

Posting of third-country nationals: contracting chains, recruitment patterns, and enforcement issues

Insights from case studies

FOCUS OF THE STUDY

Recruitment and contractual arrangements experienced by Ukrainian, Brazilian and Bosnians and Herzegovinian posted workers before, during and after posting from Poland, Portugal and Slovenia to other European Union Member States.

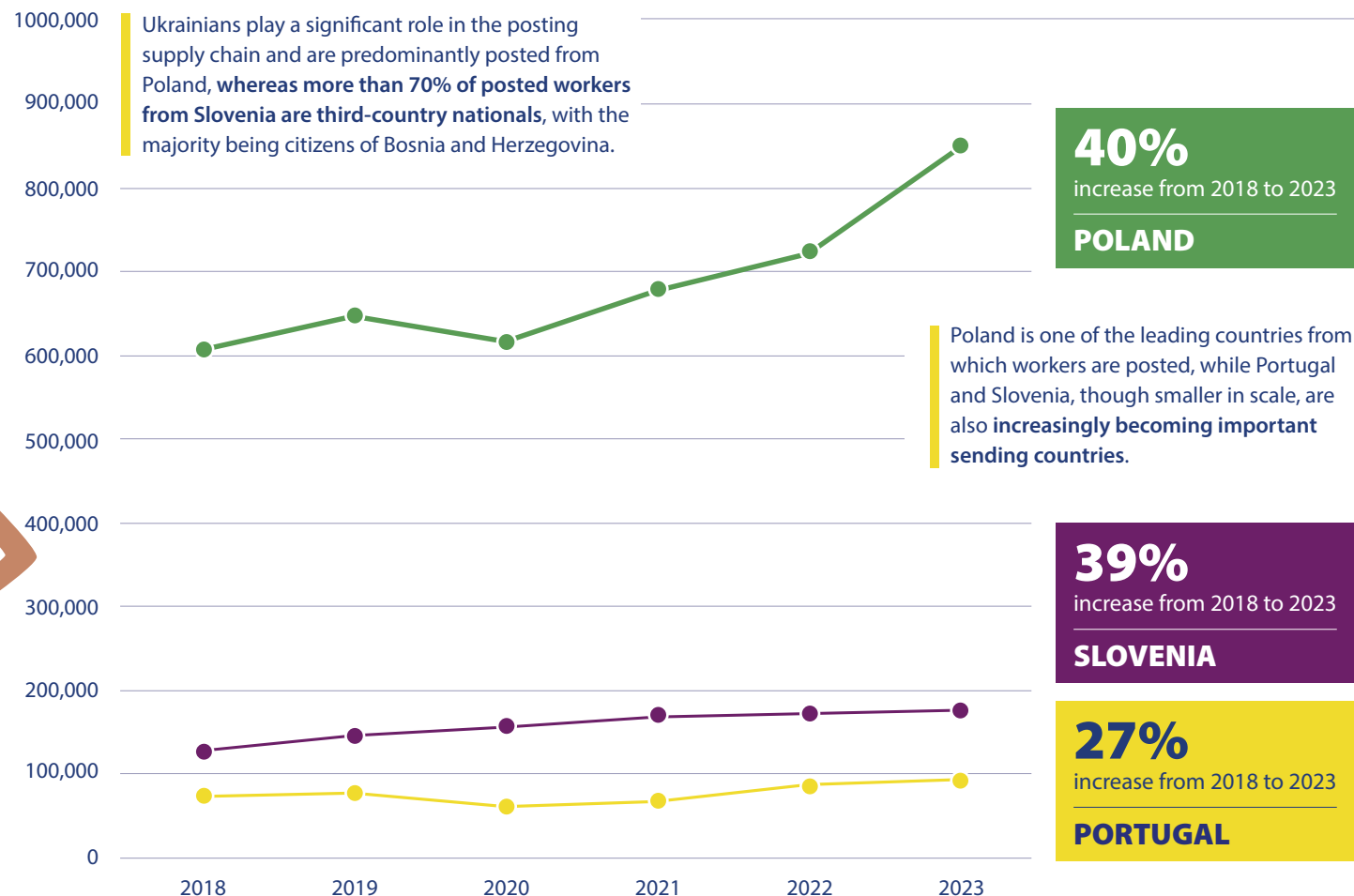


POSTED TCN

A third country national who is a worker and, for a limited period, carries out his work in the territory of a Member State other than the State in which he normally works, in accordance with Article 2 of the PWD.



Total of A1 portable documents issued by Poland, Portugal and Slovenia 2018-2023



Source: European Commission, Directorate-General for Employment, Social Affairs and Inclusion, De Wispelaere, F., De Smedt, L. and Pacolet, J., Posting of workers – Report on A1 portable documents issued in 2023, Publications Office of the European Union, 2025

Trajectory of the posted third-country national workers

↓ **BRAZIL**

“

“A friend of mine was working in Belgium and asked if I wanted to go, and I said that I would only go through this boss of mine that I already know. I asked him if he wanted to go with me. He said yes. He did. He made a deal with this Belgian company. So, they came to an agreement, my boss paid me, and I worked there with him in Belgium.”

— posted construction worker



→ **PORTUGAL**

“

“Unfortunately, I paid for the first visa. The first company I worked for took €600 for the visa, but we know that the visa cost about €100-€200. I wasn't the only one to pay, several colleagues did (I know, at least 10 of them who did). They took these €600 from our pay.”

— posted construction worker

BOSNIA AND HERZEGOVINA ↑



“

“Normally Dutch people earn €45 an hour or more. We earned €16 an hour at the time and that was it. We travelled far. If the Dutch travel far, they have a hotel and get paid for the hours they travel. We didn't. The conditions weren't the same.”

— posted construction worker

“

“I think it was May 2018. I was sitting with my family at the time [in Ukraine] ... in June or July a colleague from Warsaw called to say he had a job for me, they needed someone to do finishing work near Warsaw. I asked about the visa, this colleague told me that the employer would arrange everything. And so, it was. In a fortnight I had a phone call, I waited a few more weeks for the documents. And at the beginning of September, I came to Poland.”

— posted construction worker

UKRAINE ↓

“

I said I wanted to make soup; she [client in Germany] said her husband is allergic to soup. And when I wanted to cook soup for myself and my daughter was buying eggs, 35 euro cents a piece, they said they wouldn't spend that kind of money on me. And I wanted to eat one for breakfast. They didn't want to spend that money on me.”

— TCN posted care worker



← **POLAND**

OTHER EU MEMBER STATES



→ **SLOVENIA**

“

“I only contacted the company by phone, [there was] no real location.”

— posted care worker

“

“I went to see if there were any contributions paid, unfortunately there weren't, there was no record in my name and that's when I changed jobs and from the first month that I was in my second job I saw that there were already contributions paid, and I realised that I was already in a better situation.”

— posted construction worker



Monitoring and enforcement challenges

CHALLENGES EXPERIENCED AND REPORTED BY WORKERS INTERVIEWED:

- A** Doubts about regularity of their migration status during posting assignments in other EU Member States;
- B** Social contributions not being paid during their posting assignments;
- C** Challenges and doubts about the validity of their PD A1 certificates;
- D** Underpayment and other pay-related challenges;
- E** Issues with accommodation (especially for care and transport sector workers interviewed).

CHALLENGES REPORTED BY INTERVIEWED NATIONAL ENFORCEMENT AUTHORITIES:



"If we detect the situation, that is kind of abusing the Polish system and the company is only registered and established to legalize the status of the workers to be abroad, our competence is still limited because there is a lack of person with whom we can carry out the inspections on this. We are not able to collect information because we have no possibility to interview workers about whether they are present in Poland only to perform work."

— Labour Inspectorate

- A** Intersecting regulatory frameworks and jurisdictional boundaries



- B** Cross-country cooperation



- C** Inspecting atypical companies



The companies that give problems, so to speak, are the ones that do not really exist. We don't have a person to contact. We go to the address, and it's like, sometimes it's actually a mailbox.

— Labour Inspectorate

- D** Limited human resources



RISK FACTORS FOR NON-COMPLIANCE OR UNFAVOURABLE WORKING CONDITIONS IN THIRD-COUNTRY NATIONAL POSTING:



Institutional level risk factors:

- ➔ Mismatch between the free movement and the national mandate of enforcement agencies;
- ➔ The fragmentation of monitoring and enforcement competences;
- ➔ Labour supply chains and subcontracting without shared liability;
- ➔ Important obligations, such as migration and permit status and the right to work and be posted, remain under the responsibility of workers rather than employers.



Individual level risk factors:

- ➔ Lack of available and accessible information on rules and obligations;
- ➔ Immigration status, residence permits, and the employment-based conditionality can make posted third country national workers dependent on their employers.



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Disclaimer: The present document relies on data and information collected by the authors for the European Labour Authority study 'Contracting chains and recruitment practices of posted third-country nationals: Explorative study in selected Member States' (2025). It has been prepared for the European Labour Authority; however, the information included does not reflect the views or the official position of the European Labour Authority.