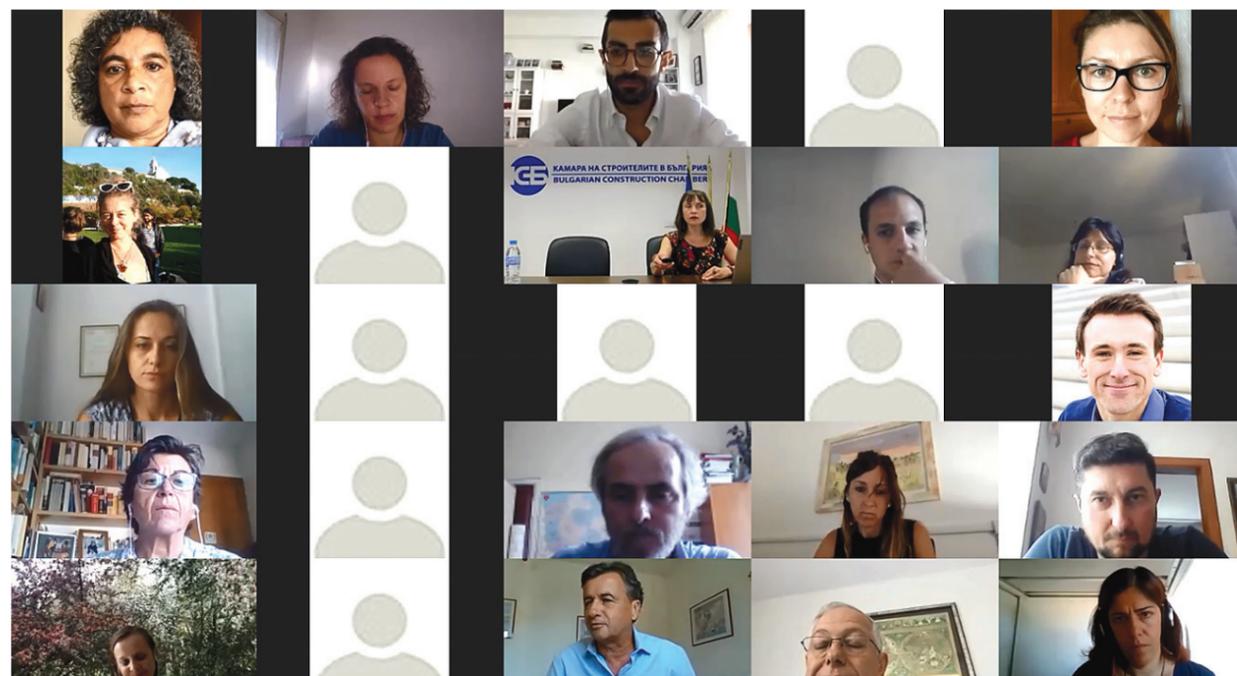
Regarding the problems of the Bulgarian construction sector, Valentin Nikolov stressed that there are some issues with A1 form, but the work with the administration in this direction

is fruitful. "There is another problem.

## In Bulgaria, there is no feedback system on what happens after the posting of workers is achieved.

When we were getting ready for the new stage of ISA project in January, we were very happy that the meeting would take place in Portugal, because, based on our research, the Portuguese are the most advanced in this field - they have developed the best feedback system. We were looking forward to the meeting and we wanted to get to know the Portuguese experience at first hand. I hope this will happen soon. In general, the feedback system is extremely important. The agreements we are talking about are bilateral, however in my opinion, this project can lead to the design of a common platform, monitoring various aspects of the process of posting of workers", concluded BCC's Executive director.

Vincent Detemmerman, a representative of FIEC, also welcomed the initiative and pointed out that the transnational cooperation between the social partners is extremely important for both employers and workers to understand the problems of the posted workers. He added that these agreements give a serious impetus to changes and improvements of the international legal acts in this area. "As BCC's Executive director emphasized, the current pandemic has added more challenges to the existing difficulties, and this is another reason to move forward and try to implement together practical measures to address the problems related to unequal pay and social benefits for the posted workers.", he added.



for improving the process of posting workers through partnerships between the participating institutions.

The most interesting examples of bilateral cooperation for exchange of information were presented by

## Portugal - one of the countries posting the highest number of workers in the EU.

In order to improve the working conditions of posted workers, to reduce the share of undeclared work, and to ensure prompt collection of information on working conditions, over the past seven years the country has concluded various bilateral agreements at institutional and governmental level with countries, receiving a high

incl. tax and social policy, collection of data on posted workers such as declarations, A1 forms, complaints filed by workers, etc.

In order to achieve higher efficiency and to address issues in a timely manner, the specific areas of cooperation are defined annually, according to the current needs of the participating countries. The language barrier, the delayed receipt of data on posted workers, the involvement of several institutions regulating the process of posting of workers nationally, and the differences in the national regulations are considered the most significant obstacles to the fruitful cooperation.

Another example of effective cooperation was

contributions and compliance with tax legislation. "These agreements are very important to us because the working conditions and the minimum wages affect not only the fair competition, but also the protection of workers' rights, fair social security contributions and diligent tax payments. That is why we are about to conclude a similar agreement with the Romanian counterparts, as the posted workers from this country are ranked second among all posted builders in Germany", Schäfer said.

During the ensuing discussion, the workshop participants debated on the practical aspects of the cooperation agreements and highlighted the following two challenges -

with the relevant European institutions. Some countries have made significant progress on this matter, but others are lagging behind. With regard to the language barrier, the participants commented that, on the one hand, it is extremely important to translate correctly the texts laid down in the national legislations and collective agreements. On the other hand, the effective communication with workers abroad plays a significant role. "If there is a lack of sound translation procedure, good results cannot be achieved, nor can we expect an adequate feedback from workers regarding the protection of their rights", concluded the moderator of the discussion, Prof. Michele Faioli, a representative of the Italian