

## The Gamechanger for Compliance for Posted Workers, including Road Transport Sector

### Austria

GENERAL INFORMATION	
Name of the organisation	Comic corporate migration center gmbh
Type of organisation	Private sector (companies)
Address	Karlsplatz 3/19, 1010 Vienna, Austria
Web page	<a href="http://www.comic.support">www.comic.support</a>
Contact person	Name and surname: Ewald Oberhammer Job position: Owner and partner E-mail: <a href="mailto:e.oberhammer@oberhammer.co.at">e.oberhammer@oberhammer.co.at</a>
Member State	Austria
GOOD PRACTICE - GENERAL INFORMATION	
Title of the good practice	The Gamechanger for Compliance for Posted Workers, including Road Transport Sector
Topic of the good practice	Other <i>Posting of workers</i>
Geographical focus	Cross-country (please specify) Austria, Belgium, Czechia, Croatia, France, Germany, Italy, Latvia, The Netherlands, Poland, Portugal, Romania, Switzerland, Spain, Finland (to join in spring 2025)
Duration	Since 2014 – ongoing
Summary of the good practice	The Gamechanger for Compliance for Posted Workers is a comprehensive initiative created to enhance compliance with administrative requirements and minimum remuneration compliance for posted workers. The Corporate Migration Centre (COMIC) network provides advice in labour and employment law, particularly posting of workers, using a <b>compliance monitoring and management software</b> . The software leverages digital technology to streamline compliance and record-keeping processes. It provides real-time updates, automated

	<p>monitoring, and digital document management, making it a highly effective tool for managing compliance with posting rules.</p>
<p><b>OBJECTIVES AND ACTIVITIES</b></p>	
<p><b>Background/context</b></p>	<p>The legal background of the COMIC platform is rooted in the Posted Worker Directive 96/71<sup>1</sup> and the Enforcement Directive 2014/67<sup>2</sup>. The Posted Worker Directive 96/71, established in 1996, aims to guarantee equal treatment for workers posted to different Member States by ensuring they receive the same terms and conditions of employment as local workers. This includes remuneration, maximum work periods, minimum rest periods, and other employment conditions.</p> <p>The Enforcement Directive 2014/67, established in 2014, provides the framework for monitoring compliance with the Posted Worker Directive. It outlines the administrative requirements and control measures necessary for effective compliance monitoring. Key elements of the Enforcement Directive include:</p> <ul style="list-style-type: none"> <li>▶ Obligation to make a simple declaration to national competent authorities, including details of the service provider, posted workers, responsible persons, and the nature of the services justifying the posting.</li> <li>▶ Obligation to keep or make available employment contracts, payslips, time-sheets, and proof of payment of wages during the period of posting.</li> <li>▶ Obligation to provide translations of the mentioned documents into the official language(s) of the host Member State.</li> </ul>

<sup>1</sup> Full title: Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services

<sup>2</sup> Full title: Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ( ‘the IMI Regulation’ )

	<p>► Obligation to designate a person to liaise with competent authorities and a social representative.</p> <p>The COMIC platform was developed to address the intense workload and compliance challenges associated with posting workers. It was designed to digitalize record-keeping and compliance processes, reducing manual effort and ensuring compliance with administrative requirements and minimum remuneration standards. The platform's innovative approach to compliance and record-keeping has been recognized by various organizations and has been implemented in multiple countries.</p>
<p><b>Objectives</b></p>	<p>The primary objective of the COMIC platform is to manage compliance for posted workers. It aims to provide a comprehensive solution for ensuring adherence to administrative requirements, monitoring remuneration, and complying with collective bargaining agreements.</p>
<p><b>Main activities</b></p>	<p>The main activities of the COMIC platform include digitalizing record-keeping and compliance processes, monitoring minimum remuneration compliance, managing document keeping requirements, providing real-time compliance status updates, and facilitating audits and compliance checks.</p> <p>The COMIC platform offers several key features designed to facilitate compliance with various directives and regulations:</p> <ul style="list-style-type: none"> <li>► Immigration Service Tool: This tool manages document keeping requirements and expiry deadlines, ensuring that all necessary documents are up-to-date and compliant with regulations. This tool is linked to the ComicGo app to collect the working time in real time from the posted workers while working abroad.</li> <li>► Remuneration House: This feature ensures minimum salary compliance and monitors remuneration, helping organizations adhere to collective bargaining agreements and other remuneration standards.</li> <li>► Job Coding System: This system tracks jobs and employees to determine if and when the replacement</li> </ul>

	<p>rules apply, ensuring compliance with employment regulations.</p> <ul style="list-style-type: none"> <li>▶ Road Transport Tool (<i>in pilot phase</i>): This tool facilitates compliance with road transport regulations, providing real-time updates and automated monitoring to ensure adherence to relevant laws and standards.</li> </ul> <p>Initially, the COMIC platform was developed to address the intense workload and compliance challenges associated with posting workers. It was designed to digitalize record-keeping and compliance processes, reducing manual effort and ensuring compliance with administrative requirements and minimum remuneration standards. Over time, the platform evolved into a comprehensive service that not only provides the software but also offers full compliance management services. This includes handling document keeping, monitoring remuneration, and ensuring adherence to collective bargaining agreements on behalf of clients.</p> <ul style="list-style-type: none"> <li>▶ Equal pay for equal work: Comic is currently expanding the tool to cover also the aspects resulting from Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 which has the scope to strengthen the application of the principle of equal pay for equal work or work of equal value. This tool will be called comic PayChecker and will go into the testing stage in April 2025.</li> </ul>
<p><b>Did you previously provide information about this particular good practice under the European Platform tackling undeclared work?</b></p> <p>(if yes, is it possible to provide the year and the title of good practice or a link of the good practice in <a href="#">ELA Virtual library</a>)</p>	<p>No.</p>
<p><b>Funding/organisational resources</b></p>	<p>The development of the COMIC platform involved an investment close to EUR 1 mil. The platform is maintained and updated by a team of four developers; the legal input</p>

	is mainly provided by the Ewald Oberhammer and by the lawyers which have joined the comic network in the different member states.
<b>PARTICIPATION</b>	
<b>Stakeholders involved</b>	<ul style="list-style-type: none"> <li>▶ Social Partners (Employers' &amp; Workers' organizations);</li> <li>▶ Member State Labor Inspectorates and Authorities;</li> <li>▶ Private companies and organisations dealing with posting of workers.</li> </ul>
<b>Target groups</b>	<ul style="list-style-type: none"> <li>▶ Companies and organisations who are posting workers;</li> <li>▶ Consulting firms;</li> <li>▶ Payroll providers.</li> </ul>
<b>Final beneficiaries</b>	<ul style="list-style-type: none"> <li>▶ Posted workers;</li> <li>▶ National enforcement authorities in the field of labour.</li> </ul>
<b>GOOD PRACTICE CRITERIA</b>	
<b>Achievements/ Results and outcomes</b> (Alignment of good practice with the priorities of the Call (if not applicable, alignment with the field of EU labour mobility))	The tool is already used by consultants in several EU member states. It is expected that during 2025 additional companies will be onboarded. The focus lies on temporary working agencies and subcontractors. Temporary working agencies have a strong need to have an efficient and effective overview over the compliance status of its employees. Subcontractors are under strict supervision of the principals (liability in the subcontracting chain).
<b>Recognition</b> (has this good practice been recognised on regional, national or EU level)	The COMIC platform has been presented at the Social Committee and has won recognition in Austria for its innovative approach to compliance and record-keeping.
<b>Cost effectiveness</b> (the degree to which the practice was successful in reaching objectives and producing clear and measurable outcomes at the lowest possible cost)	The COMIC platform offers a cost-effective solution for managing compliance with rules for posted workers. Its initial investment and ongoing maintenance costs are relatively low, and it provides significant cost savings through reduced manual effort, real-time compliance monitoring, and comprehensive service offerings. The platform's scalability and flexibility further enhance its cost-

	effectiveness, making it a valuable tool for organisations that post workers across Europe.
<p><b>Transferability</b> (how the experience from this practice could be transferred to other contexts i.e. what would another Member State/group/sector need to have or put in place for this measure to be successful in their country/group/sector)</p>	<p>The COMIC platform has been successfully implemented in 14 countries and can be easily adapted for use in other countries. The system is designed to be flexible and scalable, making it suitable for a wide range of organisations and compliance requirements.</p>
<p><b>Sustainability</b> (how the practice is sustainable from a social, financial or environmental perspective)</p>	<p>In addition to its current features, the COMIC platform is planning to expand its services to include monitoring compliance with Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector. This expansion will further enhance the platform's capabilities and ensure that it remains a comprehensive solution for managing compliance across various sectors.</p>
<p><b>Innovativeness</b> (innovative features of the good practice)</p>	<ul style="list-style-type: none"> <li>▶ The COMIC platform stands out for its remarkable ability to simplify compliance with the complex and multifaceted rules and regulations at the EU level. By leveraging cutting-edge digital technology, the platform transforms the traditionally cumbersome and manual compliance processes into streamlined, automated workflows. This innovative approach not only reduces the administrative burden on organisations but also ensures real-time compliance monitoring and updates.</li> <li>▶ By integrating advanced features into a single platform, COMIC offers a holistic solution that simplifies compliance with the EU directives and regulations. This level of innovation is particularly noteworthy given the complexity of the regulatory environment, which includes the Posted Worker Directive 96/71, the Enforcement Directive 2014/67, and Regulation 2020/157 for the road transport sector (pilot stage).</li> <li>▶ The platform's ability to provide real-time compliance status updates, automated monitoring, and digital document management sets it apart as a pioneering solution in the field of compliance management. Its</li> </ul>

	<p>user-friendly interface and automated features make it accessible to organisations of all sizes, further enhancing its impact and effectiveness.</p> <p>In summary, the COMIC platform's innovative approach to digitalising compliance processes and simplifying adherence to complex EU regulations is a testament to its forward-thinking design and commitment to excellence. It represents a significant advancement in the field of compliance management, offering organisations a powerful tool to navigate the challenging regulatory landscape with ease and confidence.</p>
<p><b>Digitalisation</b> (Design, development and/or utilisation of digital tools, policies or plans for digitalisation, business processes and data digitalisation, data sharing digital initiatives, the use of digitalisation to facilitate the access to data in real time and detection of fraud and error, etc.)</p>	<p>The COMIC platform is a practice completely based on digitalisation. It is digital tool designed to support the field of posting workers and ensure compliance with EU rules and regulations. It leverages advanced technology to streamline compliance processes, providing real-time updates, automated monitoring, and digital document management.</p>