

Posted Workers in Slovenia - Challenges for Employers and Challenges for Public Authorities

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Abstract. The single European labour market means that no barriers should be placed to the mobility of labour. Much of European legislation has been devoted to the free movement of labour, including legislation on posted workers. This paper is aimed to present the interim results of the project POW-BRIDGE (Bridging the gap between legislation and practice in the posting of workers) in the case of Slovenia. One of the goals of POW-Bridge is to identify challenges for posting companies and public authorities tasked with enforcing posting legislation.

Slovenia is a country with a relatively large number of outgoing posted workers and negligible number of incoming posted workers. The results of our research in Slovenia show that in the field of posting of workers, there are numerous challenges for both posting companies (employers) and public authorities as well.

Slovene employers are faced with difficulties in obtaining all the necessary information when posting their workers to other EU countries. Although not trying to bypass local legislation they find the local regulations and requests often very difficult to find, therefore needing the help of Slovene and destination country agencies in order to comply with the regulations. They also find the local regulations very complicated, so they often need substantial help in order to sort out the bureaucratic processes in the destination countries. As regards the incoming posted workers, we witness some rise of posted workers coming to Slovenia from Slovakia in recent years, with posting companies trying to bypass national legislation in this field.

Currently, the main concern of **Slovene national authorities** in the field of posting of workers is the transposition of the Directive 2018/957 and the problems that arise from inadequate compliance with the national legislation. It is quite clear by now (November 2020) that there will be a delay in transposing the Directive 2018/957 into Slovene national laws, since the negotiations amongst the Economic and Social Council partners regarding the transposition and changes of national legislation on the posting of workers have just recently begun. The results of our research show that there is a general consent that in Slovenia, the posting of workers should be more regulated. However, the problem is not the national legislation, but the lack of control/monitoring of violations. Many see this as a consequence of insufficient number of labour inspectors and/or the lack of more thorough checking and control of employers who post workers abroad.

A special problem, **both for employers and for public authorities**, is the possibility of revoking of PDs A1 issued by Slovenia by other EU countries after their inspection surveillance discovers that the conditions for obtaining the A1 document in Slovenia have not been met. It seems that the problem is

in a different interpretation of the mentioned conditions, by different countries. There is also an unclear situation regarding the consequences of revocation of PDs A1 after it was issued. As stated by public authority interviewees, this might pose a huge problem in future and at the time being they don't see any relatively fast and/or easy solution for this situation.

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