



# COMPARATIVE REPORT ON THE RESEARCH PHASE OF THE PROJECT:

“IMPACT OF THE MOBILITY OF TRANSPORT WORKERS”



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## **I. INTRODUCTION**

**The comparative report** of our project is based on the country reports produced by experts from each participating country.

This *comparative report* begins with a summary of three aspects that formed the secondary data analysis phase:

- regulations and information on the posting of workers;
- description of the right to participation of workers in each partner country;
- conditions of employment of transport workers.

### **A) Regulations and information on the posting of workers**

**ITALY** indicates in its report that all directives concerning the posting of workers have been transposed into its legal system. These are Directive 96/71/EC transposed by Legislative Decree No. 72 of 25 February 2000 and Directive 2018/957/EU transposed by Legislative Decree No. 122/2020 (amending Legislative Decree No. 136/2016, implementing Directive 2014/67/EU on the enforcement of Directive 96/71/EC).

In addition, EU Regulation No. 1024/2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (the "IMI Regulation") has been transposed with two circulars of the State Labour Inspectorate No. 1/2017 and No. 1/2023 on this issue.

**POLAND** points out that, in this country, the Mobility Package is being implemented through amendments to the Road Transport Act of 6 September 2001 and the Drivers' Hours Act of 16 April 2004, which currently contain provisions due for implementation in 2026, but that the set of directives is still being developed and expanded.

Its authors refer that both the Posting of Workers reform and the Mobility Package have introduced significant changes to transport in Poland, including aspects such as:

- changes to rest times and the possibility of extending the driving time by one hour (or two with a 30-minute break) if the driver can reach base or home in that time to take a weekly rest;
- introducing the possibility of a 45-minute rest period when the vehicle is driven by another crew member and prohibiting a driver from spending his or her weekly rest in the cab of the vehicle and requiring an overnight berth. requiring a place to stay overnight;
- specifying the base of the transport company under the following conditions: the number of parking spaces is equal to or greater than  $\frac{1}{3}$  of the number of vehicles used and it must be located on the territory of the Republic of Poland;

- also changes in the use of tachographs or the use of the IMI system, mandatory from 2022 for cross-border and cabotage transport.

**CROATIA** points out that the Directive on the posting of mobile workers was transposed into *Croatian law by the Law on the Posting of Workers to the Republic of Croatia and the Cross-border Enforcement of Penalty Decisions*, while the Law on Working Time, Compulsory Rest Periods for Mobile Workers and Recording Devices in Road Transport regulated the posting of mobile workers from Croatia.

Both Croatian laws regulate the working conditions and rights of workers posted to work in the Republic of Croatia in the cross-border provision of services, together with the Law on working time, compulsory rest breaks for mobile workers and recording devices in road transport.

Thus, according to this law, in the case of workers posted to the Republic of Croatia, the foreign employer is obliged to apply Croatian legislation which refers to the elements set out in the Workers' Directive. As regards workers posted from Croatia to other countries, there is no legislation in the Republic of Croatia regulating posted workers in general.

These provisions oblige the employer to submit, before the actual posting, to the competent national authorities of the Member State to which the driver is posted via IMI, a declaration of posting of the driver together with the documentation listed in the European Directive. On the other hand, at the end of the posting period, the transport operator is obliged to submit, at the request of the competent authorities, copies of the documents forming an integral part of the declaration of posting, as well as documentation concerning the driver's remuneration for the period of posting, his employment contract or other document governing the driver's employment and proof of payment.

The **SPAIN** report states that *Directive 96/71/EC* has been transposed into Spanish law by *Law 45/1999* of 29 November 1999 on the posting of workers in the cross-border provision of services, as well as by the most recent *Directive 2018/957*, the last revised and updated publication of which took place on 28 April 2021. Similarly, both *Directive 2014/67/EU* on the enforcement of Directive 96/71/EC and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (the 'IMI Regulation') have been transposed into Spanish law.

They explain that Spanish legislation already complied with several provisions of *Directive 2018/957*, in particular those relating to the principle of equal pay and other basic working conditions for temporary workers and the basic working conditions provided for in Spanish sectoral collective agreements in all sectors.

In particular, the new concept of remuneration (obligation to respect the working conditions in the country of destination in terms of *remuneration*) is already included in Article 4 of Law 45/1999, which obliges companies to remunerate their posted workers in the amounts in force in the collective agreements in our country. In Spain, all workers are subject to the collective agreements in force in the professional sector in which their terms and conditions of employment are regulated, and the Workers' Statute acts as a complementary principle to these agreements.

Regarding the information available to posted workers (such as migrants) and employers on the rules governing the provision of services and the conditions of their employment, there are various websites, in Spanish and English, with contact details for labour offices and other specific sites, such as the Spanish *Immigration Portal*, which covers aspects related to staying and working in the country, issues related to tax or social security regulations.

Finally, they point out how the hiring of workers not covered by the posting rules is developed through the Spanish employer's employment management system at the place of origin, established in *Order ISM/1289/2020 of 28 December, which regulates the collective management of employment at the place of origin for each year*, to guide the introduction of workers in sectors where they face difficulties in finding workers in the national labour market, which makes it possible to determine the number of stable jobs that can be occupied by foreign workers for each calendar year.

The report compiled by representatives of **GREECIA** indicates that the legal framework governing the scope, protection and benefits of posted workers covers all workers in this category and has been updated in line with EU directives. In particular, they point out as the cornerstones of the current legal framework in Greece and its evolution in recent decades, *three Presidential Decrees: Presidential Decree (P.D.) 219/2000, Measures concerning the protection of workers posted to Greece to work temporarily on Greek territory in the framework of the transnational provision of services, transposing EU Directive 96/71/EC; Presidential Decree (P. D.) 101/2016 transposing Directive 2014/67 and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ("IMI Regulation"); and Presidential Decree (P.D.) 30/2021 implementing EU Directive 2018/957.*

Furthermore, the authors of the report state that, unfortunately, "posted workers are a group that has not been prioritised from a policy-making perspective", due to the lack of data and information on posted workers in Greece. This is even though their employment status, related rights and protection of posted workers are covered by legislation and collective agreements, in line with EU directives.

Regardless, they point out that "there are problems with enforcement by the parties involved, and monitoring of policies to ensure that the rights and protection of posted workers are fully covered is rather weak" (Tikos, 2011).

In contrast, a **NORWAY** expert reports that, in general, the Posting of Workers Directive (Directive 96/71/EC) has been incorporated into Norwegian law through Articles 1-7 of the Working Environment Act and the Posting of Workers Regulation, which means "situations where a worker is posted by his/her employer from one Member State to another in connection with the temporary provision of work". The same is true for the Implementing Directive (Directive 2014/67/EU) implemented by the Posting Regulations and Regulation 01. 06.2013 No. 565 of the SI Act (National Relocation Centre Act).

In the case of Directive (EU) 2020/1057 on the *Mobility Package*, the Norwegian report provides a brief overview of the provisions contained therein, with detailed explanations on aspects such as cabotage and international market access, among others. It goes on to note that the legislative amendments implementing the regulations were adopted by the Storting on 13 June 2022, with the necessary regulatory changes entering into force on 1 November 2022, with the caveat that some regulatory changes will, however, enter into force later when they take effect in the EU.

It recalls that the Directive (2020/1957) stipulates that these types of transport are, in principle, considered assignments where the driver performing them is deemed to be posted. Finally, reference is made to Act 105 LS (2021-2022) for a more detailed review of this regulation and its application in Norwegian law.

### Conclusions on the *posting of workers*

Based on the explanations provided by each of the participating countries in the first part of the project, it can be summarised that both the overall Directives on the posting of workers and the Mobility Package have been transposed into the legal system of the project partner countries, establishing a legal framework that regulates the scope, protection and benefits of posted workers.

### **B) Description of workers' right to participation**

**ITALY** begins by recalling European legislation and industrial relations since the 1970s, to point out that participation took place through agreements (interconfederal agreements and CCNL). These agreements established in Italy, in the private sector, the dual industrial relations model of dual representation of workers in companies: RSAs appointed from among the members (representation of company trade union bodies under the 1970 Workers' Statute) and RSUs (unitary trade union representatives introduced by the 1993 Giugni Protocol, as amended by the 2014

*Consolidated Text on Representation*) elected in direct elections by workers in each company every three years.

They note that, unlike the private sector, the public sector has adopted, by Legislative Decree No. 165/2001, the RSU system. 165/2001, an RSU system voted every three years on the same day in all ministerial departments. Both systems intervene in the trade union *information and consultation* system, which is established based on Directive 2002/14/EC, implemented by Law No. 300/1970 (Statute) through collective bargaining.

Italian legislation imposes an obligation on the company to inform the trade unions, within a certain period, about certain issues before the company takes a particular decision. In the event of its non-compliance or omission by the employer, they can trigger Article 28 of the Workers' Rights Statute as a result of anti-union action by the employer.

The issues that are subject to information and consultation procedures are diverse and include most employment and company conditions, for example: the company's business plan and economic situation, employment situation and new employees, company restructuring and crisis, transfers, hiring or selling the company, productivity bonuses, health and safety issues, accidents at work and occupational diseases, training, work organisation and control systems, equal opportunities and equal pay for women.

There is a *social dialogue* (between trade unions, employers, and the government) allowing for tripartite contracts or agreements. Furthermore, collective bargaining is recognised as a right under Article 39 of the Constitution and is developed from the national to the territorial level, ending at the company level, with the obvious result that the collective agreement has binding force on the signatory parties and their affiliates.

Finally, they point to the problems caused by the non-application of the aforementioned Article 39, which prevents *erga omnes* bargaining, which, in the absence of a guaranteed minimum wage, has led to a proliferation of national collective agreements (around 1,000 in 2022, 200 of them particularly significant).

Also, the industrial relations model in **SPAIN** is *dualistic*: it consists of a dual representation of workers in their companies. On the one hand, *trade union representation* of unionised workers; on the other hand, a *unitary representation of workers*, works councils formed through direct elections by workers in a particular workplace or company by calling union elections every four years. Both representations intervene in employee decision-making in the company through *information and consultation* systems.

*Information and consultation* as instruments of worker participation in Spanish legislation exist in the Spanish **Workers' Statute**, before the establishment of *Directive 2002/14/EC*, with a threefold scope: on the one hand, the right of the works council and the trade unions to *be informed* on certain aspects on a quarterly or annual basis or when appropriate; the right to be informed and consulted on other issues and to give an opinion within 15 days in other cases and before the employer takes a decision.

Issues covered by the right to information and consultation include the entirety of the employee's conditions of employment (causes, occupational accidents and diseases, accident rates and occupational accident prevention mechanisms in place) or the company's vocational training plans and the implementation and review of work organisation and control systems (time, incentive systems and work evaluation, etc.), as well as other aspects such as the general evolution of the economic sector in which the company operates, the economic situation of the company and its likely evolution, the employer's forecasts for new contracts and subcontracts, statistics on absenteeism rates, etc.

In addition to information and consultation, there is a tripartite *social dialogue* (government, trade unions and employers), which is identified with the social side and is clearly political. **Collective bargaining** is a right recognised in the *Spanish Constitution* and is carried out both by works councils (at the level of each workplace or company) and by trade unions, at the state, regional, provincial, sectoral or group of company's level.

The outcome of collective bargaining is a *collective agreement*, which is binding on the parties and can cover any issue related to the employment conditions (professional and working conditions) of the employees.

Regarding the employment relations of posted workers in **GREECE**, they are governed by Greek labour law, national general collective agreements and collective agreements in force at the time of posting.

**NORWAY** refers to the decisions on the generalisation of collective agreements in road and bus passenger transport, which are currently implemented by law, and which aim to guarantee foreign workers wages and working conditions equivalent to those enjoyed by Norwegian workers and to avoid distortions of competition to the detriment of the Norwegian labour market.

The authors of the Norwegian report submit that: "generalisation of the collective agreement means that the national collective agreement or parts thereof apply not only to persons bound by the collective agreement but to all employees performing work covered by the agreement". Thus, the general provisions of the collective agreement will apply to both Norwegian and foreign employees, whether organised or not, so that

the latter are covered when they are employed by Norwegian companies or are seconded by a foreign company in connection with the provision of services.

Decisions on the generalisation of the agreements (what can be called the “extension of Norwegian agreements to posted workers”) are made by a council appointed by the State, the Tariff Council, usually at the request of an employees' or employers' organisation that is a party to the agreement in question, has certain capacities and documents that foreign workers work in Norway on wage and working conditions that are not equivalent to those applicable to Norwegian workers and work resulting from a publicly announced decision.

Finally, the authors note that the public transport rules currently apply in the areas of road freight transport and tourist bus passenger transport, extending the above generalisation to cabotage transport.

**Neither POLAND nor CROATIA provided comments on this aspect.**

#### Conclusions on the *workers' right to participation*

The conclusions in this section are not as homogeneous as in the previous section and can be formulated as follows:

- the systems for employee participation are information and consultation, preferably through trade unions and employee representatives;
- the employer is obliged to inform the trade unions on certain issues, at least those covered by Directive 2002/14;
- in Italy, Spain and Norway there is a tripartite social dialogue between government, employers and trade unions, identified with social action and with a strong political character;
- only in Italy and Spain is the collective bargaining procedure recognised as a constitutional right;
- the instrument resulting from collective bargaining is the collective agreement regulating the conditions of employment of workers (Italy, Spain, Greece, and Norway).

#### **C) Conditions of employment for transport workers**

The transport sector in **ITALY**, in addition to its internal subsections, has the following national collective agreements: 1) airports, air transport and foreign airlines; 2) public



transport and rail operations (currently separate but with a recent attempt to unify in the Mobilità collective agreement); 3) vehicle garage rental; 4) roads; 4) management of shipping agencies; 5) management of road transport and freight; 6) management of warehouses; 7) logistics, transport and forwarding; 8) seafarers; 9) helicopter pilots; 10) funeral transport; 11) ports; 12) roadside assistance; 13) taxi and chauffeur-driven car rental.

According to the latest available ISTAT data, the average net salary of an Italian worker is around €21,000 per year (1,600-1,700 months), while the gross amount is around €29,000 per year. The gross monthly salary forecast by the Logistics, Transport and Freight Forwarding collective agreement at the end of October 2023 ranges from €1,373.62 at entry level (the lowest) to €2,182.07 at level 1 (there is a 'cadre' level with a salary of €2,323.48) and intermediate levels from €1,761.69 (level 3) to €1,675.69 (level 4).

The maximum that a truck driver can reach is the 3 Super level with a maximum salary of €1,810.37. However, there are also job offers for much lower salaries (between €1,400 and €1,700) and differences depending on the routes covered, which can be as high as €3,000.

Finally, they point out that both the aspects related to the *digitalisation of transport* and the rules on cabotage and travel and mobility control in the transport sector require new driver skills and serious checks to prevent the risk of occupational accidents, to which particular attention must be paid.

**POLAND** also refers to the remuneration of workers, stating that from 2022 the wage of an international transport driver cannot be lower than the minimum wage applicable in the country where the service is provided. However, as the law on posted workers dates from 2016, the employer cannot include per diems and lump sums for overnight stays in the minimum wage.

Therefore, they refer to violations and penalties and the imposition of financial liability for non-compliance with rest schedules or incorrect tachograph recording. Situations that can be a barrier to both hauliers and drivers and become a serious challenge to maintaining the reputation of a transport company are one of the basic conditions required to provide transport services.

**CROATIA** notes that workers posted to the Republic of Croatia are subject to the issues contained in the Posting Directive in all aspects contained therein; and that the remuneration for work performed by workers posted to the Republic of Croatia includes all mandatory components of remuneration for work performed to which domestic workers are entitled under the legislation or the extended collective agreement. In addition, the workers are entitled to reimbursement of the costs incurred during the

provision of services, i.e., travel, subsistence, accommodation, and other benefits that the employer is obliged to provide to the local worker following the legislation of the Republic of Croatia.

The representative of **SPAIN** indicates that the transport sector employs a total of 949,202 workers, representing 5.02% of the total workforce, with an increase of 1.35% between 2020 and 2021. As reported, 212,967 employees are self-employed (6.49%) and 736,235 (4.71%) are salaried employees, while of the total salaried employees, 212,302 are salaried truck drivers; 143,994 are salaried drivers of cars, taxis and vans; 111 428 are operators of cranes, forklifts and similar machines; 212 302 are truck drivers; 143 994 are drivers of cars, taxis and vans; 111 428 are operators of cranes, loading machines and similar material handling machines; 79 578 are forklift operators.

This sector in Spain records an unemployment rate of 108,985 people, representing 2.8% of the total unemployed in Spain (3,888,137 people), of which: 76,323 people(70%) are men and 32,662 (30%) are women; although there are forecasts of a significant increase in the coming years.

The authors point out that all workers are covered by a collective agreement that applies to them and in which the terms and conditions of employment are set with some similarity. In particular, they point out that workers in the transport sector are covered by a collective agreement at a national level for the entire sector, which is applied at regional, provincial and plant levels. The existence of different collective agreements in each of these geographical areas depending on the specific activity in the transport sector is highlighted, such as:

- the road freight transport sub-sector, where the *General Agreement on Road Freight Transport* applies, at a national level, and collective agreements at Autonomous Community (regional) and provincial level (there are no interprovincial agreements other than regional ones in this sub-sector);
- the road passenger transport sub-sector, consisting of the arbitration award on the replacement of the road transport labour regulation, in the road passenger transport sub-sector, in force since 01.01.02, which is national in scope, and collective agreements at the Autonomous Community or provincial level (there are also no interprovincial agreements in this sub-sector);
- the bus transport sub-sector, consisting of more than 3,300 companies that generate more than 95,000 jobs (67,000 directly and 28,000 indirectly) with fifty-two collective agreements at the provincial level.

In addition, there are also other collective agreements at the national level, including, for example: special rail transport, car parks and garages, taxis, home delivery

companies, courier companies, self-propelled cranes, commercial fleets, logistics operators, unaddressed mail delivery companies, airport ground handling services, helicopter transport and aerial work and maintenance and repair, intercity rail transport, passenger air transport.

Regarding some aspects related to remuneration, the report indicates that the average salary for truck drivers in 2023 is €1,530 per month (€18,360 net per year), where the minimum is €1,293 (€15,517 net per year) and the maximum €1,981 (€23,772 net per year). Notwithstanding these averages, there are contracts where salaries reach €29,400 gross per year. [The average salary in Spain in 2022 was €24,009.12 per year; with a gross monthly salary of €2,086.8 and a gross hourly wage of €11.95; and the minimum interprofessional salary is €1,080 with fourteen salaries, totalling €15,120 per year].

Finally, they point to two issues to which special attention should be paid, namely the **training of workers** from the point of view of their retraining to adapt to the new work systems to be established as part of the energy transition. On the other hand, **occupational health** within the framework of the environment, in terms of the use of new technologies and everything related to new professional qualifications and new systems of service provision following the mobility provisions established by *Directive 1057/2020*.

**GREECE** regulates the working conditions of its workers through a collective agreement which sets, among other things, a statutory minimum wage, set at €780, and a daily wage for workers of €34.84 (gross) [although these provisions do not apply to posted workers when the posting period is equal to or less than eight days, but it is established that all expenses related to the work in Greece of posted workers, such as accommodation and travel costs, must be paid by employers].

Greek law is also harmonised with EU directives regarding maximum working time and minimum rest periods, although these rules depend on the type of employment contracts. All employees are entitled to annual paid leave, part of which is calculated based on the number of working days for contracts with five and six working days. Furthermore, maternity leave and protection for pregnant women or women who have recently given birth are protected under Greek labour law for all female employees.

Finally, they point out that posted workers are protected by National Law 3850/2010 and Presidential Decree 17/1996 on occupational safety and health issues, and that the institution responsible for monitoring compliance with labour laws and related collective agreements of all parties involved is the Labour Inspectorate, which also covers posted workers when there is evidence of a violation of their rights.

Finally, **NORWAY** stipulates in its Partial Generalisation Regulation for road freight transport that workers performing work covered by the regulation must have at least an 'hourly rate of 196.50 kroner' (€17.02). It is further stipulated that for transport assignments with planned accommodation, the daily allowance must be paid under what the Norwegian authorities approve from time to time as a tax-free allowance. One-third of the per diem rate is paid for every eight hours started.

On the other hand, the Tax Administration Act indicates the need for companies to provide the Tax Administration Office with information about the assignment and any sub-tasks, and the contractor is obliged to provide information about its employees who are used to carry out the assignment, including their first and last day of work on the assignment and their place of work, except for assignments where the agreed remuneration is less than 20,000 kroner and cabotage.

#### Conclusions on working conditions in the transport sector

- Italy, Spain, Greece, and Norway define the terms and conditions of employment of their workers through collective agreements; there are specific agreements for sub-sectors of the transport sector such as rail, sea, freight, passenger transport, etc.
- Italy and Spain indicate the need to address training and health and safety conditions in connection with the creation of new jobs.
- Italy, Poland, Spain, Greece, and Norway point to different aspects of workers' wages, with significant differences in terms of their amount.

## **II. ANALYSIS OF THE RESULTS OF THE ONLINE SURVEY**

This part of the *comparative report* is divided into three blocks, the first deals with the results obtained from employees, the second deals with the results obtained from surveys conducted with employers. Finally, a comparative analysis of the first two parts by country is presented. A comparative analysis will be completed to end with a comparative analysis between both blocks and by country.

### **A) Analysis of the questionnaires collected from EMPLOYEES**

#### **Surveys collected and profile of respondents by country**

- Italy:** 20 questionnaires were collected with the following profile of respondents: male, aged between 35 and 54, with a higher level of education and with a large majority of part-time workers whose country of activity is Italy with a distinctive group of truck drivers and bus drivers.
- Poland:** no data is available on the number of surveys collected and the profile of respondents.
- Croatia:** a total of 20 workers with the following profile took part in the survey: men aged between 35 and 54, with secondary education, who are mostly not posted (although there are 35% of posted workers), with the profession of a driver, whose country of operation is Croatia.
- Spain:** a total of 14 questionnaires were collected from employees, although some employers who responded are also employees (self-employed). Their profile is as follows: they are mostly men between the ages of 35 and 54, with tertiary education and with different employment statuses: non-mobile and freelance workers, with the profession of bus driver and whose country of current employment is Spain. Of these, 28.6% were works council representatives and 14.3% were trade union representatives.
- Greece:** 20 questionnaires were collected with a respondent profile: posted workers aged 18-34, of which 10% were trade union representatives.
- Norway:** 25 questionnaires were collected, but no information on the respondent profile was given.

A total of **99** questionnaires were collected (not including those collected in Poland due to lack of data), with a respondent profile of workers defined as **male, aged between 35 and 54, with secondary or tertiary education, not mobile and being a truck or bus driver, whose country of activity is their country of origin.**

#### **A-1). Knowledge and application of European and national rules on the posting of workers**

The highest percentage of those who were **aware of the European provisions** was found in Norway, with 85% of workers surveyed, followed by Spain with 78%, Greece with 60%, Italy with 50%, Poland with 40% and only 30% indications from workers in Croatia.

Of those who claim to be familiar with the regulations, only Norway, with the same percentage of those familiar with the regulations, 85%, and Poland, with 75% (although this percentage would fall to 50% for road transport), claim that the **regulations apply to the transport sector in their country**, compared to 50% in Greece and Croatia and 33% and 31% in Spain and Italy respectively.

There are also differences between partner countries when analysing whether these rules **guarantee the rights of posted workers**. While 100% of workers in Poland say that these rights are guaranteed, a large number of workers in other countries indicate the opposite answer: 85% of respondents in Italy and Croatia, 73% in Spain, 50% in Greece and 44% in Norway say that the legislation is not sufficient to guarantee the rights of posted workers.

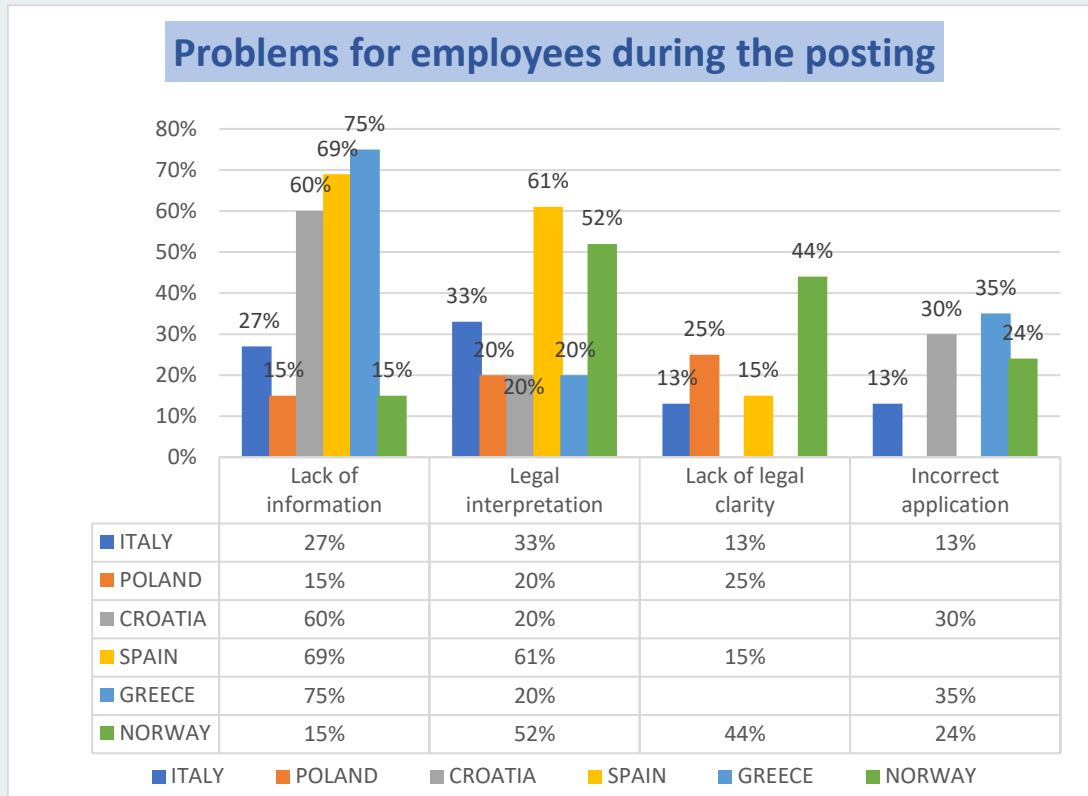
There is also no consensus on workers' knowledge of the **existence of specific rules in their country** governing worker participation in the transport sector. The percentages obtained in Spain (92%) and Norway (85%), who claim to be aware of such rules in their country, contrast with the percentages obtained in other countries, where the trend is the opposite: in Croatia, 85% say they do not know if there are any specific rules, 70% in Poland and 65% in Italy [no data on this for Greece].

Regarding the **main problems** encountered by posted workers, the following data were obtained by thematic area and country.

In Italy, 33% of respondents indicate difficulties in understanding the rules as the main problem, followed by: lack of information, 27%, and lack of application of the rules or their vagueness, both 13% of indications.

Poland highlights as key problems the lack of clarity of European regulations (25%), problems with interpreting these regulations (20%) and lack of information (15%).

In Croatia, lack of information is cited as the main problem (60%) and, to a lesser extent, lack of implementation of the rules (30%) and interpretation of the rules (20%).



In Spain, 69% of respondents say that there is a lack of information about their rights; 61% of respondents refer to problems of interpretation of European laws and 15% of survey participants point to the lack of clarity of European laws as one of the problems.

Also in Greece, lack of information is the problem most frequently reported by 75% of respondents, followed by incorrect application of the rules indicated by 35% of respondents and problems of interpretation in 20% of cases.

In Norway, legal interpretation of the rules is indicated as the main problem, as 52% of those surveyed responded, followed by lack of clarity in European rules, 44%, incorrect application of the rules, 24% and 12% lack of information.

Based on this data, a list of problems can be drawn up as follows:

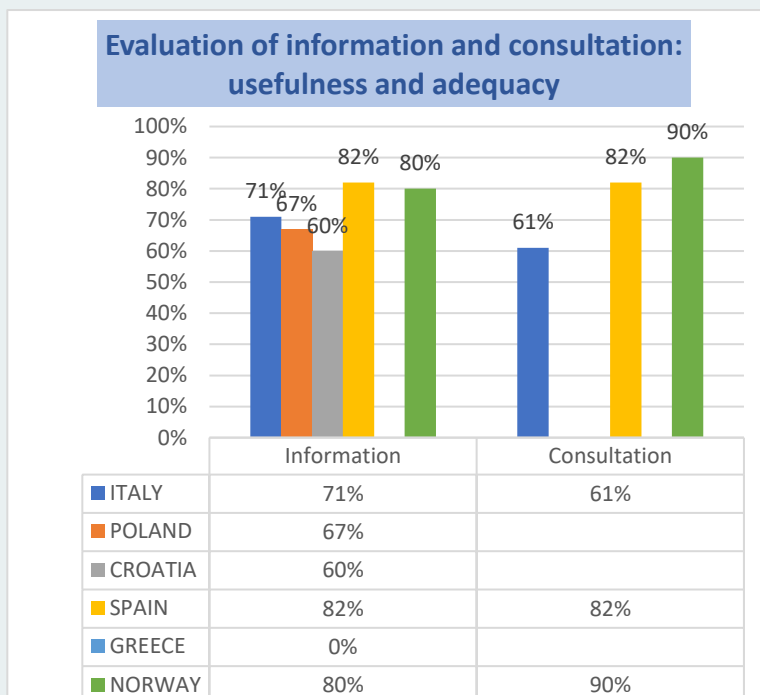
- *lack of information about their rights: 43%;*
- *problems with interpretation of the law: 34%;*
- *lack of clarity of European legislation: 25%;*
- *incorrect application of European regulation: 25%.*

## A-2). Transport worker participation systems

In this section, we analyse two aspects related, on the one hand, to the use of information and consultation systems and, on the other hand, to which entity workers turn to solve their problems.

### Information and consultation

In general, workers **confirm that they receive information** from their representatives: 90% of Norwegians, 70% of Italians, 64% of Spaniards and 60% of Greeks agree with this statement. However, this option is only recognised by 30% of Poles (where it is surprising that 45% say they do not know if they receive information) and by 35% of Croatians (where there is also a percentage of 20% who say they do not know, compared to 50% who say they do not receive it).



Regarding the evaluation of the information received, we see that the majority of respondents (more than 70%) describe it as **useful or appropriate**; in particular, in Spain, where this answer is given by 82% of respondents, in Norway with 80% of indications of this possibility, in Italy with 71% of such answers, in Poland with 67% of respondents and in Croatia, where such indications are 60% [we do not have these data for Greece].

The percentages obtained for the same **evaluation of the consultation system are similar** in Norway (90%), Spain (82%) and Italy (61%), the only countries that provided this data.

### Employee problem-solving system

Communicating workers' problems for resolution yields the following results by country:

- through trade unions: 88% in Norway; 75% in Italy; 50% in Spain; 35% in Greece and 5% in Poland;



- through employee representatives (works councils): 30% in Greece; 12% in Norway; 10% in Croatia; 8% in Spain and 5% in Poland;
- directly with the employer: 70% in Poland and Croatia; 33% in Spain and 20% in Italy;
- through the labour inspectorate: 15% in Poland and 8% in Spain;
- does not solve them to avoid problems: 10% in Croatia; and 5% in Italy.

### **A-3). Employment conditions of posted workers**

In the last part of the analysis of the transport workers' surveys, we focus on various aspects related to remuneration (wages), other employment conditions and job satisfaction.

#### **Compensation of employees**

As a first step, we asked about aspects related to the **remuneration of workers in the transport sector during posting** and obtained the following results, presented below.

##### Ustalenie wynagrodzenia

100% of respondents in Spain and 96% in Norway say that they are set by collective agreement. These results are 65% in Italy; 26% in Greece and 11% in Poland [no response was provided in this respect in Croatia]. Other answers given are as follows:

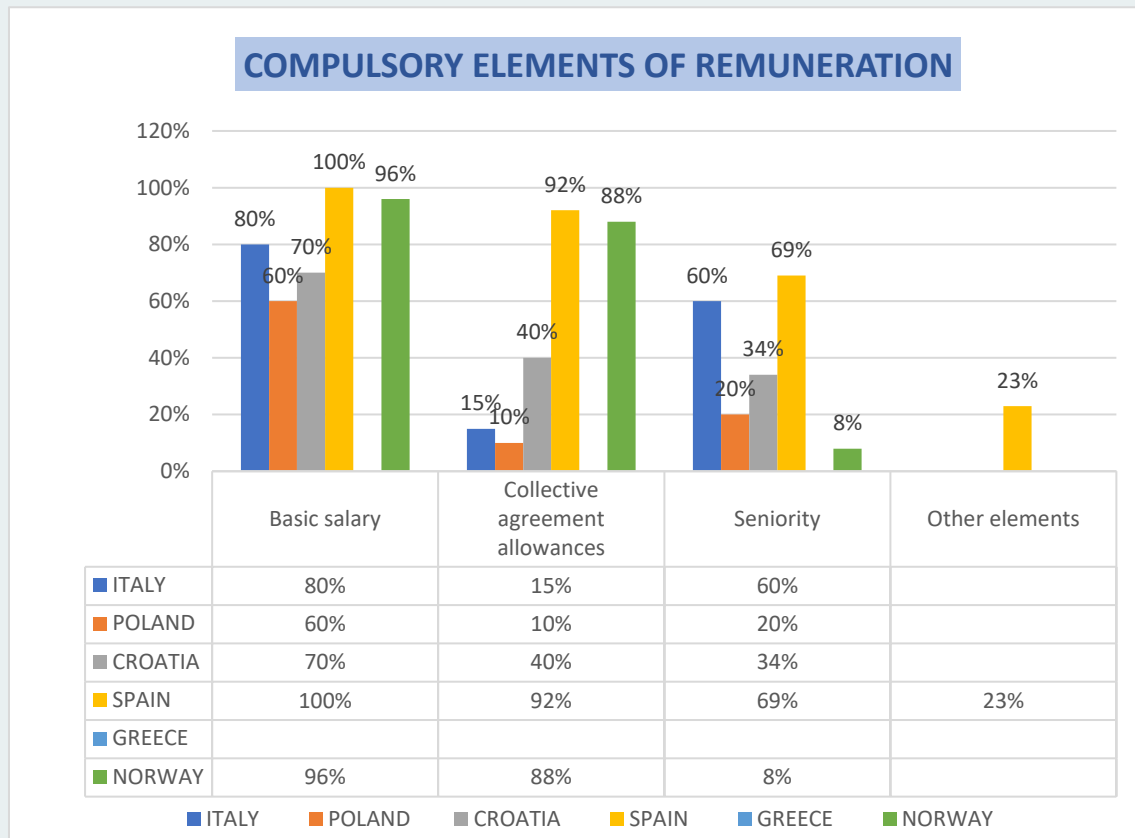
- through individual negotiations with the employer: 40% in Poland; 33% in Croatia; 21% in Greece and 20% in Italy;
- directly by the employer: 39% in Croatia; 26% in Greece; 20% in Poland and 10% in Italy;
- is determined by the government: 17% in Croatia, 15% in Poland and 5% in Italy.

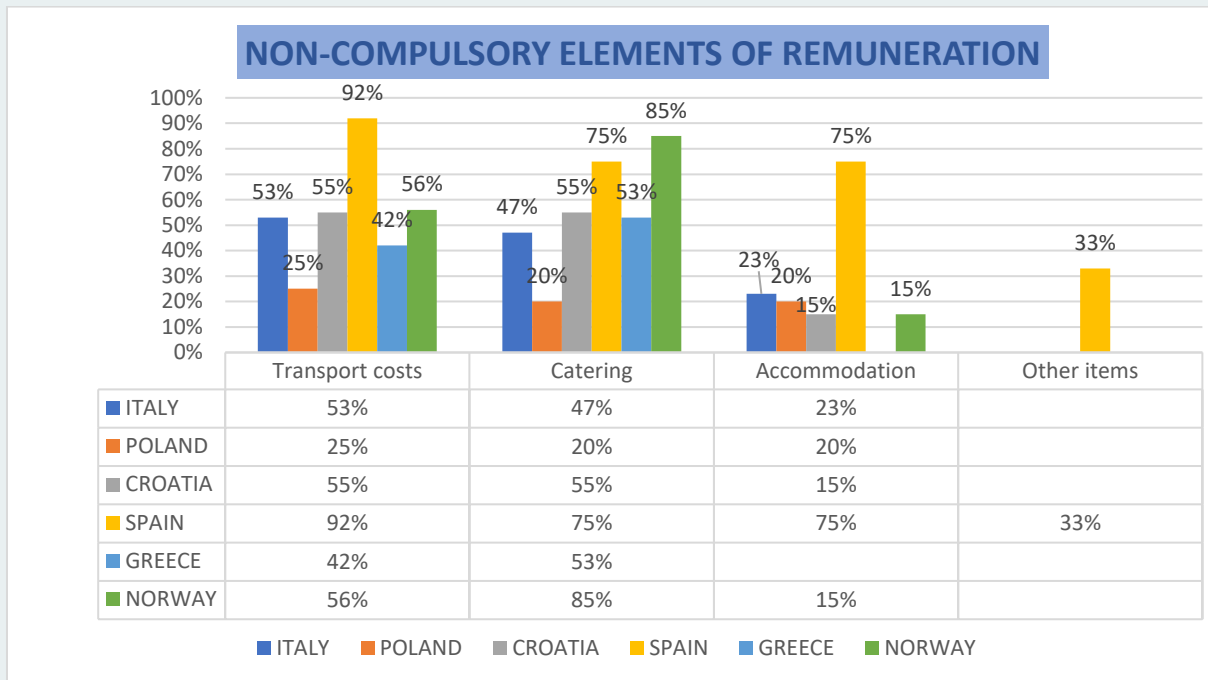
##### Mandatory elements that make up the salary

- **Basic salary** is set by 100% in Spain; 96% in Norway; 95% in Croatia; 80% in Italy; 70% in Greece; and only 60% in Poland.
- **Allowances set by collective agreement or employment contract** are reported by 92% of Spaniards and 88% of Norwegians (salary linked to the employment contract), followed, further from these percentages, by 40% of Croats, 15% in Italy and 10% in Poland.

- **Seniority allowances** are indicated by 69% of respondents in Spain and 60% in Italy, followed by 35% in Croatia, 20% in Poland and 8% in Norway.

In addition, in Spain (the only case where this is the case), 23% of employees reported the existence of 'other allowances' regulated in their collective agreements.





Non-compulsory elements

Various options were indicated in the surveys with the following percentages obtained for each of these optional concepts.

- **Transport allowances (or expenses):** 92% in Spain; 56% in Norway; 55% in Croatia; 53% in Italy; 42% in Greece and 25% in Poland.
- **Food:** 85% in Norway; 75% in Spain; 55% in Croatia; 53% in Greece; 47% in Italy and 20% in Poland.
- **Accommodation:** 75% in Spain; 23% in Italy; 20% in Poland and 15% in Croatia and Norway.

In addition, other optional elements are indicated in Spain, such as overtime (33%), special bonuses (8%) and other unspecified allowances.

Who is responsible for the payment of allowances related to the posting of an employee for business purposes?

84% of respondents in the case of Norway and 82% in Spain say that such remuneration is paid by the employer. These percentages are lower in other countries: 65% in Croatia, 63% in Italy, 58% in Greece and 35% in Poland.

Because a large number of workers who are not posted employees participated in the survey, some responses indicate that allowances of this type are not collected, as is the case for 40% of respondents in Poland, 29% in Croatia, 15% in Spain and 7% in Italy.

Finally, a smaller percentage of respondents reported that these expenses were paid by the client at the workplace: 6% of respondents in Croatia, 12% in Norway and 15% in Poland. In contrast, 6% of respondents in Italy and 5% in Poland reported that they were covered by the employee.

### Other employment conditions of workers

Workers' views on how they **rated their working conditions** in the transport sector were analysed first, with the majority of respondents finding them generally acceptable, although there are significant differences between the countries participating in the survey.

In Italy, only 12% of respondents found them acceptable, compared to 63% who said they were not acceptable and 25% who did not comment. In Poland, on the other hand, 45% of respondents found them good, compared to 30% who found them acceptable. In Croatia, the highest rated option is acceptable conditions, with 40% of respondents, compared to 25% who consider them inadequate. In Spain, the percentage rises sharply to 62% of respondents who find them acceptable and 15% who say they are good (only 8% find them inadequate). A very similar percentage is found in Greece, where 65% of respondents find working conditions acceptable (5% say they are "very good"). In Norway, on the other hand, 25% rate them as good and 40% as acceptable.

### Employee health monitoring

Employees largely receive at least annual assessments of their health, with a score just above 70% of respondents.

In particular, we see that 95% of respondents in Italy, 93% in Spain, 80% in Norway and 70% in Poland answered this question in the affirmative, with Greece (50%) and Croatia (only 40%) recording lower scores.

### Health and safety training received

With regard to health and safety training received and its frequency, we also observe significant differences between countries.

Thus, on the one hand, countries such as Norway (92%), Italy (80%) and Spain (62%) receive training in percentages that may be appropriate, while Greece (40%), Croatia (35%) and Poland (15%) record lower results.

Among employees who have received such training, evaluations of its frequency and quality are also more homogeneous, highlighting a low percentage of those who do not consider it adequate in Spain (70%); compared to a very high percentage of those

who consider it good and frequent in Greece (89%); Croatia (86%); Norway (80%); Poland (60%) and Italy (65%).

### **Motivation and personal satisfaction**

In this part of our analysis, we first assessed **employees' priorities in terms of their needs**.

Of the options proposed in the survey, **remuneration** was rated as the most important need by Spain, Italy, Croatia and Norway and ranked last among employee priorities in Poland.

In second place was greater recognition from the employer (the top choice in Norway, Greece and Spain, and last in Italy).

In second place was **more recognition from the employer** (the option most frequently indicated in Norway, Greece and Spain, and the last choice in Italy).

The third option most valued by employees **was to be consulted by the employer on work and career issues**, where the results in Poland (this was the most popular option), Italy, Norway and Spain drew attention.

The other options suggested in the survey received different results, with the following aspects standing out due to differences between countries:

- in Greece, the most popular option was to pay more attention to trade unions and health and safety at work;
- in Norway, care from trade unions stands out (in third place) contrasted with shorter working hours, which is the least important option for workers;
- in Croatia, the least valued options are care from trade unions and consultation with the employer on professional and work-related issues;
- in Poland, the least-mentioned options are reduced working hours, care for health and safety and the aforementioned pay aspects;
- in Italy and Spain, the least valued options are the same: time off and care from trade unions.

Secondly, we assessed the **degree of personal satisfaction**, and whether the employee considers themselves motivated to do their job. The responses obtained in Norway stand out, where 80% of respondents say they are motivated very often. In Spain, 71% of respondents say they are motivated only sometimes and 35% in Italy (where 40% say they are never or rarely motivated). [The other countries do not analyse this question in their national reports].

## **B) Analysis of the questionnaires collected from EMPLOYERS**

### **Surveys collected and profiles of respondents by country.**

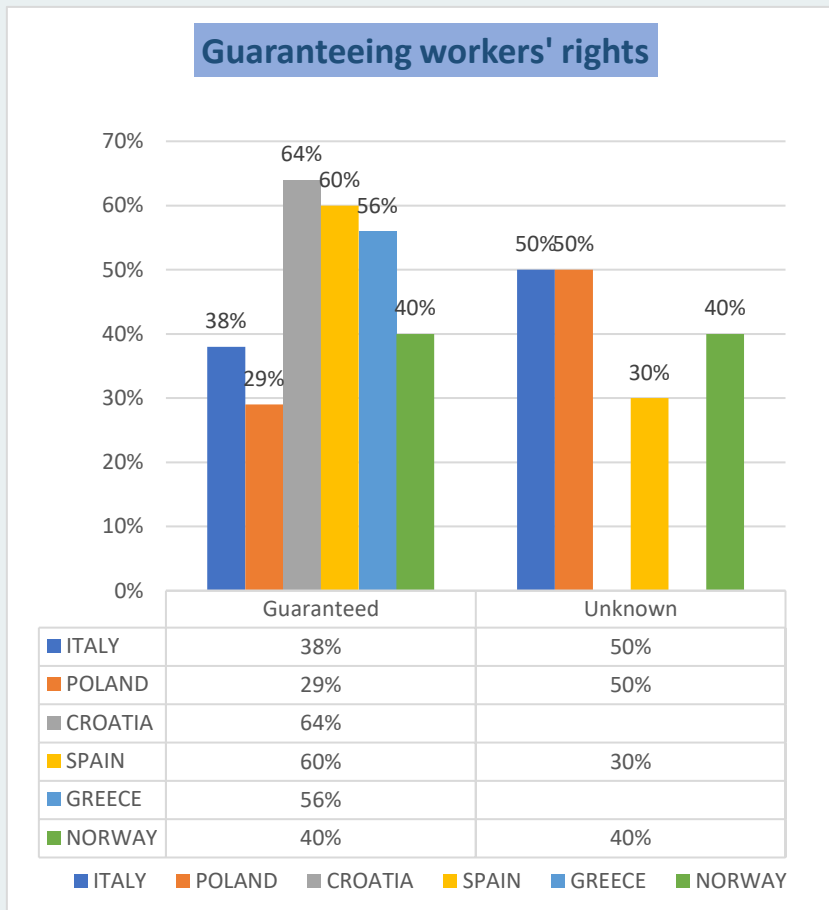
- ❑ **Italy:** 10 questionnaires were collected and the profile of respondents is as follows: male, aged between 35 and 54 or over 55 (both possibilities with 50%), with secondary education, for the vast majority of entrepreneurs whose country of activity is Italy.
- ❑ **Poland:** no data is available on the number of questionnaires collected and the profile of respondents.
- ❑ **Croatia:** a total of 15 employers with the following profile took part in the survey: men, aged 55+, with tertiary education, for the vast majority of entrepreneurs or company managers whose country of operation is Croatia.
- ❑ **Spain:** a total of 11 questionnaires were collected from employers with the following profile: male, 35-54 years old, with tertiary education. Most of them are representatives of business organisations or representatives (managers) of a company, and almost 30% are self-employed entrepreneurs. The country of activity of all respondents is Spain.
- ❑ **Greece:** 21 questionnaires were collected with a respondent profile: entrepreneur or company director aged 35-54.
- ❑ **Norway:** 25 questionnaires were collected, but no information was given on the profile of the respondents.

A total of **82** questionnaires were collected (to which should be added those collected in Poland, the number of which is not given in the report), and the profile of the respondents among the employers was: **male, over 35 years of age (between 35 and over 55), with a university degree, an entrepreneur or manager of a company whose country of operation is the country of origin.**

### **B-1). Knowledge and application of European and national legislation on the posting of workers**

In general, employers show a greater knowledge of European legislation than employees. Thus, 82% of respondents in Spain, 73% in Croatia, 72% in Norway, 71% in Greece and 70% in Italy and Poland confirm their knowledge of them.

Of the employers who confirmed knowledge of the European legislation, 78% of respondents in Spain indicated that the **legislation applies in their country** at a general level and 60% in the transport sector. Similar results were found in Norway, 72% in both cases, 64% in Croatia (both at a general level and in a specific area of the transport sector) and 50% in Greece; but only 35% in the case of Poland (where, moreover, 64% believe that the rules apply in the transport sector) and 25% in Italy.



Regarding whether the legislation **guarantees the rights of posted workers**, the opinion of 64% of respondents in Croatia, 60% in Spain and 56% in Greece stands out, compared to 40% of respondents in Norway and 38% in Italy and 29% in Poland, although the number of answers indicating lack of knowledge in this respect is high: 50% in Italy and Poland, 40% in Norway and 30% in Spain.

As to whether the legislation **applies to posted workers in each country**, 90% of respondents in Spain say it does, 72% in Norway and 64% in Poland, compared to only 25% in Italy, where 75% say it does not apply.

Moreover, 91% of respondents in Spain and 88% in Norway say **there are collective agreements specific to the transport sector** in their countries, while 57% in Poland and 53% in Croatia do not know whether such agreements or arrangements exist.

Finally, as in the case of workers, employers were also asked about **problems with posting regulations**, stated:

- 91% of respondents in Spain, 60% in Croatia, 44% in Norway, 40% in Greece, 34% in Poland and 30% in Italy indicate a **lack of information** on the rules;
- **lack of clarity of the European rules** is reported by 82% of respondents in Spain, 70% in Italy, 48% in Norway and 16% in Poland;
- **problems with interpreting** the rules are reported by 76% of respondents in Norway, 73% in Spain, 50% in Italy and 19% in Poland;
- **incorrect application of the rules by businesses** is reported by 70% of respondents in Norway;
- **lack of transposition of rules** is indicated by 30% of respondents in Greece, 20% in Croatia and 16% in Poland.

## **B-2). Transport workers' participation systems**

We learn that 93% of employers in Croatia and Norway and 80% in Italy say they use information and consultation systems, followed by 71% in Greece and 65% in Spain and Poland.

In terms of the entity through which they carry out these participation systems, 72% of Norwegians do so through trade unions (12% through employee representatives and 10% directly with employees according to further data from Norway).

In Spain, 88% of respondents do it through employee representatives (works council), while in Italy and Poland, the most frequently indicated option is directly with employees, which was chosen by 63% of Italian employers and 65% of Polish employers (who use employee representatives in 23% and trade unions in 8%).

## **B-3). Employment conditions for posted workers**

### Remuneration

The most commonly indicated way for employers to set employees' remuneration is by a collective agreement, the option most frequently chosen in Spain (80%), Norway (76%) and Italy (67%); to a lesser extent in Croatia (40%) and Poland and Greece (25% and 24% respectively).

Other response options get the following results by country:

- **direct negotiation between employer and employee:** 40% of respondents in Poland; 33% in Italy; 29% in Greece; 27% in Croatia and 16% in Norway;



- **unilateral decision by the employer:** 33% of respondents in Croatia; 22% in Italy; 19% in Greece; 10% in Spain and Poland; 4% in Norway;
- **based on government regulations in force in the country:** 29% of respondents in Greece, 11% in Italy, 10% in Spain, 5% in Poland and 4% in Norway.

In addition, 100% of the employers surveyed in Spain, 80% in Croatia, 78% in Italy, 77% in Greece and 64% in Norway say that they cover the costs of transport, food and accommodation of their employees during the posting.

#### **B-4). Employers' knowledge of current European mobility legislation**

In this last question addressed exclusively to employers, we obtained the results shown below.

- Familiarity with the rules on the activities that road transport companies must carry out between different Member States.

Confirmation of their knowledge: 75% of respondents in Norway; 71% in Greece (although, when asked to name two examples of such activities, only 45% of respondents mentioned one of them); 64% of respondents in Spain; 60% in Croatia (although, as noted in the above example concerning Greece, also in this case only 33% were able to name one of these activities); 35% in Poland (similarly to the aforementioned example of Greece and Croatia, only 30% were able to name one of these activities). In contrast, only 11% of respondents in Italy stated that they were aware of these provisions.

- Awareness of the existence of an online tool for reporting the posting of workers

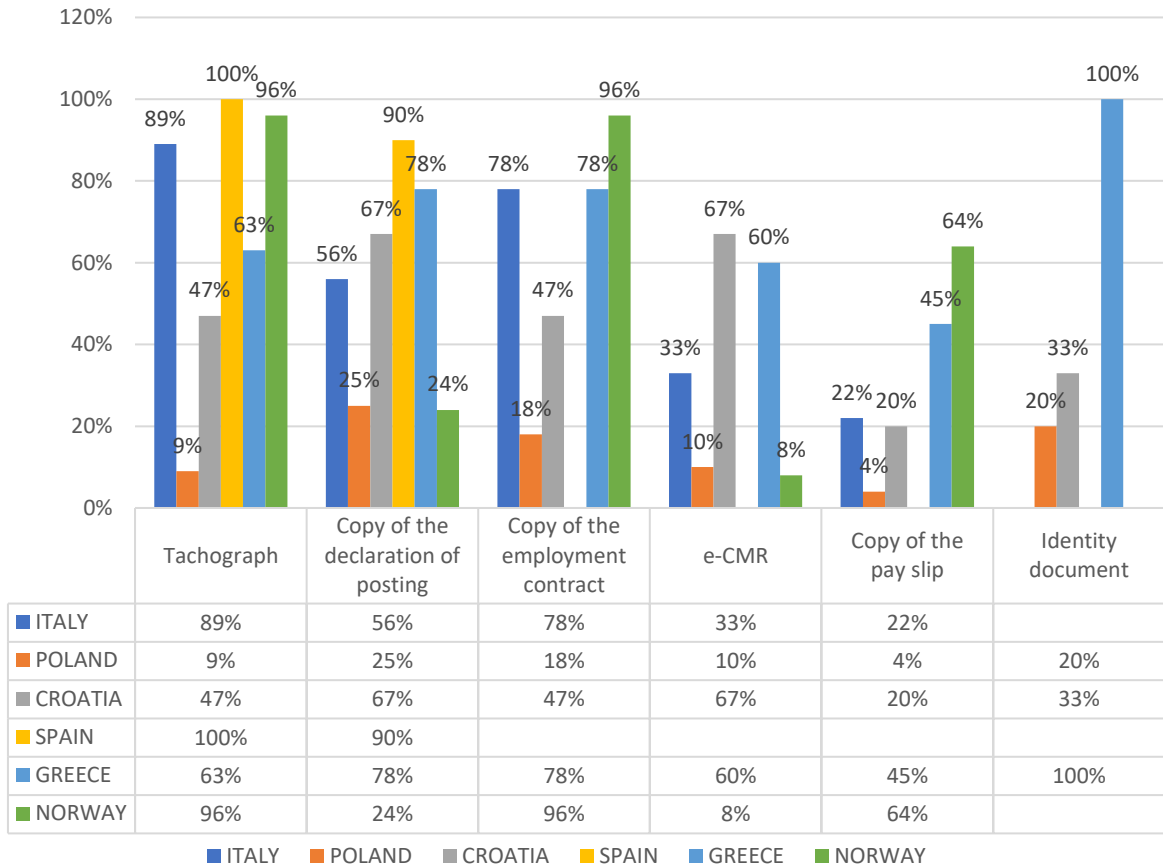
Except for Spain (73%) and Norway (52%), the remaining countries are largely unaware of the existence of the said online tool.

More specifically, 80% of the Italian entrepreneurs surveyed **are not aware** of it, and 65% of the Polish entrepreneurs.

In the case of the reports from Croatia and Greece, another aspect draws attention, more specifically the fact that in both cases around 55% of entrepreneurs claim to be familiar with these tools, but only 30% of Greeks and 20% of Croats can correctly name them.

- Documents that the driver must have during the posting: this last question was used to check the actual knowledge of employers about these documents, with the following results:
  - **tachograph register**: 100% in Spain; 96% in Norway; 89% in Italy; 63% in Greece; 47% in Croatia and 9% in Poland;
  - **copy of the posting declaration**: 90% in Spain; 78% in Greece; 67% in Croatia; 56% in Italy; 25% in Poland and 24% in Norway;
  - **copy of employment contract**: 96% in Norway; 78% in Italy and Greece; 47% in Croatia and 18% in Poland [no respondent in Spain selected this option];
  - **electronic consignment note (e-CMR)**: 67% in Croatia; 60% in Greece; 33% in Italy; 10% in Poland and 8% in Norway [no respondent in Spain selected this option];
  - **proof of driver payment**: this response was indicated by 64% of respondents in Norway; 45% in Greece; 22% in Italy, 20% in Croatia and 4% in Poland [no respondent in Spain selected this option];
  - finally, reference was made to **operator identity document** indicated by 100% of respondents in Greece; 33% in Croatia and 20% in Poland.

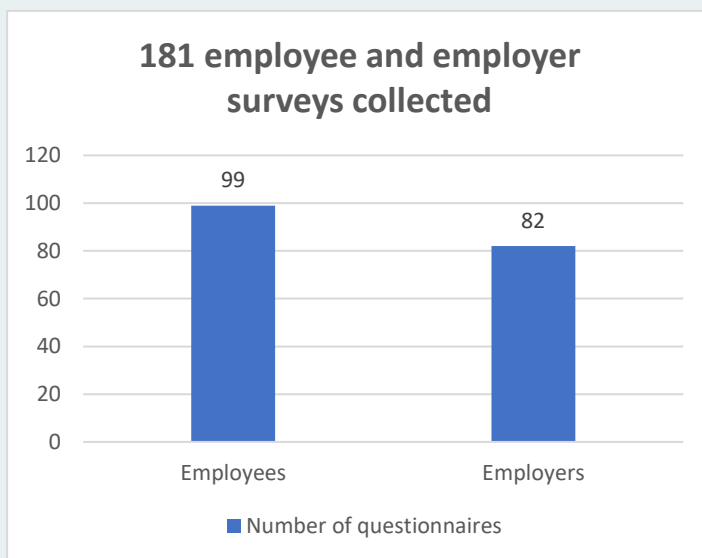
### DOCUMENTS TO BE HELD BY THE DRIVER DURING THE POSTING



### III. COMPARATIVE ANALYSIS OF RESULTS BETWEEN EMPLOYEES AND EMPLOYERS

The present analysis addresses only three aspects answered by both groups, which at the same time are the only ones that can form the basis for a comparative analysis. These issues are knowledge and application of European legislation; the information and consultation system; and the setting of transport workers' salaries.

#### Questionnaires collected and profile of respondents



A total of **181** questionnaires were collected (to which should be added those collected in Poland, the number of which is not given in the report), with the following profile of respondents: **male, aged between 35 and over 55, the latter group is found in the case of employers, with a secondary or tertiary education, whose country of activity is their country of origin (the majority of employees are not posted) and who act as truck drivers or drivers in the case of employees. The others are entrepreneurs or company directors.**

	Employees	Employers
<b>Surveys</b>	<b>99</b>	<b>82</b>
<b>% of total</b>	<b>55%</b>	<b>45%</b>

#### 1). Knowledge and application of European and national legislation on the posting of workers

- **Awareness of European rules:** in general, employers show a higher awareness of European rules, reaching an average percentage among the countries participating in the survey of 73%, compared to 57% obtained in the analysis of the workers' surveys, where the low percentages in Croatia and Poland stand out.
- **Application of European rules:** both groups obtain a similar percentage, around 75%, stating that these rules are applied in the transport sector in their

country. However, it is important to highlight the very high percentage, 75%, of Italian employers who claim that these rules are not applied in their country.

- **Guarantee of workers' rights through European legislation:** workers and employers agree on this issue. Both groups indicate that these laws do not guarantee workers' rights: 56% of employees (100% of Polish employees say that these rights are guaranteed) and 53% of employers, although among the latter there is a percentage of more than 50% who do not know in this regard.
- **Existence of country-specific legislation:** on this issue, we did not find a consensus across countries, but we did find one among the participating groups. For both employers and employees, only Spain and Norway (around 90%) report the existence of such agreements, compared to high levels of ignorance (55%) among Croatian and Polish employers and 73% among employees in these two countries, as well as among Italians.
- **Problems with posting regulations: lack of information** is the most important problem according to both groups, with this issue receiving 45% of indications (50% for employers and 43% for employees).

This is followed by **problems of interpretation** with a score of 35% (36% for employers and 34% for employees); and in third place is the **lack of clarity of regulations** with a score of 30% (36% for employers and 25% for employees).

It should also be noted that both Norway (for both groups) and Croatia and Greece (for employees) indicate that **incorrect application of rules by companies** is quite important and that Greece, Croatia and Poland, although in percentages slightly higher than 20%, also indicate a **lack of transposition of rules**.

## 2). Transport worker participation systems: information and consultation

**Only 58% of employees say they receive information from their representatives, compared to 78% of employers** who say they give this information to employee representatives. If we analyse the data by country, we find that Norway, Italy, Greece and Spain hold the balance between the answers given by employers and employees.

On the other hand, the data from Croatia, where 93% of employers say they use information and consultation systems but only 35% of employees (50% say they do not receive any information) and Poland, where 65% of employers say they use these systems but only 30% of employees (45% say they do not know if they receive this information), are surprising.

Regarding the entity through which employers and employees use participation systems or communicate solutions to their problems, employers and employees unanimously indicate that they do so through trade unions, which is the majority option, or through employee representatives, both options accounting for about 57% of the results obtained; and in second place is the option directly with the employer with almost 40% of indications and where the case of Poland stands out with a percentage of about 65% in both groups.

### **3). Employment conditions of posted workers**

The only aspect that we can contrast between the two groups is the one that relates to how wages are set in the transport sector and whose responsibility it is to pay per diem during posting.

It can be concluded that the **collective agreement is the option chosen by the majority** for both groups (60% of employees and 52% of employers), highlighting the similarity of the results obtained in both groups in all countries except Croatia, where, while 40% of employers choose this option, no percentage was recorded among employees. Poland also shows a discrepancy between the opinions expressed by employers, with 25% confirming that it is a collective agreement by statement and only 11% of employees indicating this option.

In the second place, employers and employees choose **direct negotiation between employer and employee, 22%**: 19% of employees and 24% of employers, with the highest percentages, similar in both groups, in Croatia and Poland (40% in both groups in this country).

The third position is occupied by the option indicating that **wages are set directly by the employer, with 16% of indications** in both groups and the highest percentage in Croatia. Finally, the option that wages are set by **government regulations in each country** receives 8% of the overall results (6% of employees and 10% of employers), with Greece standing out in this option.

There is also a consensus between the two groups and, in general, within each country, as to **who is responsible for paying the allowances associated with posting a worker for professional purposes**, with the majority agreeing that these salaries are the responsibility of the employer (although in Poland only 35% of workers say this), although it should be noted that there is a percentage of around 6-10% of respondents who say that these expenses are paid by the client at the destination or by the worker.

#### IV. EXPERT EVALUATIONS

In this section, we will briefly summarise the assessment made by each expert in their country report.

- ❑ **Italy:** the expert states that his knowledge of the reality in his country coincides with the data obtained in the research.

He points out that the transport sector in Italy is dominated by small companies (with less than 50 employees), which account for almost 90% of the economic structure, and that the research has shown that employers and employees rely on collective bargaining regulations that establish certain rules.

Surprisingly, however, the percentage of workers who say they are unaware of European posting regulations is the same as those who are aware of them (50%); this percentage overlaps with those who are unaware of the application of regulations in their own country (46%) and in the transport sector (61%).

In addition, it highlights that workers strongly ask trade unions to pay more attention to their concerns, especially in the area of safety at work.

- ❑ **Poland:** emphasises in its report that, given the lack of knowledge of the legislation and its application in Poland, the necessary measures should be taken in the form of more education and information to the public about the legislation and its possibilities for workers, as well as more training and promotion of knowledge on the subject.
- ❑ **Croatia:** according to a Croatian expert, employees in the transport sector are mostly unaware of the applicable legislation and do not know what rights they have, while employers in the sector believe they know the legislation and their obligations, but do not demonstrate this in practice.

What is needed to satisfy both workers and employers in the transport sector in the future, in addition to familiarising both groups with the rules in force, is to improve the working conditions of workers, especially those related to training on the prevention of occupational risks and the organisation of annual medical examinations for mobile workers.

At the same time, it is pointed out that employers should carry out analyses of workers' needs to influence their motivation.

- ❑ **Spain:** as regards the expert's personal assessment of the general conclusions drawn and his knowledge of the situation of the transport sector in Spain and of the specific rules on the posting of workers, one can only agree with the results

of the research phase. Also, the existence of a significant number of interviewees who are self-employed in the sector (employers and employees at the same time) and therefore have both perspectives and the regulations of collective agreements for the sector and sub-sectors, which establish specific norms in this regard, should be taken into account.

However, the expert is surprised by the high percentage of workers who say they are aware of the European regulations on the posting of workers but are not aware of their application in their professional sector (68% of respondents).

- **Greece:** the survey results show that employers are more aware of the existing posting rules than the workers themselves; however, when asked to give examples of such activities, only a small number of employers can give concrete answers. This leads to a discrepancy in the knowledge of employers and employees about their rights and obligations.

Both employer and employee surveys point to a lack of information as a fundamental problem faced by both, so it seems reasonable to improve communication and dissemination of information on the rights and regulations of posted workers.

It was also noted that there are mechanisms for worker participation, but there is room for improvement to ensure effective participation and representation of workers.

Finally, regarding remuneration, there is a heterogeneous system for setting wages for posted workers in the transport sector. There is therefore a lack of uniformity in this regard. There is also the problem of limited access to medical examinations and training in occupational risk prevention.

- **Norway:** after a brief review of the main conclusions reached during the research phase in various aspects, points out some elements such as the decisive role of trade unions in terms of information and consultation on legal awareness about the Posting of Workers Directive; and in addressing workers' concerns.

Regarding the overlapping views of employers and workers on the issue of remuneration of posted workers, he said that the costs of posting workers are largely reimbursed by employers through clients in the country of posting.

The expert points out that the research and level of knowledge have undoubtedly also been influenced by the activities of his trade union, which aims to raise the legal awareness of workers and which, through



an internal newsletter but also as part of its daily activities, informs union members of the applicable legal provisions on the working environment, including, inter alia, the provisions of the Posted Workers Act.

It seems that the knowledge of employers and workers who have not been confronted with the issue of posting of workers is lower or significantly lower, and therefore further measures are necessary and required to consistently increase the knowledge of workers and employers about the posting of workers. In conclusion, a better knowledge and understanding of EU law solves many everyday legal challenges and we just need to move forward.

## **V. CONCLUSIONS DRAWN FROM THE COMPARATIVE ANALYSIS**

To present the conclusions, we can draw from the analysis of the six *national reports* produced by the experts from the participating countries, we use the same sections referred to in the previous blocks of our analysis in this *comparative report*.

### **On the knowledge and application of European and national rules on the posting of workers**

- Employers are more aware of the European rules than workers, although the latter also claim to be aware of them in percentages close to 60%, and both groups say that these rules are applied in the transport sector in their country.

However, neither workers nor employers believe that these rules guarantee workers' rights.

- In Croatia and Poland, as well as in Italy, there is a high level of ignorance about the existence of specific legislation, but only among workers.
- Lack of information is the most important problem related to the current posting rules, followed by problems of interpretation and lack of clarity of the rules. However, some countries also mention misapplication of the rules by companies and the lack of transposition of the rules.

### **On transport worker participation schemes: information and consultation**

- It can be concluded that workers receive the information provided by employers to their representatives (although it is surprising to see a difference of 20 percentage points for employers, 78% compared to 58% for workers).

Employees rate the information they receive and the consultation system established as **useful or adequate** by a large majority (over 70%).

- Employee participation and problem-solving systems are mostly implemented through trade unions or employee representatives. However, there is a percentage of about 40% who would do so directly with the employer.

### **On the terms and conditions of employment of posted workers**

- The collective agreement is indicated by the majority as the instrument through which workers' wages are set in the transport sector. However, 22% of respondents said that wages are negotiated directly between the employer and the employee, and 16% said that they are set directly by the employer.

- The basic salary, allowances established by collective agreements or in the employment contract and the length of service allowance in the company are indicated as compulsory elements that make up the salary.
- Non-compulsory elements indicated by the majority are allowances for transport, food and accommodation during the trip, with both groups and countries, in general, agreeing that the employer is responsible for paying allowances related to the posting of an employee for work-related purposes.
- Working conditions in the transport sector are considered acceptable by the majority of respondents, albeit with percentage differences by country, with Italy standing out as the country where the majority consider them inadequate.
- The majority of workers have at least annual check-ups on their health, with a percentage of just over 70%, as well as training on health and safety in the workplace with a frequency and quality considered adequate.
- Employees indicate pay as a priority in terms of their needs, followed by greater recognition from the employer and consultation with the employer on work and career issues.

### **Employer awareness of current European legislation Mobility**

- Awareness of the legislation concerning the activities that road transport companies must carry out between different Member States is very low, barely exceeding 50% in the average of the participating countries; although this percentage drops to minimum percentages in Italy, 11%, and Poland, 35%.

Furthermore, it should be noted that both Greece and Croatia, in their reports, doubt the percentages obtained in their surveys because, as they point out, when asked to name two examples of such activities, very few can do so.

- There is a general lack of knowledge of the existence of an online tool for declaring the posting of workers (only Spain with 73% and Norway with 52% show significant knowledge).
- The tachograph record, a copy of the declaration of posting and a copy of the employment contract are the three documents most frequently mentioned by employers as those that the driver must have with him when posting.



# **MIPACT**

Mobility Impact on Transport Workers



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