



Fourteenth meeting of the European Labour Authority Working Group on Information
Second thematic meeting on the posting of workers

25 October 2022

- Draft Summary of deliberations -

The ELA Working Group on Information met for the 14th time on 25 October 2022. The meeting was held online via the Webex platform. The purpose of this second thematic meeting was to discuss ongoing and future ELA information activities related to the posting of workers, with the special focus on activities planned for 2023, targeting the construction sector.

1. ELA Introduction

In the introductory remarks, ELA recalled the future challenges in the field of posting of workers and stressed the importance of the Working Group's advisory role in this regard. Member States pointed out that the high number of overlapping meetings was challenging on participants' schedules. One Member State enquired about the possible relaunch of the Committee of Experts on Posting of Workers. The Authority informed that no single Working Group on the Posting of Workers was planned to be established within ELA.

2. Booklet: Lessons learnt for single national websites on the posting of workers

ELA shortly presented the draft booklet 'Lessons learnt', a practical document that captures the observations and conclusions made during the 1.5 year exercise of conducting the peer review sessions on the national websites on the posting of workers. This exercise produced 18 country specific reports. The draft booklet was provided to the Working Group experts for advance consultation to allow for discussion in the meeting.

Participants generally welcomed the exercise and made further suggestions on the improvement of the booklet. Some found it a useful checklist for future website relaunches while others reminded that they would not be able to use the booklet due to national policies. It was highlighted that it should be made explicit in the booklet that the application of the findings should remain voluntary.

ELA invited further feedback via email after the meeting. The revised version will be circulated among the Working Group for additional comments, and – in line with the Working Group's Rules of Procedure – members will be invited to give their opinion about the publication of the booklet.

3. Translation Facility: 2022 figures and possible application for declaration portals

ELA presented the development of translation requests for information and the current state of the Translation Facility's budget consumption. Member States stressed the importance of this service to them. The Authority encouraged them to submit further requests and upload translations already planned as soon as possible. This is also possible for Member States that have used their initially designated budget already.

4. Providing information on national posting legislation: proposal for a toolkit

In the previous Working Group meeting on posting of workers in March, ELA presented a proposal for a potential toolkit which would gather information on applicable national legislation. Against the feedback received in the meeting, the Authority revisited the idea and in the current meeting suggested to postpone any operational steps. The future Web hub approach envisaged in the draft Work Programme 2023 should be a way to consolidate and aggregate national information in a European tool to be used as a forum. Participants agreed on the approach.

5. ELA study ‘Construction sector: issues in information provision, enforcement of labour mobility law, social security coordination regulations, and cooperation between Member States’

ELA’s Labour Market and Risk Analysis team presented the outline of a study that is about to be launched, addressing challenges in the construction sector in terms of availability of information on legislation, enforcement and cooperation between MS. The scope and objectives were explained, the main founding blocks defined and it was stressed that the exercise was still in the inception phase, open for cooperation with Member States, their national authorities and for further adaptations of proposed methodology in accordance with the expressed interests and needs.

In the following discussion Member States enquired whether the findings of the report were used to design ELA’s activities on the sector in 2023 and whether further countries could be included in the analysis. Furthermore, the timeline and close involvement of national stakeholders were discussed. ELA clarified that national authorities and social partners will be associated through NLOs. The country selection will be finalised as well in close cooperation with NLOs. The report will have a multi annual perspective rather than solely focusing on 2023.

6. First ideas for new ELA information activities in posting of workers in the construction sector for 2023

ELA presented an outline and proposed activities for next year’s focus on posting in the construction sector. Ideas included an awareness-raising campaign, the organisation of national events focussing on country-specific challenges and priorities, new information tool(s) and a good practice call. Working Group experts were invited to contribute further ideas and good practices from their Member States or respective fields. Social partners stressed the need to include the topic of temporary work agencies and the applicability of posting rules to all types of employment. They also volunteered to play an active role in the planned campaign, both on EU and national level. The discussion further touched upon matters such as the introduction of social security ID cards, the role of Third Country Nationals as well as the practice of subcontracting.

7. AOB & closing remarks

The closing notes for the meeting included information on:

- the continuously open call to express the interest for participation in peer reviews of national websites on posting of workers and hands-on-workshops
- information about ELA’s cooperation with DG GROW in improving the information related to the posting of workers on the Your Europe Portal (open to MS suggestions or improvements)
- the provisional dates for potential WG meetings till the end of the year:
 - 1 December, strategic meeting

ELA reiterated its intention to substantially reduce the number of WG meetings for 2023.