

**Quantitative evaluation of counselling
“Fair European Labour Mobility - FELM”**

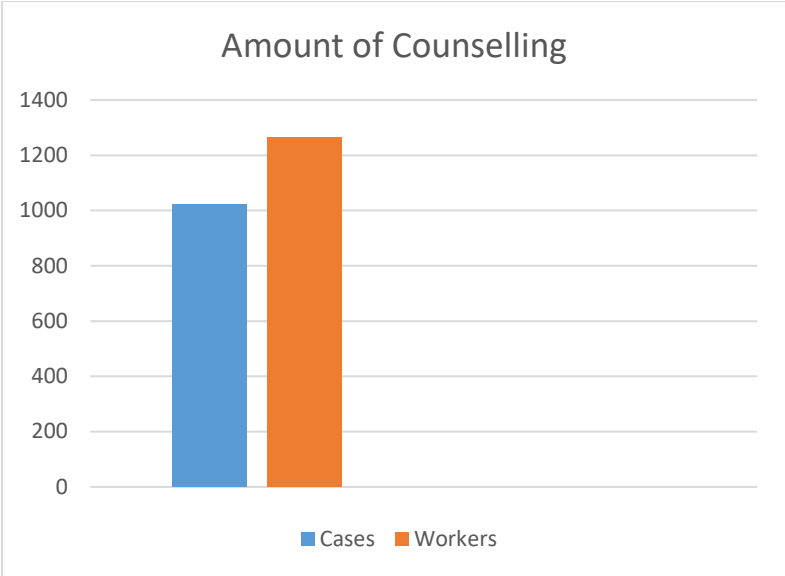
**Overall analysis of the most important findings
(07/22-12/23)**



With financial support from the European Union
“Fair European Labour Mobility” runs four sector-specific counselling centres for posted and mobile workers

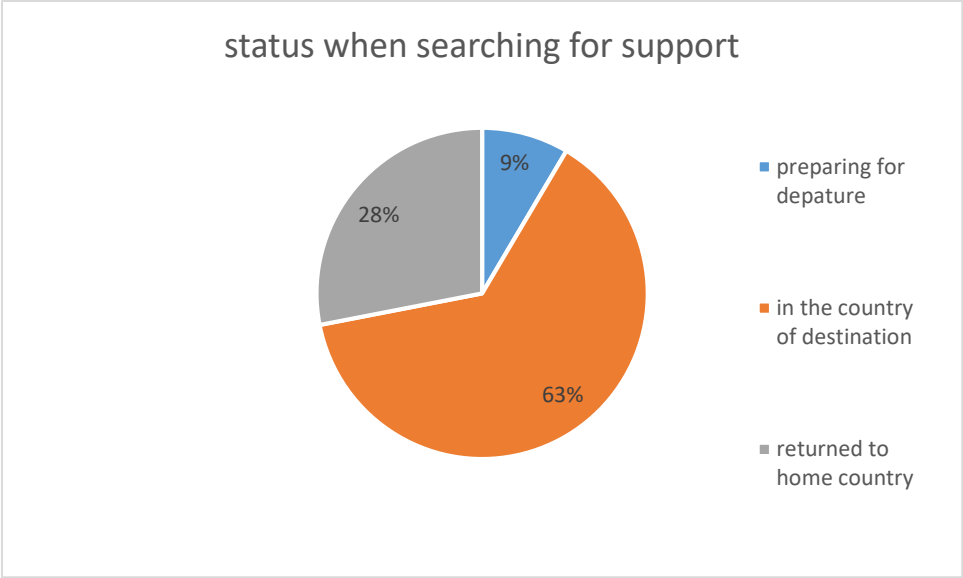
in the sending countries (Poland/ OPZZ, Slovenia/ ZSSS, Romania/ BNS). They work together with the FELM counselling centre at ÖGB , in Austria and with the DGB counselling network in Germany as receiving countries. Vasas in Hungary, who is also part of our consortium, give information for posted workers with trainings on site. As this differs from the counselling, the participants of the trainings are not included in this analysis.

The counsellors of our project give advice to posted workers, exchange information on laws and regulations, arrange contacts and help to solve problems. The counselling centres documented each of their cases. This quantitative evaluation contains detailed data of each counselling case in the project FELM from July 2022 until December 2023.

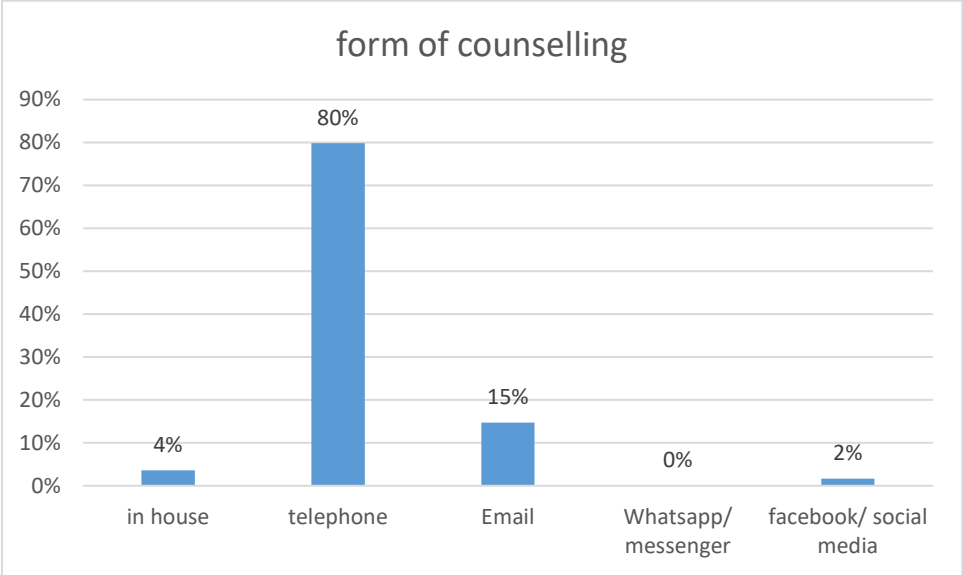


In the period of the project, the counsellors supported 1266 workers in 1024 cases with information on legislation and procedures, contacts and supported problem-solving solutions.

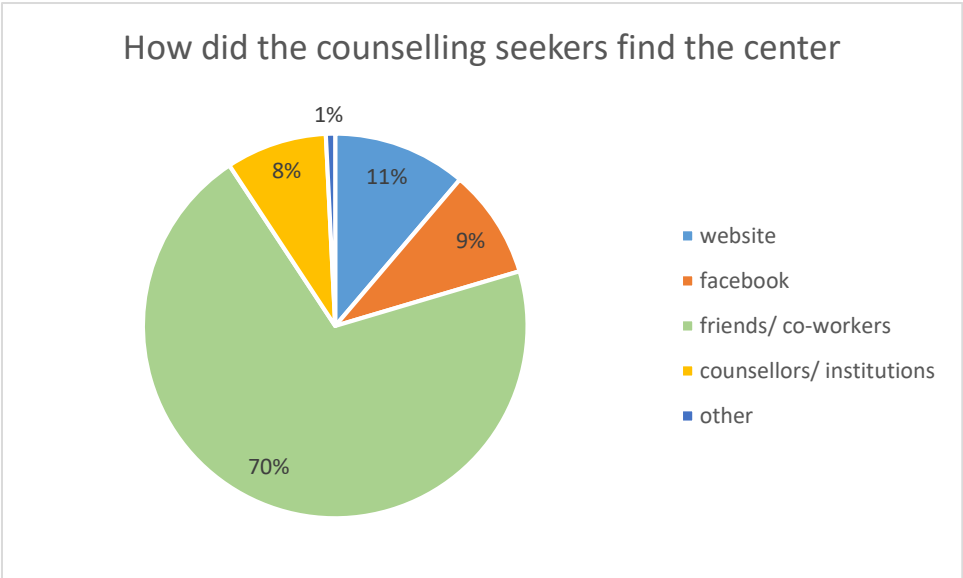
In many cases, more than one worker is affected. In particular, in the construction industry groups of employees are affected. For example, M. Caravan/ BNS Romania counselled a group of 28 workers in the construction sector because of problems with wage and vacation. Whereas, in the domestic care, mainly individual people are affected. They live in the household and if there are problems with their employer or agencies, they are on their own.



Most of the workers, over 60 %, contacted the counselling centres from the country they were working (mostly Germany or Austria). Only 9 % asked for advice before they went to work abroad. In general, workers approach counselling centres when faced with significant problems rather than as a preventive measure. They often start working and then problems gradually arise.

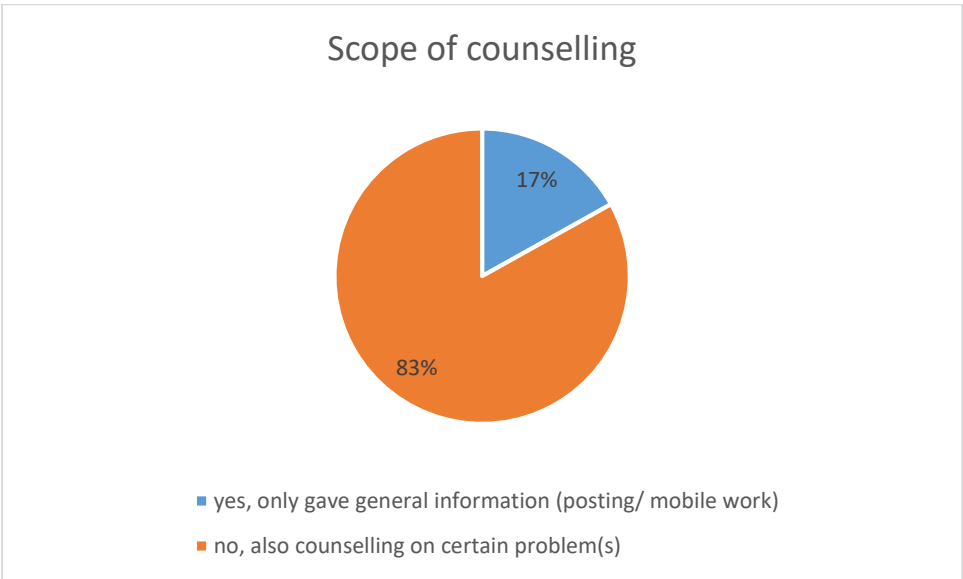


Most of the workers contacted the centres via phone (80 %), also some via E-Mail (15 %). Only a small proportion seeks advice directly in the counselling centres (4 %). This is because only a small proportion of workers have already returned to their country of origin in the event of problems (see above). In addition, the workers do not necessarily live in the place where the counselling centre is located and they would have to travel there for seeking advice.

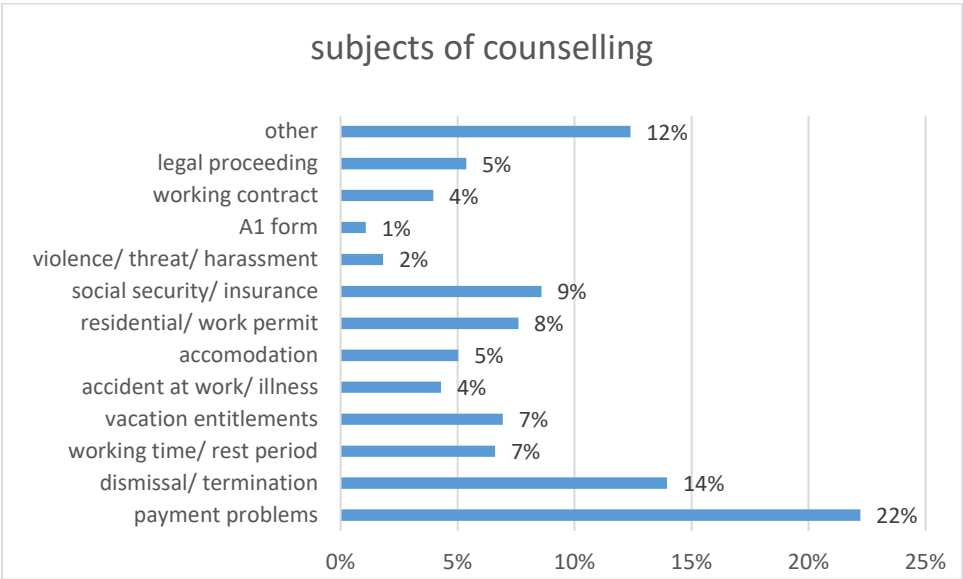


70 % of those seeking advice knew about the counselling centre through recommendations from friends and colleagues. Given the unique circumstances of working in a foreign country, where individuals may be unfamiliar with local institutions and uncertain about whom to trust, relying on friends and co-workers serves as a valuable intermediary to connect them with counselling centres.

Additionally, the statistics highlight the significance of online presence, with 11 % of individuals discovering our centre through the website and 9 % via Facebook.

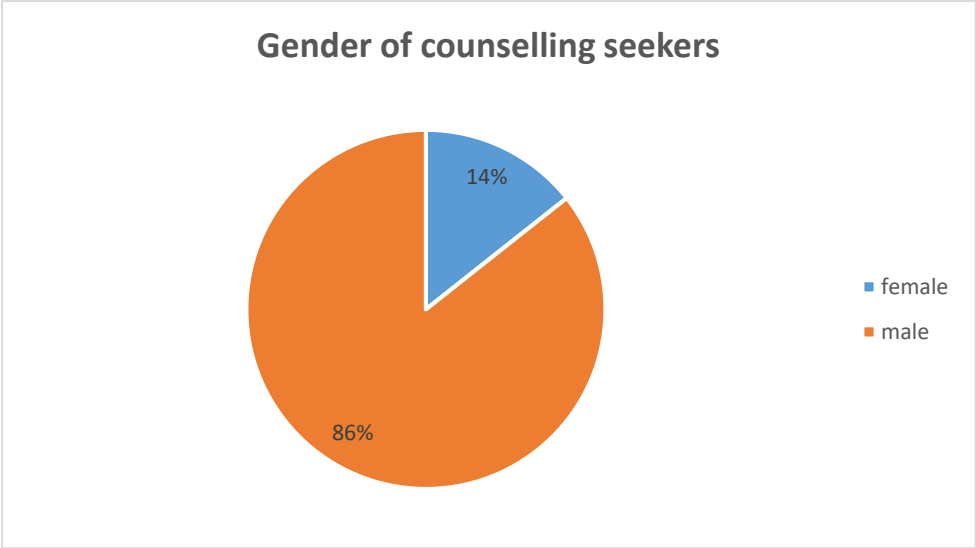


In most of the cases (83 %), the counsellors did not only provide general information on posting or mobile work, but they counselled on certain problems. As the cases are often complex, detailed advice and support is necessary. This includes checking the documents (employment contracts, payslips, working time records, applicable collective agreements, etc.) and, if necessary, contacting the authorities (e.g. in the event of an accident at the workplace, the relevant authorities in the country of origin and the country of posting must be notified; questions about social insurance or missing or incorrect A1 certificates have to be clarified etc.). In addition, the counselling centres contact the employer and, if necessary, with the general contractor. The processing time can vary greatly depending on the case. In only a small proportion of consultation cases is general information sufficient (18 %).



Among the cases we handled, a high number (22 %) revolved around issues related to payments. During our counselling sessions, we frequently encountered situations where labour rights were undermined through incorrect wage reductions, missing payments, or improper overtime compensation. Fraudulent employers often use tactics such as establishing letterbox companies or misusing bankruptcy procedures to avoid their obligations towards wages and social security contributions.

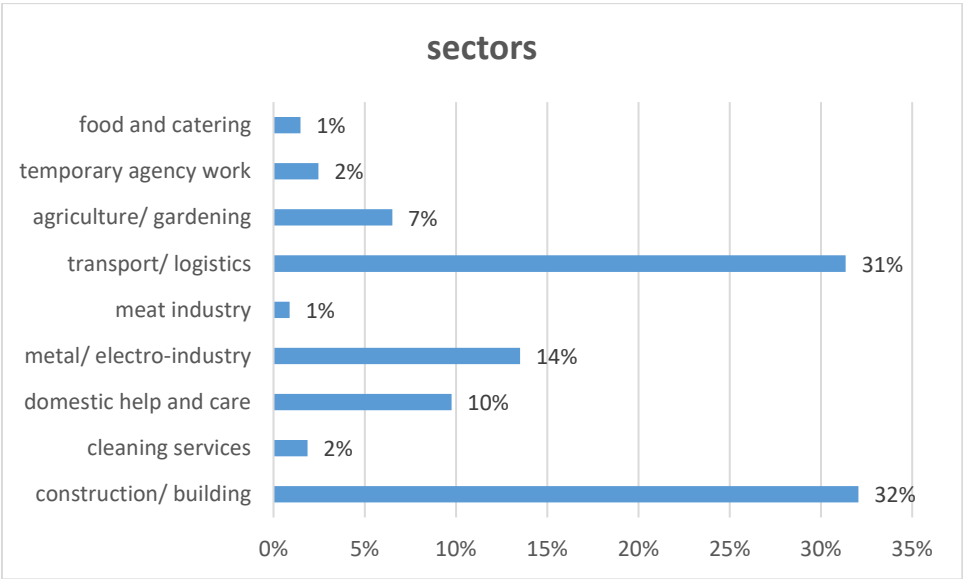
We also had a lot of cases dealing with false or incorrect dismissings (14 %), problems related to social security and insurance (9 %), residential questions and work permit (8 %), vacation (such as cheating of payments for paid-leave) (7%) and with working time and rest periods (7 %).



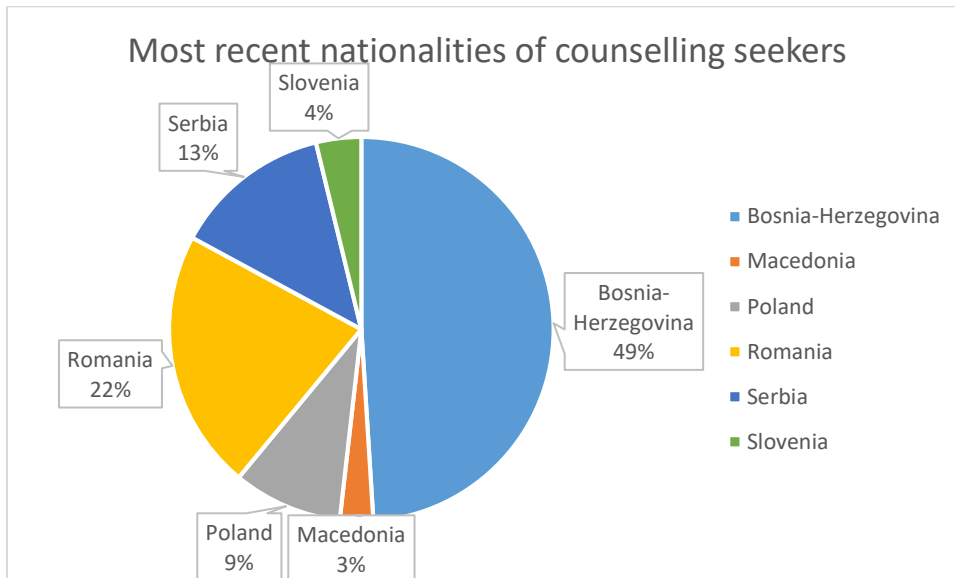
If we look at the gender perspective of the persons seeking advice in our project, we observe that a majority are men (86 %) and only 14 % were women.

This can be attributed to two key factors. Firstly, the sectors with the highest frequency of postings tend to be predominantly male-dominated, such as the construction industry (33 %), transport sector (30 %), and metal/electricity field (14%). Secondly, within these sectors, workers in groups are often collectively affected by fraudulent employers, leading them to seek advice as a collective group, sometimes consisting of 10 or more individuals.

On the other hand, women primarily work in the care sector, with 10 % involved in domestic help and care. As they usually work alone in private households, they seek advice as individuals rather than as part of a group.



The counselling concentrates on certain sectors: with over 30 % in transport as well as in construction, 14 % in metalwork, 10 % in domestic work, and 7 % agriculture. This reflects the occupational distribution of mobile workers in the receiving countries in our project (Austria and Germany).

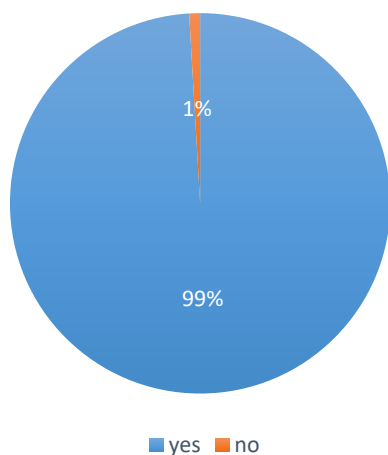


These figures reflect the number of advice seekers in our counselling centres. The counselling centres are set up on a sector-specific basis. In Poland, for example, we counsel primarily domestic carers, while the counselling centre in Slovenia concentrates on truck drivers. These figures therefore cannot be used to make any generally statements about the countries from which workers are particularly posted. Nevertheless, the numbers reveal a trend, namely that the number of third-country nationals among posted workers has risen significantly in recent years.

The vast majority of the counselling seekers are from Bosnia-Herzegovina (49 %) (mostly counselled from our centre in Slovenia)centre. The high number of Serbians is due to the counsellings at the centre in Slovenia. The majority of these workers are posted through Slovenia, even if they have never worked or resided there. If we look closer to the report of the Slovenian centre, we see that 75 % of the counselling seekers of the Slovenian centre are Bosnians and Herzegovinians, and 20 % are Serbians. This high number can be attributed to the lax regulations and lack of controls in Slovenia regarding company establishment and the issuance of A1 certificates. Additionally, these companies take advantage of the low social security contributions in Slovenia. However, this trend reveals a significant problem for the workers. As non-EEA/EFTA citizens, they require a Vander-Elst visa. If they fail to provide this visa during inspections, they may face expulsion from the country where they are employed. Due to the fear of being expelled, workers hesitate to report fraudulent employers to authorities. This leads to a massive dependency on their employer because the residence permit depends on the job.

Beneath the counselling centre in Slovenia, all other counselling centres report, that the numbers of posted third country nationals is increasing.

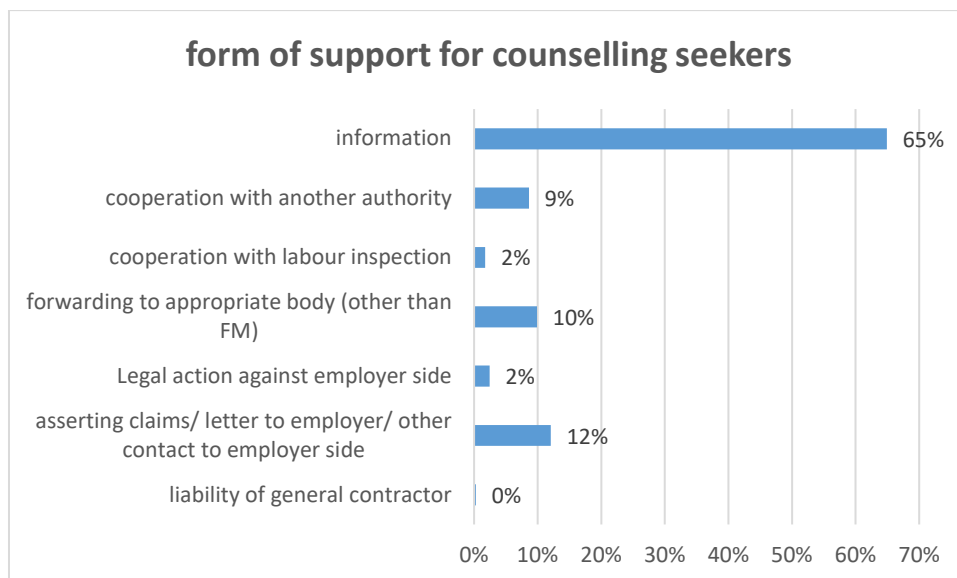
Benefit of counselling*



*Answer of the question, if the counselling was helpful for the counselling seeker.

In 99 % of the cases, the counsellors could help – in 66 % through information, but also through asserting claims or letters to the employer side (12 %).

form of support for counselling seekers



In most of the cases, the counselling centres give information. As elaborated above, this includes not only information, but also counselling and support.

Cooperation with other institutions has proven to be valuable for solving cases. The forwarding to another body were beneficial in 10 % of cases, while cooperation with another authority were helpful in 9 % of

cases. These findings reinforce our approach of integrating networking, cooperation, and counselling in our approach.

Especially the close cooperation with the counselling centres of Fair Mobility in Germany turned out to be important.

In nearly 150 cases, Faire Mobilität and our counsellors worked in close cooperation successfully. Often, these are very complex cases, which need to be worked on in the sending and the receiving country.

The counselling centres shared their information and contacts, and discussed about solving strategies for the cases. This approach is crucial for both sides, the cases cannot be solved otherwise. In general, the exchange of information and experience between the counselling centres from the FELM and Fair Mobility is crucial to solve many cases.