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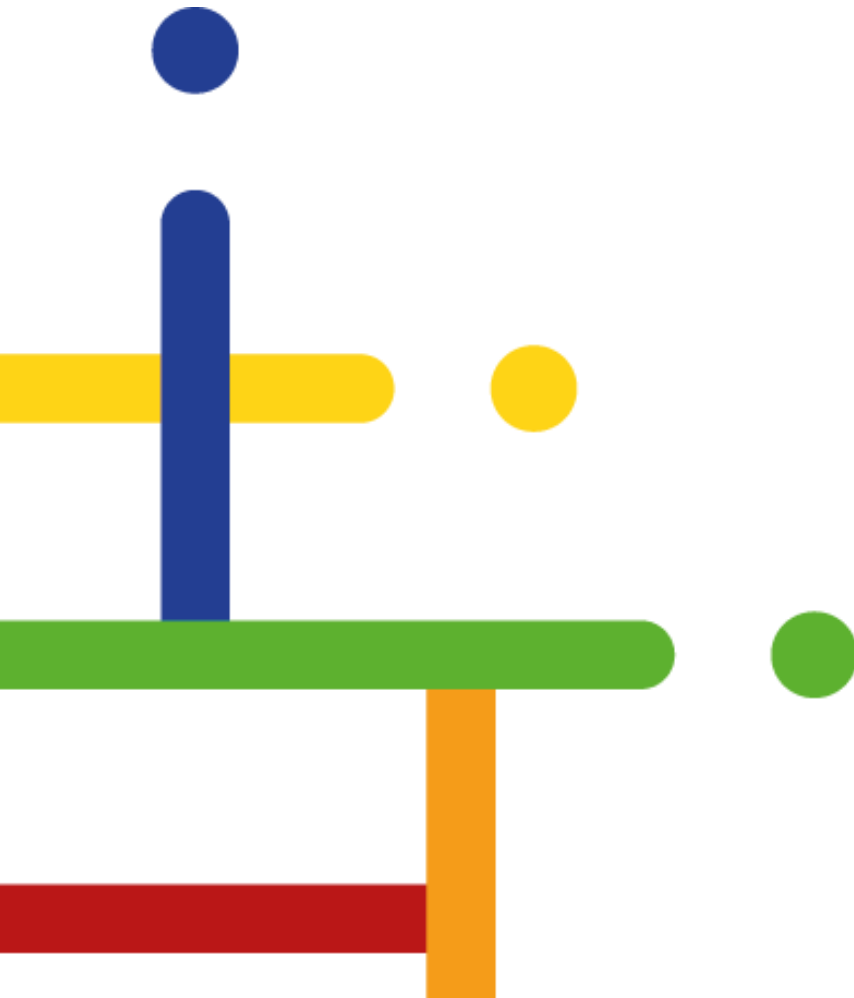
INFO – POW

Assessment of the channels of information and their use in the posting
of workers

COUNTRY REPORT ITALY

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Rossana Cillo and Fabio Perocco Ca' Foscari
University of Venice



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General contact: Sonila Danaj [danaj@euro-centre.org]

For more information: Rossana Cillo [rossana.cillo@unive.it]; Fabio Perocco [fabio.perocco@unive.it]

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1 Executive Summary

This country report provides an assessment of the channels of information and their use in the posting of workers in the construction industry in Italy. It fills a gap in understanding how transnational posting and receiving companies find and use information and how that affects their compliance with posting rules and the protection of labour and social standards. The empirical data for the report were collected between December 2022 to August 2023 through mixed methodologies that comprise: a mapping of information channels provided by public and private entities; interviews with representatives of public authorities, social partners and private service providers that are responsible for the provision of information on posting; and the results of a survey of posting and receiving companies based in Italy.

The mapping covered 38 online and offline information channels provided by State and non-State actors, such as websites, national contact points, brochures, trainings, face-to-face consulting services. The sample included 21% of information channels provided by State actors (including the single national Italian posting website, <https://distaccoue.lavoro.gov.it/>) and 79% by non-State actors, such as employers' organisations, trade unions, the National Bilateral Construction Industry Board, NGOs and private consultancies. Considering the governance level, there is a clear prevalence of actors that provide information at the national level (87%), whereas only a minority of the actors also includes information relating to the regulatory framework of other EU Member States. Concerning the target audience, the vast majority of information channels provide information aimed at posting companies (84%), 58% at user undertakings and 53% at posted workers. The information provided is prevalently focused on posting to Italy or is useful for both posting from and to Italy (e.g., general information on the posting of workers regulatory framework). In terms of sector, 66% of the sample offers information only related to posting in general, 32% to the posting in the construction sector only and 3% to both posting in general and the specificities of the construction sector.

In terms of language accessibility, 79% of the information channels are only available in Italian, while the remaining 21% offer at least an English version of the information provided. The single national posting website provide translation into English, German and Romanian. In terms of scope and content of the information channels, the majority of the sample offers information on issues related to posting to Italy rather than posting from Italy and focuses on the registration for social insurance and contributions and the mandatory working conditions, rather than on redress or appeal in case of sanctions and compensation, taxation, and work permits.

The empirical data analysed in this report also included five semi-structured interviews with eight information providers operating at provincial, regional and national level. The main topics on which advice is requested are administrative procedures (e.g., submission of the prior notification), mandatory working conditions, taxation, sanctions and enforcement in case of non-compliance. In addition, the Italian Association of Construction Companies and the Bilateral Construction Industry Board provide information on compulsory registration with construction funds, particularly in respect of companies and posted workers from countries without mutual recognition of the registration. Regarding the sources of information, the organisations/institutions/consultancies interviewed refer to the European and Italian legal framework, however some of the interviewees, including one

consultancy, offer specific services for outgoing postings, by providing information on the legal framework and administrative procedures of other Member States.

The respondents identified several challenges that posting and user undertakings face in accessing information. In the case of incoming postings, one of the main challenges is related to access correct information on wages and the national collective bargaining agreements at the sectoral level that must be applied to incoming posted workers, as the single national posting website is not able to provide accurate information due to the complexity of the national collective bargaining system in Italy. Additional challenges are related to access information on occupational safety and health and to the mandatory registration of posted workers with the construction funds in the province where the sending company provides its services (especially in the absence of mutual recognition and exemption agreements, which have only been signed with Austria, Germany, France and San Marino).

Regarding outgoing postings, respondents reported difficulties related to language barriers, to access to clear information on the websites of the receiving countries, and the lack of homogeneity in the administrative procedures of the receiving countries. Additional challenges are related to the cost of access to information: in the cases of both incoming and outgoing posting, only large companies can manage the procedures autonomously, while most companies must rely on external consultants, such as private labour consultancies and employers' organisations.

Finally, the survey findings show that the main information channels used by sending and receiving companies based in Italy are private consultancies or legal firms, EU institutions, public authorities and the receiving/sending company they are working with. They are mainly interested in information on the applicable remuneration, postings exceeding 12 months, prior notifications, the request of a Portable Document A1 and the payment of social security contributions. When looking for posting-related information, respondents consider it very important to have access to up-to-date and sufficiently detailed information, possibly available in a single place and in different languages. It is also very important to have an office or person to call or visit for questions related to the posting of workers. The survey also revealed that access to information can be a challenge to participating in posting for half of the respondents and that the main barriers are related to the understanding the information provided, time and effort required, language and the cost of obtaining information.

The main recommendations include suggestions for improving the existing information channels, such as providing translations into additional languages, adopting “user friendly” medium and tools, providing additional information on issues related to applicable working conditions and remuneration at both national and EU level, adopting homogeneous administrative procedures.

2 Introduction

The INFO-POW project aims to identify and assess challenges and needs of construction companies in accessing and using relevant information regarding the posting workers. This study fills a gap in the understanding of how transnational posting and receiving companies find and use information in their interaction with national institutions and how that affects their overall performance in terms of the correct application of the posting rules and the protection of labour and social standards. In the context of this project, a company which posts workers abroad is considered a ‘posting company’, also including self-employed persons who post themselves abroad. A company which makes use of services/work provided by posted workers from abroad is considered a ‘receiving company’.

In this country report, the case of Italy is discussed. The research questions which are investigated for are the following:

1. How do transnational posting undertakings and user undertakings find and use information on the posting of workers?
 - a. What are the public and private channels of information on the posting of workers available to posting undertakings and user undertakings in Italy?
 - b. What information is available? How accessible is it? And what is the quality of the information available?
 - c. What are the best practices identified?
2. How do posting undertakings and user undertakings assess the availability, accessibility, and quality of the available information on the posting of workers?
3. How can access and quality of information on the posting of workers be improved to address the needs of posting undertakings and user undertakings?

The empirical data for the report were collected through mixed methodologies that comprise: a mapping exercise of 38 online and offline channels of information provided by public and private entities; semi-structured expert interviews with 8 representatives of public authorities, social partners and private service providers that are responsible for the provision of information on posting; and the survey results of 9 responding posting and user undertakings based in Italy. The country case study provides an evidence base for identifying information gaps, and to understand how posting undertakings and user undertakings in Italy find and use information in their interaction with national institutions as well as other social partners and private actors.

The report is structured as follows. In the next section (Chapter 3) we describe our data collection and analysis strategies. The methodological discussion begins with a brief overview of the characteristics of the construction sector and posting in Italy. This is followed by the national regulatory framework for information on posting in Italy (Chapter 4). The presentation of our empirical findings is organized in three chapters according to the data collection method: one on the results of the mapping of national channels of information (Chapter 5), one on the insights of posting information providers collected through semi-structured interviews (Chapter 6), and one on the results of the survey (Chapter 7). Gaps, barriers, best practices and/or recommendations provided by the interviewed experts and the survey respondents are provided at the end of each respective chapter. We conclude the report

with a presentation of overall recommendations that are drawn from a culmination of all the findings presented in the report. At the end of the report, we draw some conclusions and provide overall recommendations.

3 Methodology

3.1 Country profile construction and posting characteristics

Characteristics of the construction sector

According to the I.Stat database,¹ in 2021 in Italy there were 520,212 companies active in the construction sector, equal to 11.4% of the total companies registered in Italy. Among these companies, 114,705 were active in the “Construction of buildings” subsector (NACE F41), 6,543 in the “Civil engineering subsector” (NACE F42) and 398,964 in the “Specialised construction activities subsector” (NACE F43). As for the labour force, 1,355,427 people were employed in the construction sector (8.2% of the number of persons employed in Italy), including 843,261 employees. The average number of persons employed by each company is equal to about 2.7 persons. Regarding the number of self-employments in the sector, there were 299,114 self-employed persons (I.Stat database 2023).

Table 1 – Number of enterprises in Italy, in the construction sector (F) and in construction subsectors (F41, F42, F43)

Enterprises	2015	2016	2017	2018	2019	2020	2021
TOTAL	4338085	4390911	4397623	4404501	4377379	4427307	4540634
F: Construction	511405	508696	500672	493018	487266	497709	520212
F41: Construction of buildings	119414	117249	113782	112558	110942	107879	114705
F42: Civil engineering	6673	6626	6476	6520	6582	6463	6543
F43: Specialised constr. Activities	385318	384821	380414	373940	369742	383367	398964

Source: I.Stat database

Table 2 – Number of persons employed in Italy, in the construction sector (F) and in construction subsectors (F41, F42, F43)

Persons employed	2015	2016	2017	2018	2019	2020	2021
TOTAL	16289875	16684518	17059480	17287891	17438078	17137906	17617333
F: Construction	1324428.4	1323972.5	1309649.8	1307384.7	1320574.2	1355917.6	1458366.5
F41: Construction of buildings	320068.44	309937.2	297866.97	295064.82	295684.26	302932.02	326557.47
F42: Civil engineering	89294.45	91556.53	89884.44	90930.47	92337.19	96060.63	104857.93
F43: Specialised constr. Activities	915065.51	922478.76	921898.35	921389.43	932552.71	956924.94	1026951.1

Source: I.Stat database

The global economic crisis of 2008 profoundly affected the construction sector in Italy, continuing its influence over sector in the following decade. Indeed, between 2008 and 2018, the total number of employed people in the construction sector decreased from 1,925,500 to 1,406,800 units, whereas the number of employees decreased from 1,238,500 to 860,100 employees (Eurostat database). The crisis was further exacerbated by the 2020 pandemic, leading to a further decline in businesses and the number of people employed in the sector. The decrease phase was reversed in 2021 and 2022 thanks to the introduction of measures aimed at improving the energy efficiency of private housing² and, to a

¹ Istituto Nazionale di Statistica (ISTAT) – The Italian National Institute of Statistics.

² Through the “Superbonus 110%”, instituted by article 119 of the Decree Law n. 34/2020 (Relaunch Decree), the Conte government introduced “a deduction of 110% of the expenses incurred starting from 1 July 2020 for the implementation of specific interventions aimed at energy efficiency and static consolidation or the

lesser extent, by measures aimed at renovating and building new public infrastructures, which meant that “in 2021, the contribution of the construction sector to the GDP was equal to 27% of the recorded growth (+6.7 %)” (ANCE 2022b, p. 6). The growth of investments in the public and private sectors of the construction sector has raised the number of employed people from around 1,355,000 in 2020 (I.Stat database, see table 2) to “around 1,550,000 in the first half of 2022, equal to 25.2% of workers working in the industry overall and 6.2% of those in the entire national economic system” (ANCE 2022b, p. 40).

In 2023, further growth of the public sector investments in construction are expected, mainly due to the release of resources from the European Union (e.g., National Recovery and Resilience Plan). However, the growth of private residential construction is already slowing down due to the limits on the measures to support the private sector introduced by the government Meloni, stopping the transfer of the tax credit and invoice discount for energy requalification interventions, blocking the deadlines for completing renovations already underway and lowering the tax credit percentages for energy requalification starting from 2024 (ANCE 2022b). In addition to the volatile trends of the Italian construction sector in the last 15 years, the following issues are also important characteristics of the sector, affecting its size and volume in recent and coming years:

- the widespread black economy: in 2020, the underground production constituted 19.3% of the added value of the sector (ISTAT, 2022),
- the prevalence of medium-small enterprises and the process of atomization of the entrepreneurial fabric caused by the economic crisis of 2008 (ANCE, 2022a): in 2021, enterprises with fewer than 50 employees were 518,684 out of a total of 520,212 enterprises (I.Stat database 2023),
- the shortage of specialized labour force: in 2021, as many as 40% of the occupational profiles in the construction sector were considered difficult to find in Italy (ANCE 2022a, p. 8),
- the delay in the digitization process of the sector that also affects the average productivity of businesses (ANCE 2022a),
- the lack of a strategic public investment plan, which negatively affected the sector in the decade after the 2008 economic crisis and which, in recent years, has made its recovery dependent on resources from the European Union (Italia in dati 2021).

Posting characteristics

As for the posting of workers, Italy plays a double role and has had growing importance both as a sending country and as a receiving country. Regarding incoming postings, over the years, there has been a fluctuating trend of growth that reached its peak in 2019 (with 173,727 PDs A1). This means almost a quadruple number of postings compared to 2012 (with 48,663 PDs A1). Likewise, in 2020 Italy registered 90,860 PDs A1 for incoming postings. The main sending countries to Italy are France, Austria, Germany, Romania and Spain. 4.8% of the incoming postings to Italy were employed in the construction sector, 37.2% in the industry sector and 28.5% in the service sector (De Wispelaere, De Smedt, Pacolet 2021).

reduction of the seismic risk of residential buildings”. (See [https://www.governo.it/it/superbonus#:~:text=34%2F2020%20\(decreto%20Rilancio\),del%20rischio%20sismico%20degli%20edifici.](https://www.governo.it/it/superbonus#:~:text=34%2F2020%20(decreto%20Rilancio),del%20rischio%20sismico%20degli%20edifici.))

Regarding outgoing postings, in 2020, the Italian State issued 215,628 PDs A1, an almost quadruple number compared to 2012, when Italy issued 52,237 PDs A1. The main destinations of outgoing postings from Italy are France, Germany, Switzerland, Spain, and Austria. There are no data relating to employment sectors. However, recent research has shown that the construction industry is one of the principal employment sectors in destination countries (Cillo 2021).

Social dialogue and collective bargaining in the construction sector

In Italy, social dialogue is based on collective bargaining, which occurs at both the national level and a secondary level (i.e., company or provincial) in each sector. Through national level sectoral collective bargaining, unions and employers' organizations establish the economic and regulatory treatments valid for workers in a given sector (national collective agreement) and identify the matters which can be negotiated at the second level. The second level of negotiation, which takes place within the company or at the territorial level (company or territory agreement), can bring improvements to the national collective agreement regarding working time, training, productivity bonuses, payment of tax-free bonuses and corporate social protection.

In the case of the construction sector, where medium and small businesses prevail, social partners negotiate provincial agreements that are applied to companies of all sizes. Furthermore, national collective bargaining has made it compulsory for companies to register with construction funds. The construction funds are managed by the National Bilateral Construction Industry Board, which is composed of representatives of trade unions and employers' organisations and operational at national and provincial levels. Construction companies must register with the construction funds of the province where they have their headquarters. Through the construction fund, workers receive payment for holidays, Christmas bonuses and supplements for illness, accident and professional illness, and the benefits provided for by the national and provincial agreements.

3.2 Methodology and empirical data

The INFO-POW project aims at investigating the challenges in accessing information on the posting of workers by user and posting undertakings of the construction sector, which is the main sector where posting occurs (De Wispelaere et al., 2020) and where both larger companies and SMEs as well as self-employed are active. The research questions addressed in this report focus on different aspects of information provision:

1. How do transnational posting undertakings and user undertakings find and use information on the posting of workers?
 - a. What are the public and private channels of information on the posting of workers available to posting undertakings and user undertakings in Italy?
 - b. What information is available? How accessible is it? And what is the quality of the information available?
 - c. What are the best practices identified?
2. How do posting undertakings and user undertakings assess the availability, accessibility, and quality of the available information on the posting of workers?
3. How can access and quality of information on the posting of workers be improved to address the needs of posting undertakings and user undertakings?

The case study on Italy was conducted by referring to the research design and methodological framework prepared for the project (see Danaj et al., 2022), which address the research questions through qualitative and quantitative approach. The qualitative component of the study was based on desk research aimed at mapping the existing information channels and stakeholder interviews. The quantitative research component collected information directly from posting undertakings and user undertakings involved in the posting of workers in the construction sector through a web-survey.

The data collected through this mixed-methods approach are presented and discussed in this case study and are utilized to provide an evidence-base for identifying information gaps and understanding how transnational posting undertakings and user undertakings find and use information in their interaction with national institutions and how that affects their overall performance in terms of the correct application of the posting rules and the protection of labour and social standards. The results are also utilized as the basis in providing recommendations for policy intervention in relation to the specific case of the construction sector and beyond.

Mapping exercise

The Italian mapping exercise has been conducted between December 2022 and February 2023 and has included 38 information channels provided by State and non-State actors. The sample analysed included information channels provided both online and offline by public authorities, social partners, NGOs, and private service providers (lawyers/consultancies) active at provincial, regional, national and EU level. It covers all sectors of activity in order not to miss relevant channels of information. The list of channels is then narrowed down to construction to trace any sector-specific channels.

The information channels have been analysed taking into account various characteristics of the information provided, including:

- Information provider: the type and characteristics of the entity providing the information,
- Availability: refers to the format and type in which the information is provided (e.g., online or offline),
- Target groups: at whom the information provided is targeted (e.g., only at undertakings posting to the country or also those posting from the country),
- Accessibility and quality: information is easily accessible, clear, and understandable to numerous audiences,
- Scope and content: information provides answers without unnecessary detail and addresses the target audience's information needs and concerns.

Qualitative interviews

Between January and May 2023, 5 interviews were conducted with 8 respondents involved in providing information about posting and/or user undertakings in Italy. The respondents, which include representatives of public authorities, employers' associations, bilateral bodies, and private consultancies, are divided as follows:

- 1 interview with 3 respondents of ANCE (Italian Association of Construction Companies)
- 1 interview with 2 respondents of Confindustria Vicenza
- 1 interview with a respondent of the CNCE (National Bilateral Construction Industry Board)
- 1 interview with a respondent of the Friuli Venezia Giulia Region
- 1 interview with a respondent of a financial and labour consultancy.

The interviews were conducted online and lasted between 50 and 80 minutes. The questionnaire was based on a semi-structured format using open-ended questions focused on different topics, including: the type of information provided to posting/user undertakings by the organisation the interviewees; the channels used to disseminate information to posting/user undertakings; the tools used to monitor and enforce of the provision of information; the identification of the gaps and challenges in the provision of information; the identification of best practices and recommendations³.

Web survey

The third set of empirical data is drawn from a web survey conducted between March and August 2023 as part of the INFO-POW project. The survey gathered information on the availability, accessibility, and quality of information on the posting of workers and was targeted towards user and posting undertakings in the construction sector. However, given the difficulty in identifying this particular target group beforehand, our target population in our sampling was all construction companies, whose main place of residence is in Italy.

The questionnaire was developed by the INFO-POW research team and consisted of three sections: (1) questions on about the availability, accessibility, and quality of information when sending a worker to another Member State on a temporary basis, or receiving a worker from another Member State, in the context of posting; (2) questions about the posting activity in the company; and (3) questions about the company's profile. The questionnaire was designed for a 15-minute-long online survey and mainly comprised closed-ended questions. Some open-ended questions, with a space where respondents could construct their own responses, were included to elicit further information. The questionnaire was initially developed in the English language master version which was then translated into the national languages of the five countries where the survey was launched. The survey participants were informed about their rights in the invitation to participate request as well as at the beginning of the survey.

The survey was disseminated through different channels. In the Italian fieldwork, the survey was distributed through the Italian Association of Construction Companies (ANCE) to its members via email at the national level and at the territorial level (107 regional and provincial sections) and published in their website (<https://ance.it/2023/04/progetto-europeo-info-pow-questionario-anonimo-in-materia-di-distacco/>). An invitation to participate was also sent via e-mail to the 600 largest construction companies registered in Italy approximately 50 of them were also contacted by telephone. Finally, the invitation to distribute the questionnaire among its members was also sent to 145 regional and provincial sections of the employers' associations representing small and medium-sized construction companies (Confartigianato and National Confederation of Crafts and Small and Medium Enterprises).

³ For the detailed questions of the interview protocol see the INFO-POW Research Design (Danaj, et a., 2022).

3.3 Analysis

In the mapping data, the information channels were coded based on indicator dimensions for each individual information channel and not by each content item available in a channel. To illustrate, if one channel had multiple forms of information on different topics, these were still coded as a single channel within the national sample. Information channels coming from the same source were only separated if they were distinct enough. Therefore, each information channel was analysed as a whole in terms of the five themes determined. The coder(s) of the case studies were given instructions which were discussed between the research design team and the coders with ongoing feedback loops for clarification wherever decisions were unclear for coding categories. Any hesitations of coding decisions were dealt with by the research design coordination team and were then applied across all the national teams.

The national country mapping tool and the indicators for measuring different dimensions of the information channels were checked for validity through national stakeholders working in the field of the posting of workers, including public authorities and social partners' representatives in each case country, in the transnational online workshop organised as part of the INFO-POW project. The Italian mapping tool data, like other cases, was analysed through both the presentation of the descriptive statistics aggregated through each indicator and through the qualitative and more detailed discussions of the characteristics of the information channels.

The qualitative interviews were recorded and transcribed in Italian. In a second step, the transcripts were analysed to identify challenges, best practices, and recommendations referring to the themes indicated in the interview protocol.

The analysis of the survey data presented in this country report is based on 9 responses received from posting and user undertakings based in Italy. The sample for Italy includes 5 out of 9 respondents which have the role of posting companies (55.5%), while 2 respondents have the role of receiving companies (22.2%). The other two cases concern companies with a mixed role, where one self-described as predominantly posting company and the other as predominantly a receiving company. The data were analysed using descriptive and summary statistics and displayed in a graphical format. The results of the analysis are presented in Chapter 7 of this report. Given the relatively small sample, our analysis refrained from over-interpreting the data and only presents the description of the data from respondents.

4 National regulatory framework for access to information

Providing easily accessible and sufficiently clear information on the minimum standards for posted workers and the administrative requirements that must be applied and respected by service providers and user undertakings has been one of the main challenges that has arisen since the introduction of Posting of Workers Directive 96/71/EC concerning the posting of workers in the framework of the provision of services. In fact, the Directive 96/71/EC required each Member State to *take the appropriate measures to make the information on the terms and conditions of employment* (Art. 4, Par. 3).

The importance of addressing this challenge has also been raised in the other Directives on the posting of workers which have been approved in the last decade. In fact, the Enforcement Directive (2014/67/EU) has the objective of improving access to information on the regulatory framework on posting through channels free of charge that can be used *in a clear, transparent, comprehensive and easily accessible way at a distance and by electronic means*. To achieve this goal, the Enforcement Directive obliges EU Member States to indicate *on a single official national website and by other suitable means which terms and conditions of employment and/or which parts of their national and/or regional law are to be applied to workers posted to their territory* and to appoint a contact person at the liaison office in charge of dealing with requests for information (Art. 5).

The Directive 2018/957/EU, amending Directive 96/71/EC, concerning the posting framework of the provision of services also addresses this issue, underlining how *transparency of, and access to, information are essential for legal certainty and law enforcement* and requiring that each Member State ensure that the information on the terms and conditions of employment applicable to postings provided on the single official national website *is accurate and is updated on a regular basis* (Art. 21). The accuracy and updating of the single official national website are essential as they also affect any measures applied to undertakings for non-compliance with the terms and conditions of employment, *as the determination of the penalty should take into account, in particular, whether the information on the single official national website on the terms and conditions of employment was provided in accordance with Article 5 of Directive 2014/67/EU, respecting the autonomy of the social partners* (Art. 21).

4.1 Legal instruments on information about the posting of workers and employment terms and conditions

In the case of Italy, the Directives 2014/67/EU and 2018/957/EU were transposed respectively in 2016 with the Legislative Decree “D. Lgs. 17 luglio 2016, n. 136. Attuazione della direttiva 2014/67/UE del Parlamento europeo e del Consiglio, del 15 maggio 2014, concernente l'applicazione della direttiva 96/71/CE relativa al distacco dei lavoratori nell'ambito di una prestazione di servizi e recante modifica del regolamento (UE) n. 1024/2012 relativo alla cooperazione amministrativa attraverso il sistema di informazione del mercato interno («regolamento IMI»)” and in 2020 with the Legislative Decree

“D.Lgs. 15 settembre 2020, n. 122. Attuazione della direttiva (UE) 2018/957 del Parlamento europeo e del Consiglio del 28 giugno 2018, recante modifica della direttiva 96/71/CE relativa al distacco dei lavoratori nell'ambito di una prestazione di servizi”.

To implement the EU and national legislation, the Ministry of Labour and Social Policies created the Italian single official national website, which can be found by the link <https://distaccoue.lavoro.gov.it/>. The single official national website provides information on the obligations that must be respected by companies, on working and employment conditions, on national collective agreements, on the protection methods to which posted workers can have access, on mandatory communication, on IMI system, on offices that companies and workers can contact for clarifications. The single official national website provides links to the national laws that regulate various areas relating to working and employment conditions, including working hours, rest periods, remuneration, safety and health, measures to protect working conditions of pregnant workers and those who have recently given birth, children and youngsters, equal treatment between women and men, non-discrimination provisions. With respect to the national collective agreements, on which the remuneration of posted workers is based, the single official national website provides the salary tables of the three main sectors in which posted workers are employed in Italy (construction sector, metalworking industry, transport).

Additionally, the single national website provides the link to the National Archive of Collective Labour Agreements (Archivio Nazionale dei Contratti Collettivi Nazionali di Lavoro), which is the official source where it is possible to consult the national sectorial agreements signed by employers' organizations and the trade unions.⁴ The National Archive of Collective Labour Agreements is administered by the National Council of Economy and Labour (Consiglio Nazionale dell'Economia e del Lavoro) and was established in 1986 with the Law No 936/1986 to allow the conservation and public consultation of collective labour contracts and agreements (Art. 17). However, although the single official national website makes the information required by European Union regulations accessible, it should be underlined that consulting the National Archive of Collective Labour Agreements is difficult because it only provides information in Italian. Furthermore, this database allows access not only to the national collective agreements signed by the most representative employers' and trade union organisations, but to all the agreements signed in Italy (1037 as of June 2023), including those which have expired but are applicable until renewal negotiations and those signed by non-representative employers' and trade union organisations (Cillo and Perocco, 2021).

Regarding access to information about employment contracts by employees, Italy has implemented the Directive No 2019/1152 on Transparent and Predictable Working Conditions in 2022 with the Legislative Decree “D. Lgs. 27 giugno 2022, n. 104 Attuazione della direttiva (UE) 2019/1152 del Parlamento europeo e del Consiglio del 20 giugno 2019, relativa a condizioni di lavoro trasparenti e prevedibili nell'Unione europea”. According to the Article 4 of Legislative Decree No. 104/2022, if a posted worker is sent “to another Member State or to a third country for a period exceeding four consecutive weeks”, the employer must communicate “any modification to the elements of the employment contract” in writing and before departure. Furthermore, the employer must provide

⁴ Cf. <https://www.cnel.it/Archivio-Conrati/Contrattazione-Nazionale/Ricerca-CCNL>

information regarding: a) the country or countries where the work is to be carried out and the expected duration; b) the currency used for remuneration; c) any additional benefits in cash or in kind; d) the conditions of repatriation if it is envisaged; e) the remuneration to which the worker is entitled according to the legislation of the receiving Member State; f) any specific posting indemnities and the method of reimbursement of travel, food and accommodation expenses; g) the address of the single official national website of the receiving Member State.

These provisions integrated the Legislative Decree No 152/1997 (D. Lgs. 26 maggio 1997, n. 152. Attuazione della direttiva 91/533/CEE concernente l'obbligo del datore di lavoro di informare il lavoratore delle condizioni applicabili al contratto o al rapporto di lavoro), which implemented the Council Directive 91/533/EEC in 1997. In particular, Article 1 of Legislative Decree No 152/1997 establishes that the public and private employer is required to communicate to the employee information regarding: the collective agreement (including company agreements applicable to the employment contract), the start date of the employment relationship, the procedure to be adopted in the event of withdrawal of the contract by the employer or the worker, in the case of agency workers, the identity of the user undertakings, the duration of the probationary period, if any, the right to receive training provided by the employer, the initial amount of the salary, with an indication of the period and methods of payment, the planning of working hours and any conditions relating to overtime work and its remuneration, the duration of holiday leave, and the institutions that receive the social security and insurance contributions and any form of social security protection provided by the employer.

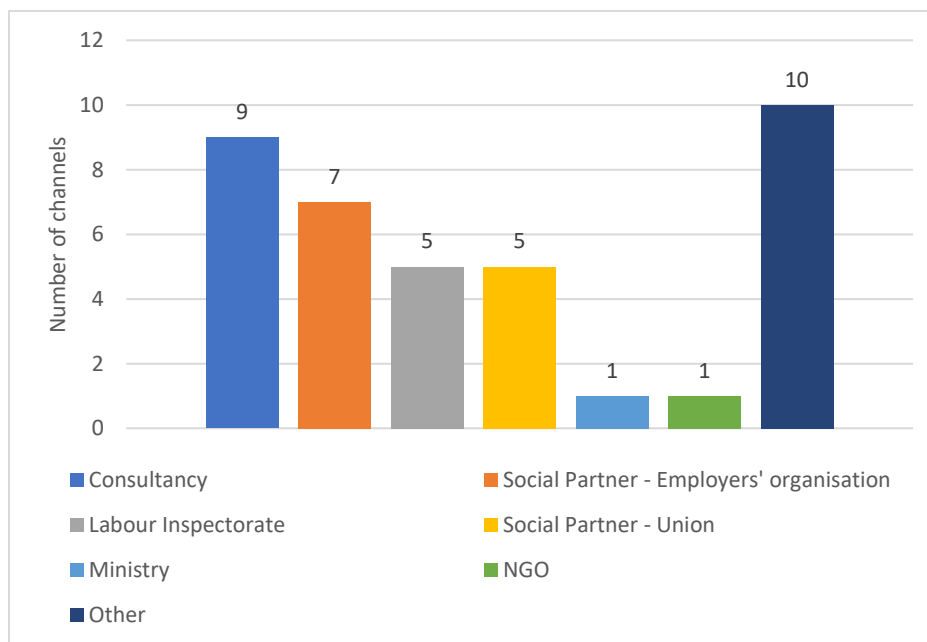
5 Mapping national channels of information on posting

This section analyses the data collected through the Italian mapping exercise, which coded a total of 38 information channels.

5.1 Information providers

The analysis of the dataset shows that the information channels on the posting of workers are mainly provided by non-State actors (79%, 30 out of 38 channels), more than institutional state actors (21%, 8 out of 38).

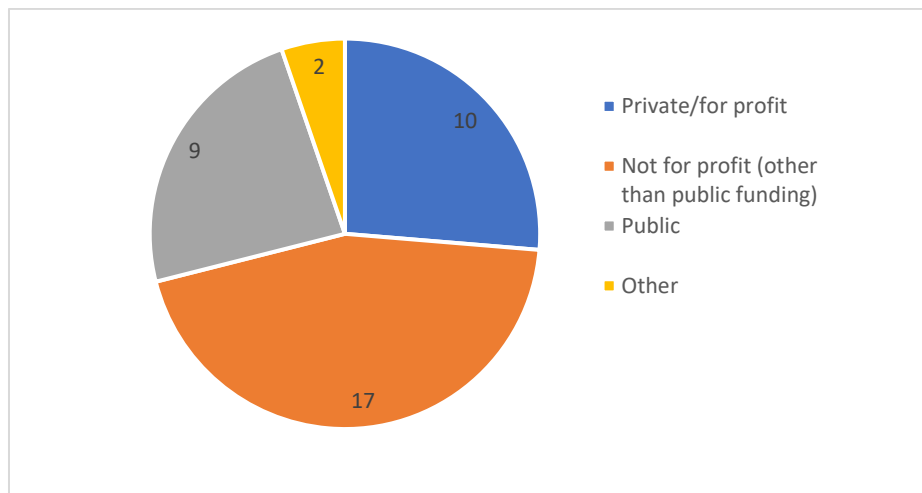
Figure 1: Type of actors providing the resource (detailed description)



Looking at the characteristics of information providers in more detail, we see that among non-state actors, the provision of information is principally managed by consultancies (24%, 9 out of 38) and employers' organisations (18%, 7 out of 38). Regarding public institutions, the information channels are mainly made up of labour inspectorates (13%, 5 out of 38), see Figure 1. The sample analysed also contains a series of heterogeneous actors that will be analytically presented below in sub-section 5.1.4.

Concerning the funding of the information channels, most of the channels in the sample are funded through non-public and not for profit sources (45%, 17 out of 38). Public funding concerns 24% of the sample (9 out of 38 information channels), while private funding concerns 26% (10 out of 38), see Figure 2.

Figure 2: Funding type of the actor providing information (number of channels)



When we look at which governance level the channels were provided, we see a clear prevalence of actors that provide information at the national level⁵ (87%, 33 out of 38), whereas only a minority of the actors also includes information relating to the regulatory framework of other EU Member States (3 channels with information on one or plus member States, one channel with all EU member States, one channel with information on EU and extra-EU information).

5.1.1 Public institutions

The public institutions providing information include: the Ministry of Labour and Social Policies (*Ministero del Lavoro e delle Politiche Sociali*) which manages the single national posting website of Italy (one channel); the National Taxation Agency (one channel); the National Labour Inspectorate (*Ispettorato Nazionale del Lavoro*) which manages 5 channels; the Friuli Venezia Giulia Region which manages one channel. These information channels are all funded through public resources and focus on the national level governance.

5.1.2 Social Partners

Information channels provided by employers' organisations and trade unions constitute about a third of the sample and are classified as not for profit (other than public funding) channels. In this case, the actors managing the information channels include: organisations that operate at a national level (such as the National Association of Construction Companies and the unions of the construction sector FENEAL UIL, FILCA CISL and FILLEA CGIL),⁶ provincial or regional organisations affiliated to national ones (such as the employers' association Assolombarda or the headquarters of Confindustria in the province of Vicenza), and organisations that operate at EU level (such as the European Federation of Building

⁵ Posting from and to Italy.

⁶ Federazione nazionale lavoratori edili affini e del legno, which is federated at the union Unione Italiana del Lavoro; Federazione Italiana Lavoratori Costruzioni e Affini, which is federated to the Confederazione Italiana Sindacati Lavoratori; Federazione italiana dei lavoratori del legno, dell'edilizia, delle industrie affini ed estrattive, which is federated to the Confederazione Generale Italiana del Lavoro.

and Woodworkers). As for the governance level, most of the resources supplied by social partners provide information relating to the national context (9 channels), whereas only 3 channels provide information relating to part or all the Member States of the European Union.

5.1.3 Private actors

Information channels which are funded privately consist of 9 channels which are provided by consultancies that focus on the national context. These channels provide general information on the EU and Italian legislation on posting through their websites and sell personalized consultancy services to posting companies, such as assistance with administrative obligations, drafting contracts for posted workers, consultancy on mandatory working conditions, consultancy on taxation. Moreover, this category includes the only resource that also provides information on sending workers for service provision to non-EU countries.

5.1.4 Other actors

As regards the other type of actors that provide information, a significant part of the sample is made up of 6 bilateral construction industry boards,⁷ operating at national, regional, and provincial level, which bring together the social partners of the construction sector. These channels, that are privately funded without profit, mainly provide information on the national context (5 channels). Furthermore, the mapping exercise led to the detection of information materials provided by an online newspaper specialised in labour law, a research project carried out by a consortium of universities, including the University of Parma and a labour law website of an NGO created by labour lawyers.

5.2 Availability of posting information and targeted audience

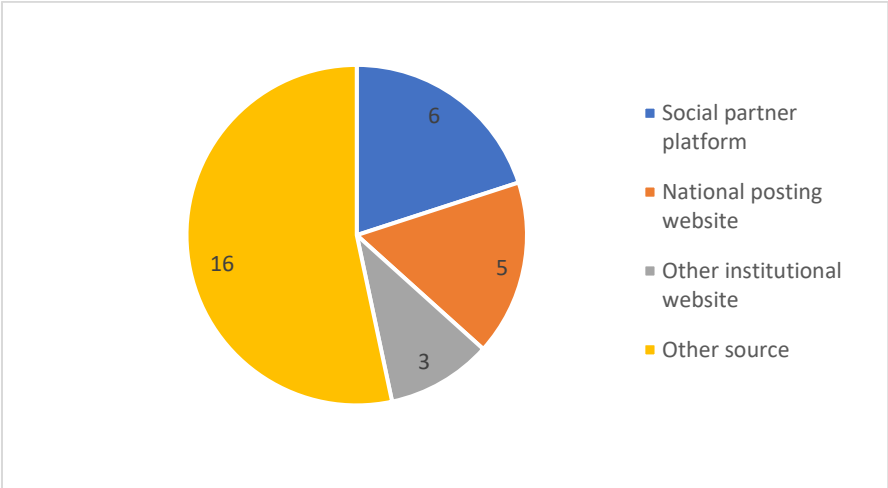
Most of the information channels in the Italian mapping sample are available online (79%, 30 out of 38 channels), whereas only in 21 per cent of cases are available exclusively offline (8 channels).

Concerning the type of institutions providing the online information on the posting of workers, Figure 3 shows that the public information channels are made available in 5 cases through the national posting website (13% of the sample), in 3 cases through other institutional websites (8%). As for social partners and private information channels, in 6 cases the channels were provided through the platforms of social partners (6%) and in 16 cases through the websites of other types of actors (42%). Other types of actors providing online information are heterogeneous and include 7 websites of consulting agencies (18%), 5 websites of bilateral construction industry boards (13%), one YouTube channel of a labour lawyer, one YouTube channel of a consultancy specialised in taxation, the web page of a project funded by the European Union and conducted by a consortium of universities and a labour law website managed by an NGO.

The types of resources provided through online channels include 15 online manuals or guidelines (39% of the sample), 12 websites (32%), 2 videos and an online training (5%).

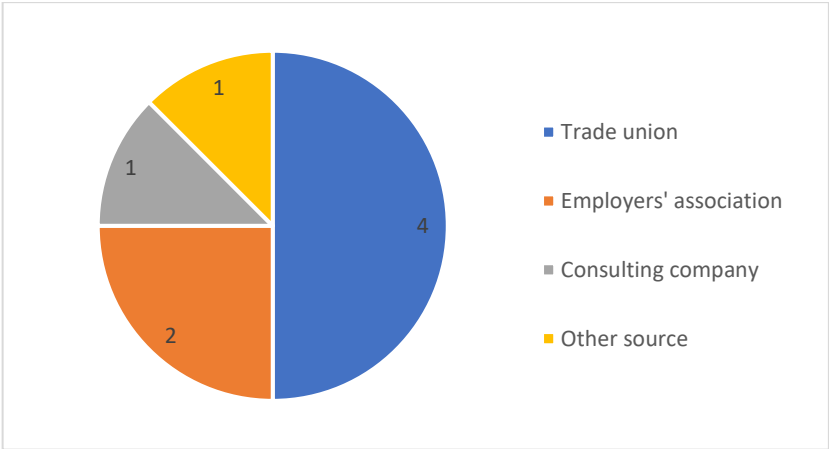
⁷ The Bilateral Construction Industry Boards manage the construction funds and are operational at national and provincial levels. They are composed of representatives of trade unions and employers' organizations.

Figure 3: Type of institution providing online information channels (number of channels)



Turning to offline information channels (see Figure 4), half of them are provided by trade unions (4 channels), whereas the rest is offered by employers' associations (2 channels), consulting companies (one channel) and bilateral construction industry boards (one channel). The format in which such offline information was provided consists of 2 offline guidelines, 1 offline training, the services for posted workers offered face-to-face by trade union departments specialised in international issues, including posting (3 channels), the office of the National Bilateral Construction Industry Board in charge of posting and bilateral agreements with construction funds of other EU countries (Austria, France, Germany), and the central office of the National Association of Construction Companies, which offers consultancy for territorial offices and associated companies.

Figure 4: Type of institution providing offline information channels (number of channels)



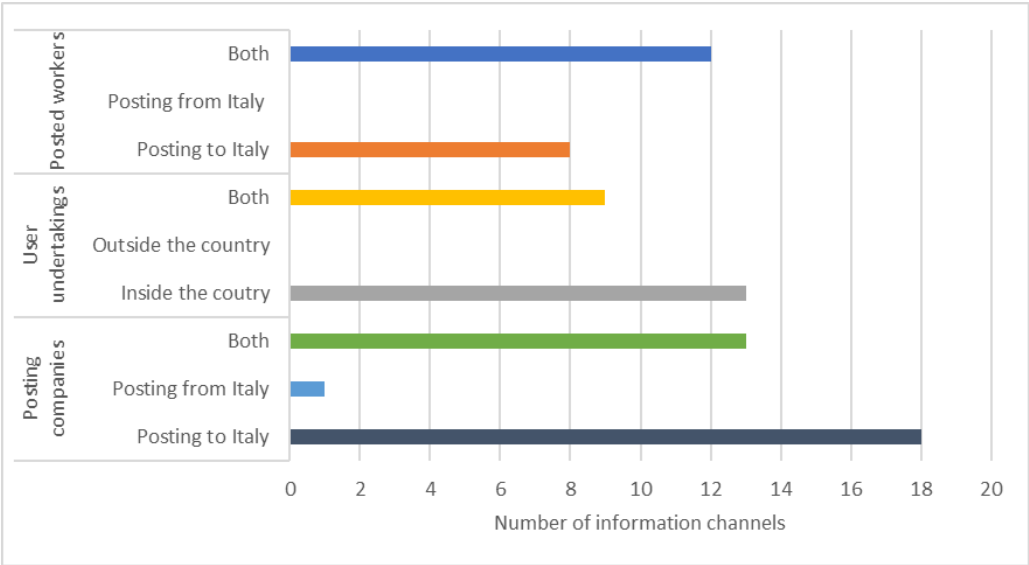
Most information channels in the dataset are freely accessible for everyone (34 resources, equal to 89% of the sample). As for the remaining channels, in the case of two consultancies, information must be privately purchased and is not openly accessible online. In the case of two employers' organisations

free access is guaranteed only to associated companies to the organisation and in the case of the National Bilateral Construction Industry Board free access is guaranteed to workers and companies duly registered in the construction fund.

As for the target audience, our analysis shows that the information channels address multiple audiences at the same time, such as sending and receiving companies and posted workers. 84 per cent of information channels in the sample are aimed at posting companies (32 out of 38 channels), 58 per cent at user undertakings (22 out of 38) and 53 per cent at posted workers (20 out of 38). Figure 5 indicates that these channels provide information prevalingly focused on posting to Italy or useful for both posting from and to Italy (e.g., general information on the posting of workers regulatory framework).

The mapping exercise also looked at the specificity of the target audience of the 38 information channels in Italy in terms of sector, highlighting that 25 channels offer information only related to posting in general (66%), 12 channels to the posting in the construction sector only (32%) and one channel to both posting in general and the specificities of the construction sector (3%).

Figure 5: Target audience and information on different types of posting

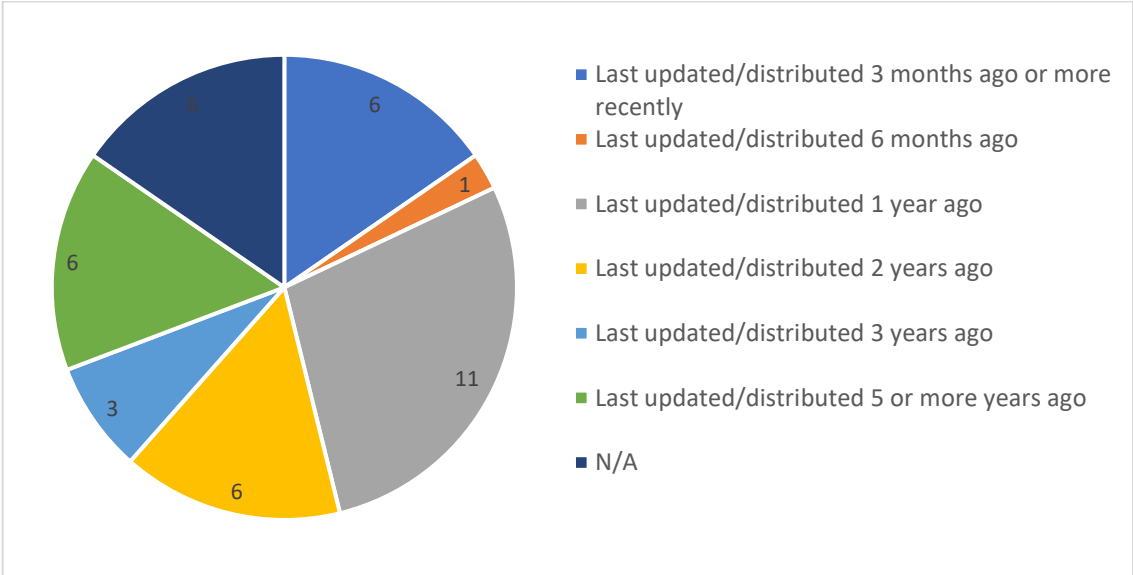


5.3 Accessibility and quality of posting information

The analysis of the language accessibility of the information channels shows that in most of the cases, the channels from Italy are only available in the national language (30 of 38 cases). The remaining 8 information channels in the sample provide at least an English translation version of the information. Furthermore, the channels that offer information in other languages are 4 channels that provide translation into an additional language than Italian (English), 2 into 2 additional languages (French and English; English and Romanian), one into 6 additional languages (Bulgarian, French, English, German,

Polish, Spanish) and one into 29 additional languages. In 6 cases, most of the information provided in the foreign language (s) is equivalent to the Italian version.

Figure 6: Recency of the information provided by the channels (number of channels)



The analysis of the recency of information provided by different actors shows a varied picture, see Figure 6 above. 9 out of 38 channels have updated or distributed the information that they provide 3 or more years ago (24%), while 6 channels have done so 2 years ago (16%), 11 one year ago (29%), 1 channel in the last 6 months (3%) and 6 channels during the last 3 months (16%). This means that at least 24 out of 38 channels (63%) reported information regarding the most recent changes introduced in Italian legislation, such as the approval of the Legislative Decree No 122/2020, which implemented the Directive 2018/957/EU in 2020.

Regarding the accessibility of the information provided through the use of different tools or mediums, we find that, in our sample, 21 channels only use text (55%) and only 8 channels present the information by using additional tools or mediums (21%), such as infographics, charts and photos (5 channels) or videos (3 channels).⁸ The use of external links to provide additional information is also quite limited. Out of the 30 online channels mapped, in 18 information channels there is limited hyperlinking to additional information, whereas 2 channels link the most relevant information to external resources and 8 channels hyperlink some information.⁹ Regarding the use of hyperlinks to external foreign single posting national websites, only one information channel presents this feature. Additionally, 15 information channels provide links to the social media accounts of the actor which own the channel (39%).¹⁰

⁸ The sample also includes 9 cases in which it was not possible to detect the use of different tools or mediums. These cases mainly include information channels based on offline services, such as face-to-face consultancy.

⁹ This indicator includes 10 cases where it was not possible to obtain data. Again, these are offline channels, such as face-to-face consultancy or training courses.

¹⁰ These information channels mainly provide links to Instagram, LinkedIn, Facebook, Twitter, Youtube, Telegram and Anchor.

As for the availability of information about a national contact point, only four channels provide this information.¹¹

5.4 Scope and content of posting information

The analysis of the indicators related to the scope and contents of the information channels demonstrates that more information is available for issues dealing with posting to Italy than for dealing with posting from Italy (see Figures 7 and 8).

Figure 7: Scope and content of information in case of posting to Italy

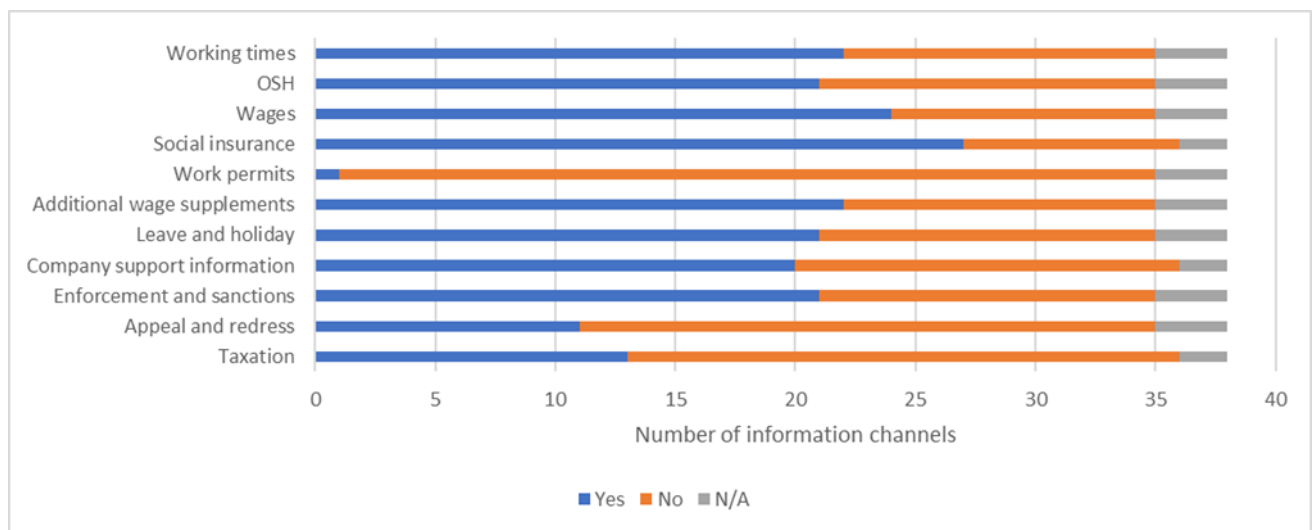
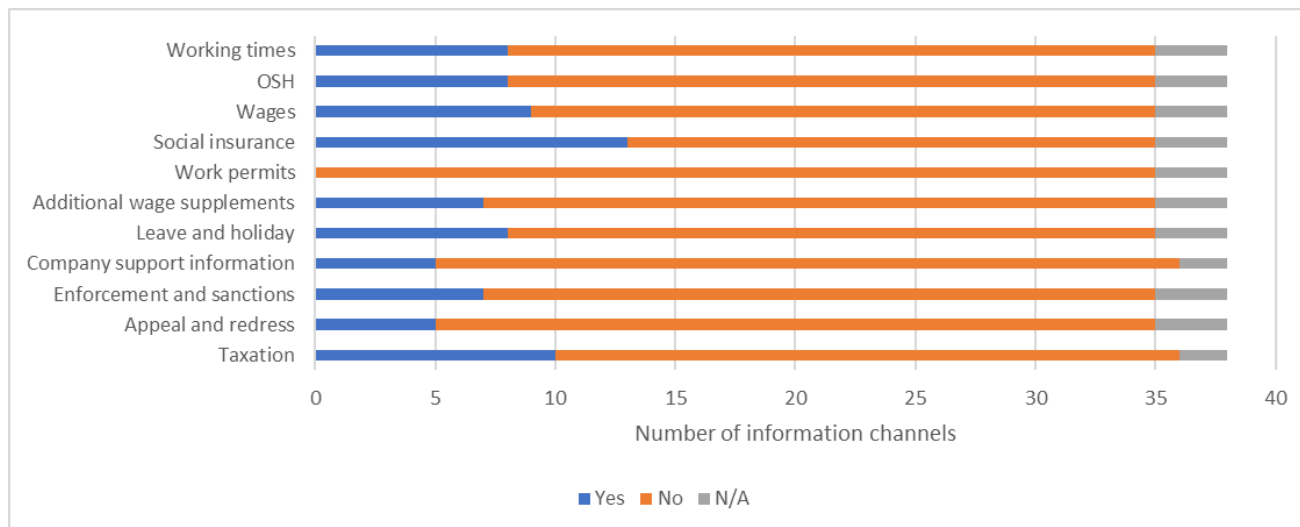


Figure 7 shows that the channels providing information for incoming postings to Italy generally cover topics related to the registration for social insurance and contributions (71%, equal to 27 out of 38 channels) and the mandatory working conditions, such as working times (58%, equal to 22 channels), occupational safety and health (55%, equal to 21 channels), minimum wages and collective agreements (63%, equal to 24 channels), overtime and other additional wage supplements (58%, equal to 22 channels) and leave and holiday (55%, equal to 21 channels). As for the enforcement of the regulatory framework, the information channels in the sample tend to offer information more so on sanctions and enforcement in case of non-compliance (55%, equal to 21 channels) rather than on redress or appeal in case of sanctions and compensation (29%, equal to 11 channels). The least covered topics are those related to taxation, which are present in only a third of the sources of the dataset (34%, equal to 13 channels), and those related to the work permits, which are covered by only one information channel (3%).

¹¹ In 12 cases it was not possible to obtain this data because the sources examined were offline and not directly accessible.

Figure 8: Scope and content of information in case of posting from Italy



Examining the dataset from the point of view of outgoing postings from Italy, it emerges that only a small part of the information channels gives information on topics related to the procedures and obligations for Italian sending companies. As illustrated by figure 8, 34% of the sample covers topics related to the registration for social insurance and contributions (13 out of 38 channels), 26% taxation (10 out of 38), 21% working times (8 out of 38), 21% occupational safety and health (8 out of 38), 24% minimum wages and collective agreements (9 out of 38), 18% overtime and other additional wage supplements (7 out of 38) and 21% leave and holiday (8 out of 38). Topics related to the enforcement of the regulatory framework are even less present in the information channels included in the mapping tool (enforcement and sanctions: 7 channels, equal to 18%; appeal and redress: 5 channels, equal to 13%), whereas topics related to work permit are not covered by any of the analysed sources.

5.5 Gaps in posting information channels

The overall analysis of the mapping of information channels dataset shows that the channels that provide information on posting from and to Italy present several areas where improvement can be made in access to, and the quality of the information provided. These areas of improvement, considering the gaps identified in our analysis, are as follows:

- **Language:** most of the information channels are only available in Italian, and only a small part also in English. This lack of additional language translations fails to consider the needs generated by the consolidation of the phenomenon of incoming postings to Italy and the growth of outgoing postings. Indeed, these phenomena have led to a greater demand for information translated into other languages, which comes in particular from posted workers, but also from a part of sending companies that do not always have staff capable of reading and understanding the Italian language and therefore have to turn to external services (consultancies, lawyers etc.).
- **Accessibility to “user friendly” medium and tools:** more than half of the information channels only use text and in some cases they even only report extracts or comments on current

regulation, making it difficult to consult information, particularly for those who do not yet have sufficient knowledge of the procedures to follow. Furthermore, online sources are very often prepared in a format that can be easily consulted via personal computers and not via smartphones or tablets. To improve accessibility to information and facilitate understanding, we recommend the use of alternative medium or tools, as infographics, charts, photos and videos.

- Use of external links: the information channels, notably the online sources, often do not use hyperlinking and rarely provide direct links to institutional sites that offer additional information on the posting of workers and the related administrative procedures.
- Need for more in-depth information for some topics: in general, the channels analysed report information from EU and Italian regulations, but there are no specific insights regarding more complex topics and procedures (e. g. how to determine wages and which collective agreements to use, what are the specific occupational health and safety regulations to be applied...).
- Scarcity of information on outgoing postings from Italy: in recent years Italy has consolidated its role as a receiving country and at the same time recorded an increase in outgoing postings. However, the information channels are almost all set up for incoming postings, while only a small part provides information on some receiving countries (such as Germany, France, Austria), forcing companies and workers involved in outgoing postings to search for information independently or through paid services, especially when the single official national web sites are not clear enough or do not provide the Italian language version. Institutional channels could overcome this challenge by providing the Italian version of the basic information on mandatory procedures and conditions in the receiving countries and by increasing transnational cooperation to standardize the information system and provide quality information in a clear and comprehensive way.

6 Information providers' insights on posting information

6.1 Information provided to posting/user undertakings

This chapter is based on the thematic analysis of the findings that emerged during the qualitative interviews carried out with 8 respondents from:

- public authorities at the regional level (1 respondent from the Friuli Venezia Giulia Region),
- employers' associations at the national level (3 respondents from the Italian Association of Construction Companies) and provincial level (2 respondents from the Confindustria Vicenza),
- national bilateral bodies (1 respondent from the National Bilateral Construction Industry Board), and
- private consultancies (1 respondent).

6.1.1 Experiences with information provided

All the respondents we interviewed for the INFO-POW project are responsible for providing information on the regulatory framework regarding incoming and/or outgoing postings to receiving and sending companies in the construction sector (4 respondents), the secondary sector (2 respondents) and all sectors (2 respondents). The National Bilateral Construction Industry Board and Friuli Venezia Giulia Region were also responsible for providing information to posted workers. Information is provided by departments/offices with different expertise, such as the Industrial Relations and Social Affairs Department in collaboration with the International Department for the National Association of Construction for the Italian Association of Construction Companies, the Labour and Training Department for Confindustria Vicenza, the Labour Policies Department for the Friuli Venezia Giulia Region. The organisations involved in the interviews provide both online information channels (such as websites, newsletters, webinars, online trainings...) and offline information channels (including flyers, manuals, specialist magazines, seminars/conferences, face-to-face consultancy services). Additionally, they also provide information by responding to individual inquiries by email, by phone and during office hours.

The main topics on which advice is generally requested from information providers are administrative procedures (e.g., submission of the prior notification), mandatory working conditions (such as working times, occupational safety and health, minimum wages and collective agreements...), taxation, sanctions and enforcement in case of non-compliance. The Italian Association of Construction Companies and the Bilateral Construction Industry Board are specialised in providing information on compulsory registration with construction funds, particularly in respect of companies and posted workers from countries without mutual recognition of the registration. Additionally, the Friuli Venezia Giulia Region website provides accurate information on work permits in the case of postings involving third-country nationals, as the Italian single national posting website on posting does not include this topic.

In the case of the Italian Association of Construction Companies and the Bilateral Construction Industry Board, the provision of information is based on a pyramid model. First, posting and user undertakings

can contact the local offices of these associations for clarification on specific issues. Next, if the local offices are unable to respond, consultation is requested from the national headquarters. At the same time, the national offices provide information and training to local offices, also considering the specific requests derived from companies.

Regarding the accessibility of the information on the posting of workers, the providers usually make it partially or totally available for free. For instance, the Friuli Venezia Giulia Region provides information publicly through its website and through the telephone service, which can also be contacted by companies and workers who are not resident in the region. The Bilateral Construction Industry Board provides information publicly and responding to individual inquiries of workers and companies registered with the construction fund. The consultancy firm publicly provides general information through its website and provides paid services for specific cases to companies that request them. Finally, the employers' associations (Italian Association of Construction Companies and Confindustria Vicenza) make their services accessible (web pages, manuals, direct advice at local and national level...) only to registered businesses.

Regarding the sources of information, the organisations/institutions/consultancies interviewed refer to the European and Italian regulatory framework. The reference website regarding the Italian legislation is the National posting website (<https://distaccoue.lavoro.gov.it/it-it/>), which includes circular letters from the National Labour Inspectorate that contain information on the application of the regulation, monitoring procedures and sanctions. The respondents from Confindustria Vicenza and the private consultancy reported that they also provide information to Italian sending companies on the regulatory framework of the receiving countries by providing contacts or requesting services of similar organisations or consultancies operating in other European countries to obtain more accurate information than that offered by national websites. Additionally, the consultancy firm has developed its own software to detect changes in the legislation on the posting of workers both at European and national levels to promptly update the information provided to customers through direct consultancy and specific data sheets contained on its website.

Other channels to access and to receive updates on the information provided are activities of the institutions and organisations at EU and national level. For instance, the Italian Association of Construction Companies participates in the discussions of the European Construction Industry Federation (FIEC) and has actively contributed to the discussions within the Italian Parliament for the implementation of the Directives on posting. In recent years, the Bilateral Construction Industry Board has collaborated with equivalent organisations in Austria, France, Germany, San Marino to sign protocols for the mutual recognition of the registration of posted workers in construction funds. Additionally, ANCE and the Bilateral Construction Industry Board respondents also participate in European projects on the posting of workers.

Furthermore, the interviews revealed that the institutions and organizations, such as Italian Association of Construction Companies, the Bilateral Construction Industry Board and Confindustria Vicenza, whose representatives were interviewed here often collaborate with each other or with State institutions (e.g. with the labour inspectorate at national and regional/provincial level) both for update

the existing information channels and for organizing training meetings with posting and user undertakings.

6.1.2 Posting/user undertakings' challenges

The respondents identified several challenges that posting and user undertakings experience when accessing information. With respect to the specific case of Italy, we distinguish the challenges relating to incoming and outgoing postings and present separately.

Incoming postings to Italy

According to the respondents, the Italian single national posting website “distaccoue.lavoro.gov.it” provides general information about the regulatory framework on the posting of workers in Italy. However, our respondents suggested that the presentations of these topics should be made comprehensible and accessible for both postings and user undertakings. In particular, the single national posting website does not provide accurate information on wages and the national collective bargaining agreements at the sectoral level that must be applied to incoming posted workers. This is mainly because in Italy there are more than 800 national collective bargaining agreements. Therefore, when referring to collective bargaining, companies should adopt the wages and working conditions defined by the collective agreements signed by the most representative employers' organizations and trade unions in the referenced sector. However, as highlighted by the respondents of Confindustria Vicenza, the national website does not indicate which contract should be applied and National Council for Economics and Labour database -which collects all the national collective agreements- only provides information in Italian. Overall, this means that companies posting workers to Italy face language barriers and lack of sufficient explanation when it comes to determining which collective agreement rules should be applied.

Another challenge concerning the information provided through the single national website on posting relates to the topics of occupational safety and health. In the single website, information on this important issue for the construction sector is only provided through hyperlinking to the Italian version of the regulatory framework.

In all cases of information provision and topics, the respondents highlighted that an essential challenge concerns language barriers since most Italian sites and offline channels provide information only in Italian. This is remedied in the case of the single national posting website, which provides information in Italian and English, the Romanian language version (in 2022) and the German language version (in 2023) are recently made available.

Regarding the construction sector, there are further challenges linked to the fact that, for incoming postings, it is mandatory to register workers with the construction funds in the province where the service is provided. However, as reported by the Bilateral Construction Industry Board respondent, Italy has signed mutual recognition and exemption agreements only with Austria, Germany, France and San Marino. Therefore, even if companies based in countries without such institute receive information before the posting, many of them do not carry out the compulsory registration, meaning that posted workers do not receive that part of the salary paid through the construction funds.

Outgoing postings from Italy

Respondents from employer associations/labour consultancies dealing with outgoing postings report difficulties in accessing clear information through the websites of the receiving EU countries. Indeed, in many cases, only general information is provided on postings, without additional information on the administrative procedures to be followed and, as in Italy, on working conditions. Additionally, there are challenges related to language barriers since frequently other national posting websites do not provide translation in different languages (except English). Compared to this general situation, interviewees reported that some countries provide useful information services, which could be used as a model for improving the single official national websites of other Member States. Among the positive examples, the respondents cited the French website dedicated to administrative procedures for the registration of PDs A1 and the comprehensiveness of the information system in Austria and Germany.

Other challenges faced by Italian sending companies reported by the respondent from the consultancy firm is largely related to the lack of homogeneity in the administrative procedures in the receiving countries. Presence of such a wide variation in the procedures increases the difficulty for companies that post to two or more countries. To address this situation for the client companies, the consultancy firm has developed a proprietary software which allows the users to check whether companies have fulfilled all administrative obligations related to the working conditions of posted workers.

Based on the interview findings, it emerges that, in the cases of both incoming and outgoing posting, only large companies can manage the procedures autonomously, by referring to internal departments which specialise in labour issues or human resources management. On the contrary, most companies must ask for support from external counsellors, such as private labour consultancies and employers' organisations.

Lastly, as highlighted by the respondent from the Bilateral Construction Industry Board, the difficulties in finding clear and accessible information in various languages are used as a tool to circumvent the regulations by those companies that use the posting of workers as a form of savings, thus triggering social dumping and unfair competition.

6.1.3 Information providers' challenges

Regarding challenges related to incoming postings, it must be taken into account that Italy has experienced a rapid growth of incoming and outgoing postings which has been concentrated in recent years. This factor, combined with the obligations on information introduced by the implementation of the EU regulation, made it necessary to update the information channels and the personnel in charge quickly. This is the case, for example, of the single national website on posting, which has only recently been updated, with the addition of translation into two languages. Likewise, the Bilateral Construction Industry Board is also currently updating its website with a specific section on the posting of workers to Italy and is providing exhaustive information to foreign sending companies that enrol their employees in the Italian construction fund to conduct their services in Italy.

Regarding challenges related to outgoing postings, their increase has led companies based in Italy to deal with administrative procedures and regulations, which differ from country to country and, in some cases, are not clearly explained on the single official national websites of the receiving countries.

Consequently, in the last few years both employers' associations and private consultancies had to establish a network of contacts with foreign associations and consultancies to address the general shortage of clear information. While this solution has made it possible to overcome some of the challenges that have emerged over the last few years, it must be pointed out that this type of information provision is managed through private actors for profit. This form has been developing to overcome, as reported by our respondents, as a way to deal with the gaps in the public information system.

6.2 Best practices and recommendations

As it emerged from the interviews, the organisations and institutions providing information on the posting of workers have adopted a mixed method that allows them to reach a large audience thanks to the use of online resources, training events and tailored consultancy services. Furthermore, many of the respondents think that the pyramid model of information provision established by the Italian Association of Construction Companies and the Bilateral Construction Industry Board, which go from the regional to national level, allows companies in need of support to be reached more effectively, providing more accurate information from time to time based on individual needs.

However, the respondents underlined that, alongside these good practices, it is necessary to improve access to information. In particular, they recommended improvements and revisions in the various aspects of information provision as follows:

- Related to language barriers, it is necessary to make national websites (across all EU member states) on posting available in as many languages as possible, to facilitate access to information for both companies and workers.
- The respondents recommend that procedures should be more homogeneous and simplified at the transnational level by improving and extending to other countries some of the systems that currently work better (e.g., the administrative procedures for the registration of PDs A1, in France; the information system in Austria and Germany).
- Wages and collective agreements constitute an area where information is relatively more difficult. In the case of Italy, the Ministry of Labour and Social Affairs could clarify what the reference contracts are, in order to avoid the use of pejorative contracts to exercise forms of social dumping and unfair competition.
- Finally, the respondents suggested that it would be an important step for improvement to increase the training of institutional representatives and social partners at provincial and regional level, since it is at this level that companies and workers usually ask support in case of need.

7 Posting/user undertakings' insights on posting information

7.1 Respondents' sample

Among the respondents, representing the posting and/or user undertakings, which participated in the INFO-POW pilot survey, 9 out of a total of 121 respondents (7.4% of the total sample) have responded as being registered as a legal entity in Italy. In the sample for Italy, 5 out of 9 respondents have the role of posting companies (55.5%), while 2 respondents have the role of receiving companies (22.2%). The other two cases concern companies with a mixed role, which is described as predominantly posting company in one case and receiving company in the other case.

The Italian sample is mainly composed of small and medium-sized enterprises as well as a company with fewer than 10 employees, 3 companies with between 10 and 49 employees, 3 companies with between 50 and 249 employees and 2 companies with between 250 and 499 employees (see Table 3 below). Regarding the sectoral composition of the sample, 6 out of the 9 respondents are active in the construction of buildings (NACE F41), civil engineering (NACE F42), specialized construction activities (NACE F43) or other construction activities sectors. The remaining 3 companies declared that they carry out activities related to the installation of elevator systems, the installation of heating systems and industrial plant engineering and automation.

Table 3: Descriptive statistics of the sample for Italy

		N	%
Total		9	100.0
Type of undertaking	Posting	5	55.5
	Receiving	2	22.2
	Posting and receiving	2	22.2
Size of undertaking	Self-employed	-	-
	SME-micro <10	1	11.1
	SME-small <50	3	33.3
	SME-medium <250	3	33.3
	Large >250	2	22.2
Sector of activity	Construction (NACE F)	5	55.5
	Other construction activities	1	11.1
	N/A	3	33.3
Last year workers posted/received	In 2022	6	66.6
	N/A	3	33.3
Frequency of workers posted/received	1 time	2	22.2
	Between 2 and 5 times	6	66.6
	N/A	1	11.1

Note: SME: Small and medium enterprises. N/A indicates that the information was not provided by the respondent.

The sample mainly included companies that have had posting experiences in recent years (88.8%). 8 out of 9 respondents have in fact sent or received posted workers in 2022, the year preceding the

survey. In one case, 60 posted workers were sent or received by the company in a given year, while in the other 7 cases the postings involved between 1 -10 workers. Regarding the frequency of the postings in the given year, 6 respondents stated that they received or sent posted workers between 2 and 5 times (66.6%), while 2 respondents only one time (22.2%). Looking at the destinations of outgoing postings from Italy, our sample showed that the main receiving countries are Austria, Belgium, the Czech Republic, Denmark, France, Germany, Latvia, Norway, Slovenia, Spain, Sweden and the United Kingdom. Regarding incoming postings to Italy, the respondents declared that they came from France and Romania.

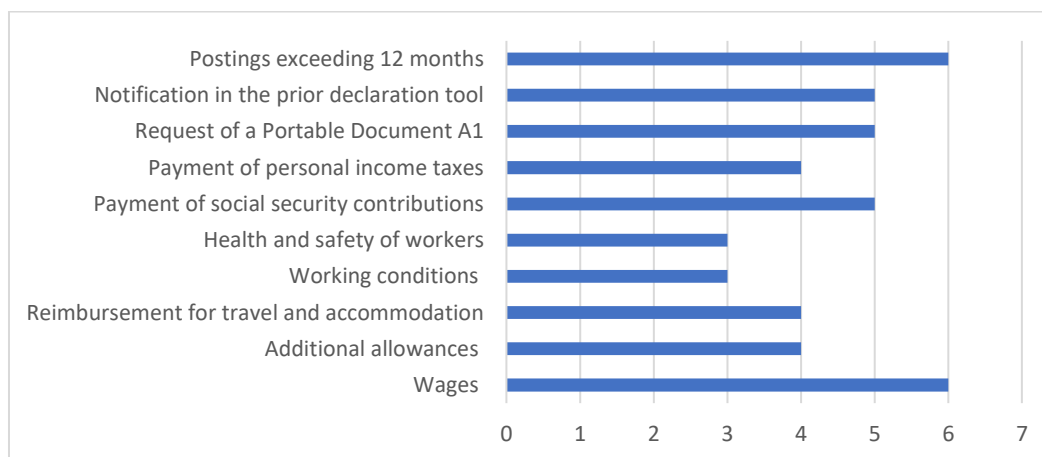
7.2 Survey findings

This section presents the survey findings relating to access to information, analysing the responses on the experiences with accessing and using information by companies, information needs and preferences, and barriers. When it is not specified, the analysis takes into consideration the responses from both the sending and the receiving companies in the sample.

7.2.1 Experiences with accessing and using information

Regarding the type of information most often searched for by the sending and receiving companies located in Italy, Figure 9 shows that it is mainly related to wages (6 out of 9 respondents) and postings exceeding 12 months (6 respondents), followed by information on making a notification in the prior declaration tool of the receiving Member State (5), the request of a Portable Document A1 (5), and the payment of social security contributions (5). The topics that received less attention by the respondents when they accessed or used information on the posting of workers are related to health and safety of workers (3 out of 9 respondents) and working conditions, such as working time, holidays, etc. (3).

Figure 9: Types of information companies searched for regarding the posting of workers (N=9)

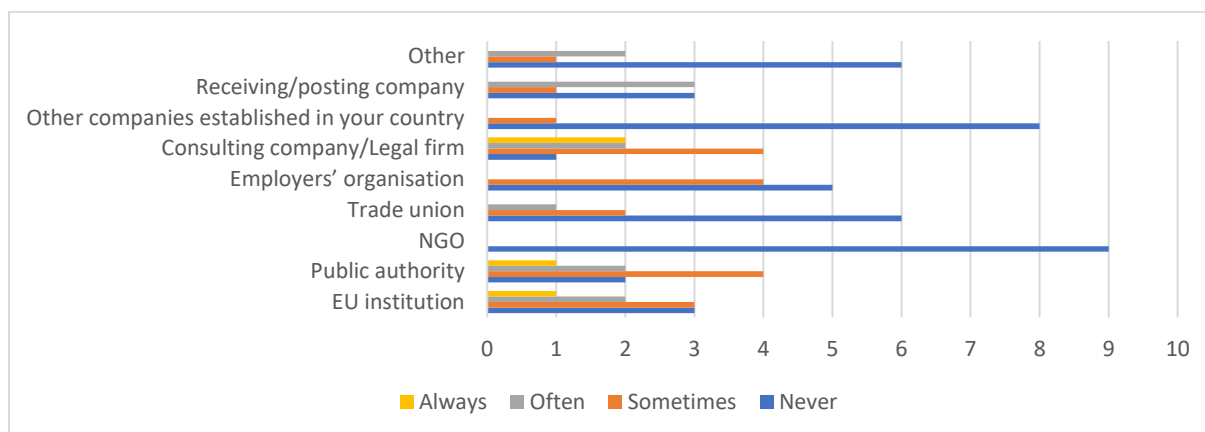


When seeking posting-related information, respondents consider the following aspects of the information as “very important”: information is available in different languages (6 out of 9 respondents); information is up to date (7); information is easy to understand (7); information is sufficiently detailed (6); the information is available in one single place (7). Additionally, according to

7 respondents it is very important to have an office or person to call or visit for questions regarding the posting of workers.

The frequency of the use of different types of sources and channels for information on posting shows that the majority of the respondents tended to “always” or “often” turned to private consulting companies or legal firms (4 out of 9 respondents), EU institutions (3), Public authorities (3) or the receiving/sending company they are working with (3). On the contrary, they tend to “never” use sources linked to NGOs (9 out of 9 respondents) and trade unions (8) (see Figure 10).

Figure 10: Frequency of use of information sources and channels on the posting of workers (N=9)



Regarding the use of the single national websites on posting, before answering the INFO-POW survey, only 44.4% of the respondents (4 out of 9) were aware of its existence to access information on their own country or, in case of sending company, on the receiving countries.¹²

With respect to the usefulness of the information obtained through the channels used, 4 out of 9 respondents (44.4%) described the single national website on posting as useful or very useful and 6 expressed the same opinion regarding the websites of other public authorities (66.6%).

The INFO-POW survey also investigated which aspects of the posting procedures that the sending companies deal with independently or outsource to external consultants due to the need for additional information. The sample for Italy shows that 22.2% of the respondents (2 out of 9) tended to outsource the request of a Portable Document A1 and the calculation of the additional allowances to be paid to the posted worker(s), such as overtime rates, allowance for working at night, allowance for working on Sundays, or on public holidays.

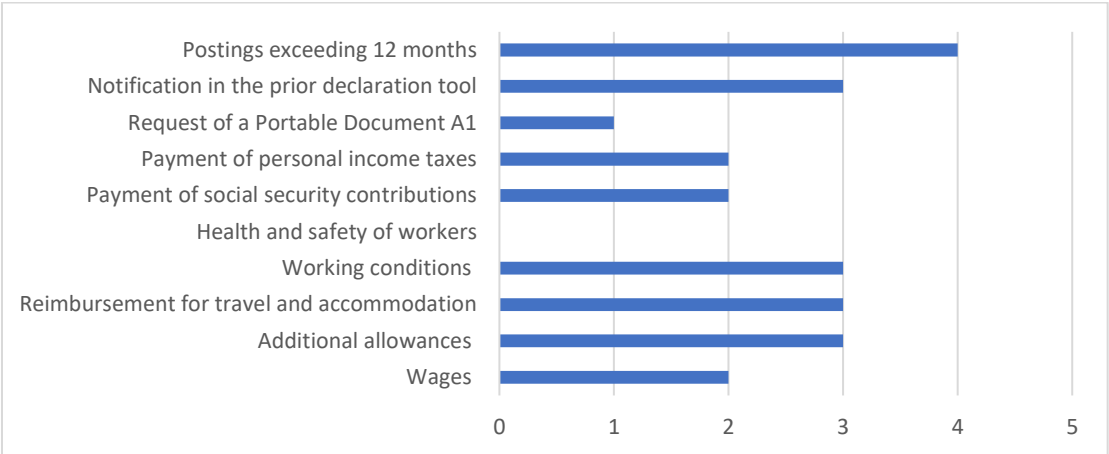
7.2.2 Information needs and preferences

The topics on which respondents indicated that they would need additional information to send and/or receive posted workers correctly are similar to those for which they have indicated that they already search for through the information sources and channels (see Figure 9). As shown in Figure 11, construction enterprises are most interested in receiving additional information on postings of more

¹² In addition to Italy, the countries whose single national websites on posting were consulted are Austria, France, Latvia, Slovenia, and Spain.

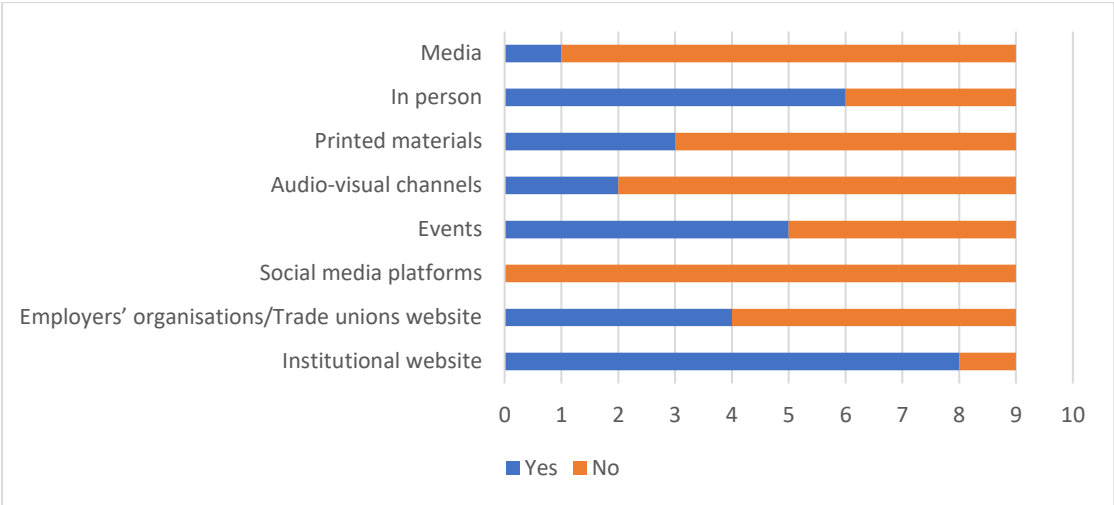
than 12 months (4 out of 9 respondents), making a notification in the prior declaration tool of the receiving Member State (3), working conditions (3), reimbursement for travel and accommodation (3) and additional allowances (3). The topic on which companies are least interested in receiving additional information is health and safety at work, which none of the respondents have selected.

Figure 11: Additional information companies would need to correctly post/receive workers (N=9)



Regarding the types of channels through which companies would like to receive information on posting in the future, the respondents indicated some of the channels that they are currently using the most for searching for information. Our findings from the survey data on this issue are in line with what we have also found according to the data from the qualitative interviews. Among the channels that respondents prefer to have more information from in the future are the institutional websites of the European Commission and the national government (88.8%, 8 out of 9 respondents) and information channels accessible in person, including services provided through hotlines, office hours, contact persons, chats (66.6%, 6 out of 9 respondents). On the contrary, as shown in Figure 12, the majority of respondents prefer not to receive information via social media platforms (100%) or via media such as newspapers, specialised magazines, publications (88.8%, 8 out of 9 respondents).

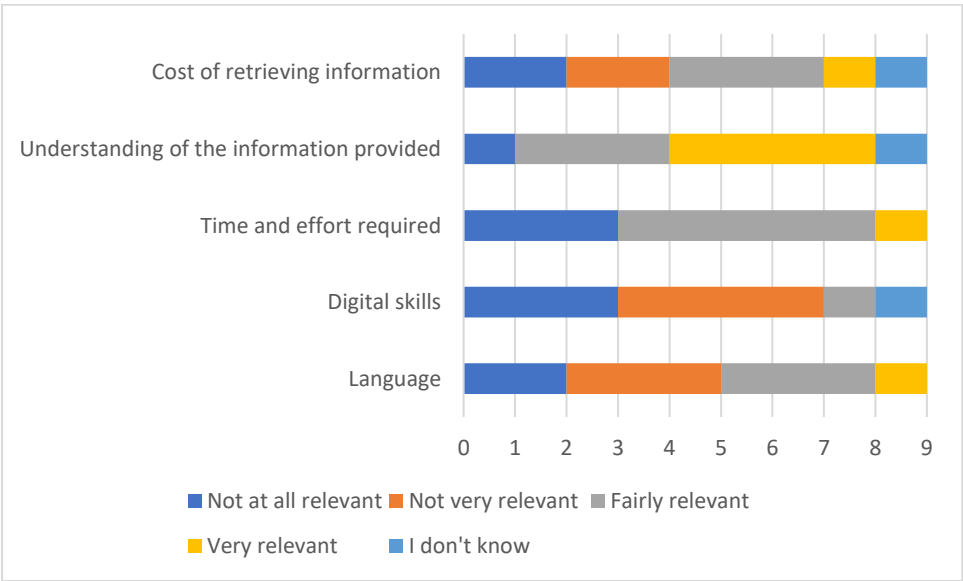
Figure 12: Information channels through which companies would like to receive information on posting in the future (N=9)



7.2.3 Barriers

The INFO-POW survey revealed that 4 out of 9 respondents in the Italian sample considered that access to information was a challenge to participating in posting (44.4%), while 4 respondents considered that it was not (44.4%), and one respondent did not give an answer. Figure 13 illustrates the main factors that pose a challenge to accessing information on posting for the companies that participated in the survey. These factors include understanding the information provided (7 out of 9 respondents, 77.7%), time and effort required (6 out of 9, 66.6%), language barriers (4 out of 9, 44.4%) and the cost of obtaining information (4 out of 9, 44.4%).

Figure 13: Relevance of different factors in creating challenges for respondent’s company to access information on posting (N=9)



The INFO-POW survey also included specific questions addressed to the 7 sending companies in the sample on the difficulties encountered in determining the remuneration and working conditions

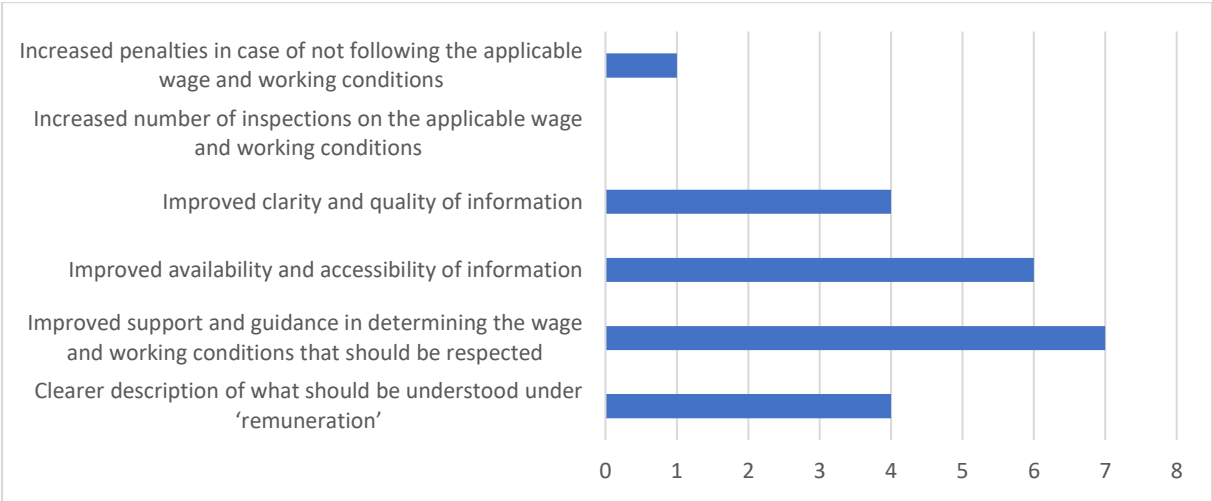
applicable in the receiving countries. Based on their experience, the respondents from these companies described the identification of the applicable remuneration and working conditions as ‘not very difficult’ (2 out of 7 respondents, i.e., 28.5%) or ‘fairly difficult’ (4 out of 7, i.e., 57%). One respondent (14.2%) considered the difficulty of determining the applicable wage and working conditions for posted workers depend on the receiving country, while 3 respondents consider that this factor has no influence (42.8%), and 3 did not give an answer to this question item (42.8%). One respondent elaborated further on this issue in the open-ended comments, explaining that “in some countries it is more difficult to establish the correspondence of wage levels to make a correct remuneration equivalence”, and that “information on posting is less accessible”.

7.3 Best practices and recommendations

As it emerged from the findings of the INFO-POW survey, the Italian respondents felt that there was room for improvement in terms of access to information on posting, such as having access to up-to-date information available in different languages and having an office or person to call or visit for questions about posting workers. Furthermore, the fact that less than half of the respondents are aware of the existence of the single national website on posting indicates that it is possible to further improve knowledge and access to information through the publicization of existing tools (see par. 7.2.1).

Additional comments and suggestions for best practices and ways to improve the access to information provided to companies were also asked of the respondents. Both from such open responses and from specific questions included in the questionnaire, we are also able to gather some recommendations. For instance, as illustrated by Figure 14, the respondents from Italy suggested increasing employers’ compliance regarding applicable remuneration and working conditions by improving the availability and accessibility of information (66.6%, 6 out of 9 respondents). They also suggested to improve the support and guidance in determining the wage and working conditions that should be respected (for example by means of a template or wage calculator) (77.7%, 7 out of 9). Additionally, they suggested the need for better clarity and quality of information (44.4%, 4 out of 9) and to adopt a clearer description of what should be understood under ‘remuneration’ (44.4%, 4 out of 9).

Figure 14: Elements for improving employers’ compliance regarding applicable remuneration and working conditions (N=9)



In open-ended responses, one of the respondents highlighted the usefulness of the official European Union website related to posting and recommended "setting up a similar website with information on the procedures required for posting to non-EU countries". In addition, another respondent suggested that there should be fewer obstacles to posting, particularly in some Member States such as France and Belgium, without specifying what obstacles they meant.

8 Conclusions

This report presented the challenges and needs of construction companies located in Italy in accessing and using relevant information regarding the posting of workers. The country report is based on the review of the relevant literature and legal frameworks, data on the construction sector and the characteristics of incoming and outgoing postings in Italy. Importantly, the analysis consisted of the new empirical material collected through the mixed methodologies in the INFO-POW project that comprised of a mapping exercise of 38 online and offline channels of information provided by the public actors and institutions, the social partners and private entities; semi-structured expert interviews with 8 representatives of public authorities, social partners and private service providers that are responsible for the provision of information on posting; and the survey results of 9 responding posting and user undertakings based in Italy.

The mapping exercise showed that there are many online and offline information channels available to enterprises in the construction sector, providing information on both incoming and outgoing postings. Italian posting and user undertakings also have access to additional online information channels provided by EU institutions and public and private actors from other Member States. Additionally, as our evidence from the interviews showed, the organisations, institutions, and private actors that provide information on posting use different channels, such as online resources, training events and tailored consultancy services, which allow reaching a large audience and, if necessary, providing more precise information based on individual needs.

Nevertheless, our research results have shown that there are several gaps and barriers that are evidenced to make it difficult for companies to access the correct information on posting. For example, the INFO-POW survey confirmed that Italian companies use a mix of information channels, but it also revealed that they are not always aware of the existence of the individual single official national websites on posting. Furthermore, we found that most of the information channels are available in Italian, and only a small part also in English or in additional languages, thus making it difficult to access information for companies based in other Member States who intend to post their employees to Italy. Likewise, in other Member States, information sources translated into other languages are not always available, thus creating a challenge for posting undertakings and posted workers from Italy.

Additionally, in many cases, the information channels only use text and in several of the channels the content consists only of report extracts or comments on current regulation, making it difficult to consult information, particularly for those who do not yet have sufficient knowledge of the procedures to follow. The interviews and the online survey showed that access to easily understandable and accessible information, preferably translated into other languages, is all the more urgent given that there is still no standardisation at the EU level of administrative procedures. One issue of particular concern that was raised is the determination of applicable working conditions and pay. In this respect, some of the interviewees recommended that the Ministry of Labour and Social Affairs should clarify the reference employment contracts which are applicable in the case of incoming postings to Italy, to avoid the use of unfavourable and lower standard contracts to exercise forms of social dumping and unfair competition.

As emerged particularly from the interview data, the gaps and barriers in information provision can be overcome by referring to a series of good practices proposed by some information providers in Italy and also in other Member States - such as the use of a mixed approach that integrates various methods of providing information depending on the individual needs of companies and the homogenization of administrative procedures using the model offered by some Member States. However, more broadly the INFO-POW findings highlight the need to increase transnational cooperation and to develop a more unitary approach to the problems of access to information that arise in individual Member States.

9 Recommendations

This chapter is based on the analysis of the empirical data collected during the INFO-POW project and provides recommendations for improving access to and the quality of information:

- Language: most of the information channels are only available in Italian and only a small part also in English, and vice versa in countries that receive posted workers from Italy. This gap can be addressed by providing additional translations, paying particular attention to the most problematic areas, such as applicable working conditions and remuneration.
- Accessibility to “user friendly” medium and tools: more than half of the information channels use only text, making it difficult to consult information. It is recommended to use different formats, such as infographics, charts, photos and videos, to facilitate the comprehension of posting information.
- Additional information on issues related to applicable working conditions and remuneration: empirical data has confirmed that this is one of the issues at EU level that requires greater efforts for both incoming and outgoing postings. Furthermore, in the case of Italy, the identification of the relevant national collective agreements remains unclear. It is therefore advisable to clearly indicate the applicable conditions via the single official national website. As regards the other Member States, it is recommended to provide adequate information and to strengthen transnational cooperation in order to standardise the information system and to provide quality information in a clear and comprehensive way.
- Improving the existing information channels: empirical research has shown that access to information follows a pyramid model, from the local to the national level. It is recommended to strengthen this model by ameliorating the training of institutional representatives and social partners at provincial and regional level, since it is at this level that companies and workers usually seek support in case of need.

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