

# Youth Employment Skillset in Posting – YES Project

## EU Handbook

YES



19th January 2022

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This report was produced for the YES project, which received funding under the Call for proposals VP/2019/008 of the DG Employment, Social Affairs and Inclusion of the European Commission. The opinions hereby expressed reflect only the authors' view. The European Commission is not responsible for any use that can be made of the information contained therein.

# Introduction

The EU handbook investigates existing and possible skills-related drivers and barriers to fair posting in the countries covered by the YES project, namely Germany, Italy, Poland, Portugal, Spain and Albania.

More in detail, the report is composed of two core sections, addressing respectively:

- Labour shortages in the construction industry, and possible connection with inflows of posted workers as well as the possible role of skills and specialization of domestic companies in outflows;
- Existing barriers and opportunities for posting (including achievements and shortcomings of procedures for recognition of qualifications<sup>1</sup>, agreements or projects supporting short term mobility, changes triggered by digitalisation of the sector), and availability of support services to overcome current difficulties.

In the light of the scarcity of sources, especially in terms of quantitative figures, research has mainly relied on field research, including:

- Interviews to stakeholders (representatives of unions and of employers' organisations, representatives of professional associations, managers, EURES officials, representatives of governmental bodies...);
- Interviews to vocational training centres;
- Country-level focus groups, involving experts, representatives from social partners, vocational training centres, paritarian institutions and officials working on the field (Eures officials, labour inspectors, personnel from public institutions with tasks in the field of vocational training...).

Interviews and focus groups followed guidelines developed by FGB in order to ensure homogeneous approaches and questions, while leaving some flexibility to partners considering the expertise of the contacted people and the contexts of the involved countries. Moreover, some partners decided to integrate findings with additional tools, like surveys or direct interviews to companies and posted workers. The following table provides a summary of the implemented field research activities.

**Table 1. Field research sources used for the analysis**

Country	Field research sources
Germany	Interviews to one trade union Interviews to two employers' organisations Interview to the Federal Employment Agency Interview to the Faire Mobilität representative Interview to one Chamber of commerce and industry Interview to the Federal institute of vocational training Interviews to eight (out of 30 contacted) companies Interviews to four posted workers

<sup>1</sup> By recognition of qualifications, the project refers to processes addressing regulated and non regulated professions, bearing in mind most construction-related occupations are not regulated in the covered countries, whilst certifications may still be required due to established practices by market operators.

	Interview to a training centre
<b>Italy</b>	Interviews to two transnational companies active at cross-border level Interviews to five professional associations Interviews to three vocational training schools (Scuole Edili) Interview to a representative from the Friuli Venezia Giulia Regional Immigration office Focus group with three sectoral unions and an employers' organisation Survey targeting the 114 sectoral funds of the construction sector (40 answers)
<b>Poland</b>	Interview to ZUS Interview to a union Interviews to two employers' organisations Interviews to two NGOs Interviews to two VET providers Focus group with members of the Sectoral Competence Council Focus group with representatives of construction companies, social partners, universities and vocational training schools, public authorities
<b>Portugal</b>	Interviews to two unions Interviews to two vocational training centres Interview to a labour inspector from the Working Conditions Authority (ACT) Interview to an EURES Technical Coordinator Interview to a professional association Focus group with two 'Solutions to problems with your EU rights' tool (SOLVIT) technicians, one labour inspector, and one expert in recognition of professional qualifications Focus group with three construction company representatives
<b>Spain</b>	Interviews to two trade unions Interview to an employers' organisation Interviews to two representatives from the public employment services and EURES counsellors Interview to a vocational training centre Focus group with six representatives from companies, employers' organisations and trade unions Interviews to 5 posted workers Online questionnaire sent to construction enterprises in Asturias
<b>Albania</b>	Interviews to two entities certifying occupational and health and safety courses Interview to three companies active at cross-border level Interview to a researcher with previous experience on posting from/to Albania

Most contents of the report come from these sources, as mentioned below in the document also to highlight possible divergences between stakeholders with different perspectives and standpoints. In some cases, interviews helped to identify additional sources or data, in turn used to feed the analysis.

The following chapters provide an overview of key findings, followed by country-specific information. The report is thought as a working paper, whose findings shall prompt further discussion in the forthcoming project's international workshops aiming to elaborate policy recommendations addressing posting and the related problems from the perspective of skills, vocational training, and related practices.

# Labour shortages in the construction industry and possible links with posting of workers

## Overview of main findings

Country-level findings suggest the construction sector is performing growth, seemingly remaining unaffected by the pandemic-related crisis.

Labour shortages are highlighted across the different countries not only taking into account high-skilled jobs but also low skilled positions. Shortages are arguably related to different factors, in particular unattractive wage levels and working conditions when compared to those affecting other jobs.

Given the absence of rich datasets on occupations of posted workers, it is hard to establish a clear relation between posting and existing mismatches. The analysis is made harder by the fact that posting is still largely underestimated, as remarked in interviews and focus groups, and hiding risks of exploitation.

The analysis has shown that, especially in Germany, but in other covered countries too, a debate is going on over the possible contribution of posting as a way to fill skill mismatches.

According to some stakeholders, subcontracting to foreign companies is a way to overcome difficulties to find available workers in loco. Yet, there are grounds to fear that in the long run similar approaches might strengthen the mismatch itself, especially as far as middle and low skilled workers are concerned. Sought-after occupations do not need extensive training, and could therefore perform a growth in labour supply in presence of additional efforts to improve the actual and perceived working conditions.

Instead, posting is accused to discourage similar approaches, by exerting a downward pressure on wage levels (especially whenever there are misuses).

In some niches, there is also evidence of frequent mobility of companies able to provide peculiar or high-skilled services, e.g. in tunnel boring activities. The mobility of skilled workers also concerns site supervisors, managers and other occupations implying coordination or supervision duties: for these workers mobility may be a synonym of career advancement.

In this regard, interviews with stakeholders and with some transnational companies suggest that for law-abiding companies, the posting of unskilled workers is not very lucrative, for them having to arrange their temporary relocation with the related travel and accommodation needs. Instead, posting only managers and high skilled technicians, while hiring non specialised workers in loco, may be a more efficient solution, especially for larger companies.

## Country-level findings: Germany

Back in 2019, an article published on the website of the German Federal Ministry of Economics and Energy emphasised that, despite a notable increase of employment, the demand for **skilled workers in the construction industry was higher than ever**<sup>2</sup>. Social partners confirmed that the shortage of skilled workers had become an economic risk.

According to a study by the Competency Centre for Securing Skilled Workers (KOFA), vacancies for skilled workers in the construction sector had steadily risen from 2010 to 2018 (except for the year 2014). In 2019, the annual average number of job vacancies slightly fall due to the economic situation. Despite the contraction of the economy and the COVID crisis, implying a downturn also in 2020, the number of job vacancies was still well above the initial level of 2010<sup>3</sup>.

Concerning vocational training in construction jobs, the situation has improved comparing 2020 data to those of the previous year. For instance, the number of new construction apprentices rose by around 5% in 2020. Simultaneously, it fell by almost 10% across all sectors. The number of all apprentices in the construction industry marked the highest level since 2002 at more than 41,000<sup>4</sup>. A reason for that seems to be the **inter-company financing of vocational training**, which is managed by SOKA-BAU. For instance, by means of the 'Berufstart Bau' project, the organisation promotes long-term traineeships and so young interested people are able to get familiar with construction work and with the employers.

While acknowledging labour shortage is a hard deal for the industry, interviewed trade unionists saw no special link with the posting of workers. According to these last, posting seems rather used to manage floods of orders profitably via subcontracting. The main point would instead be the lack of attractive working conditions. According to a special evaluation by the German Federation of Trade Unions (DGB), **two-thirds of all construction workers would assume that they will not last until retirement age because of the physically demanding work**. The employees perceived the long travel times to the construction site and the income as particularly discouraging<sup>5</sup>. According to the construction trade union IG BAU, the construction industry should offer better working conditions and higher wages to offset the current developments.

The results of the survey behind the DGB's 'Good Work' index confirm the assumption of IG BAU. In the survey, skilled workers in civil engineering and road construction were questioned over a period of five years. Fifty-eight percent of all respondents complain about frequent physical exertion at work. The cross-industry average is only 30%. Fifty-six percent of construction workers rate their income as not

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<sup>2</sup> BMWi (2019), Strategie gegen Fachkräftemangel in der Bauwirtschaft, available at: <https://www.bmwi.de/Redaktion/DE/Pressemitteilungen/2019/20190313-strategie-gegen-fachkraeftemangel-in-der-bauwirtschaft.html>.

<sup>3</sup> Hickmann, H., Malin, L. (2021), Die Fachkräftesituation in den Bauberufen. Kofa Kompakt 3/2021, available at: [https://www.kofa.de/fileadmin/Dateiliste/Publikationen/KOFA\\_Kompakt/Fachkraeftesituation\\_Bauberufe.pdf](https://www.kofa.de/fileadmin/Dateiliste/Publikationen/KOFA_Kompakt/Fachkraeftesituation_Bauberufe.pdf).

<sup>4</sup> SOKA-BAU (2021), Trotz Pandemie erneut erfolgreiches Jahr für SOKA-BAU und die Bauwirtschaft, Press release, available at: <https://www.soka-bau.de/soka-bau/medien/nachrichten/beitrag/trotz-pandemie-erneut-erfolgreiches-jahr-fuer-soka-bau-und-die-bauwirtschaft>.

<sup>5</sup> IG BAU (2020), Arbeitsbedingungen am Bau befeuern Fachkräftemangel, Press release, available at: <https://igbau.de/Binaries/Binary14641/PM-54-Bau-Arbeitsbedingungen.pdf>.

commensurate with their performance compared to 46% in the economy as a whole. Eight out of ten construction employees, on the other hand, consider their own work to be particularly meaningful<sup>6</sup>.

As stated by IG BAU, in general construction work can be attractive. At the end of the day, construction workers are able to see with their own eyes what they have created. Yet, in order to counteract workers' concerns and secure the future of the sector, now it would be necessary to take countermeasures. The posting of workers though would reduce the urgency to act.

Both the interviewed employers' organisations **cannot confirm a connection between the labour shortage in the construction sector and the inflow of posted workers beyond doubt**. However, they stressed that the reason for that could be the fact that construction services in Germany are often commissioned to foreign companies.

The employers' organisation ZDB claims that the high generally binding industry minimum wages (as of 1 March 2021 the minimum wage is € 12.85 in East Germany and € 15.70 West Germany) and high training allowances would create attractive remuneration conditions for jobs with often high physical demands<sup>7</sup>. However, demographic change, **competition with other sectors looking for workers** and the **limited employment opportunities for older or female workers** due to the physical demands mean that the sector's labour shortage could not be filled with domestic workers for a long time. ZDB calls for allowing temporary agency work in the sector (currently a ban applies), and remarks that a high number of workers from other countries are needed, posted or employed via the simplified procedure available for posting from third countries (Bosnia and Herzegovina, Macedonia, Serbia, and Turkey). Currently, a quota system is in place, posing limits to the numbers of workers that can be posted to Germany from outside EU.

According to the SOKA-BAU database, which investigates posting in the construction sector, since at least 2009 up to 2019 there has been a continuous growth, with a rise from 38,261 to 86,014 events of posting to Germany. Despite the pandemic, 82,351 postings occurred in 2020. Therefore, there could be an inversion of the question whether the growth of posting has much or little to do with the need of skilled workers in the construction industry in Germany.

### Country-level findings: Italy

According to data from the Labour Force Survey by the National Institute of Statistics, the construction sector employs 1.3 million of workers. Out of these, 850,000 were employees as of the third quarter of 2020, showing a certain stability over the previous quarters despite the pandemic.

Even more positive trends emerge when looking to administrative data from declarations and payments to sectoral funds intermediating holiday pay and other benefits for construction workers (Casse Edili). Preliminary data suggest the **number of construction workers** (about 500,000 in 2019) **is steadily growing in 2021**, a performance fuelled by the very generous public incentives earmarked for renovation of buildings and energy efficiency<sup>8</sup>.

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<sup>6</sup> Ibid.

<sup>7</sup> See also: ZDB (2019), Fachkräftesicherung im Baugewerbe - Zentralverband des Deutschen Baugewerbes e.V.: <https://www.zdb.de/themen/fachkraeftesicherung/fachkraeftesicherung-im-baugewerbe>.

<sup>8</sup> Edilnews (2021), Sfiutati i 59 milioni di ore lavorate mensili. Primo semestre 2021, EdiliNews, November 2021, pp. 10-11, available at: <http://www.edilnews.it/magazine/70/Edilnews.pdf>. See also: Camera dei Deputati (2021),

Nevertheless, the sector is still affected by a **chronic staff shortage**.

According to survey data on the employers' intentions of hiring workers carried out by the Italian Chambers of Commerce, among the 30 **occupations** for which recruiters consider **harder to find people** to hire there are **specialists in electrical welding, welders, plumbers, woodworkers, artisan painters** - the rate of empty vacancies ranging from 50% to 71% across the roles. A closer look to data highlights that employers think that the high rates of empty vacancies rely on the **lack of adequate skills** rather than on the low number of available candidates<sup>9</sup>.

Further analysis relying on the same data by an employers' organisation representing SMEs (Confartigianato Imprese<sup>10</sup>) tell us that 'specialised blue-collar workers in construction' and 'machine operators' are the hardest to recruit among macro-groups of occupations.

According to the interviewees, **this mismatch does not impact on posting in a significant way**.

A marginal exception was reported by the interviewee from the Friuli Venezia Giulia Regional Immigration office, who flagged recurrent requests by companies to host welders posted from third countries.

Yet, requests affect a border region (close to non-EU Balkan countries) and target shipyards rather than construction sites.

The same interviewee reported also that foreign companies holding plants in Italy tend to recruit migrant or posted workers from the owner's country of origin.

For instance, talking about requests submitted to obtain visa for non-seasonal workers in 2020, plenty of construction companies established in Friuli Venezia Giulia by Kosovan citizens sought to hire their compatriots.

The interviewee from the vocational training school established in Tuscany also stressed that many companies led by Romanian entrepreneurs seek to overcome burdens concerning recruitment by looking for compatriots wishing to move to Italy.

Whilst these trends highlight the role of cultural or personal ties in strategies concerning recruitment, the interviewees argue they might also reveal a position of subjugation of the worker to the employer, especially as far as third country nationals are concerned. In this case, their stay in Italy strictly depends on whether they hold a labour contract and, in case of posting from third countries, on the performance of the works declared in the request by the employer.

In order to collect more information on posting of construction workers to Italy, CNCE and FGB carried out an ad-hoc survey targeting all the 114 local sectoral funds administering intermediated wage components in the construction sector (so-called Casse Edili), and collecting 40 answers.

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Il recupero e la riqualificazione energetica del patrimonio edilizio: una stima dell'impatto delle misure di incentivazione, Documentazione e Ricerche, no. 32/3.

<sup>9</sup> Sistema informativo Excelsior (2020), LA DOMANDA DI PROFESSIONI E DI FORMAZIONE DELLE IMPRESE ITALIANE NEL 2020, Unioncamere, Rome.

<sup>10</sup> Quintavalle, E., and Cellini, S. (2020), Edilizia, tra incertezze della seconda ondata e ripresa trainata dagli investimenti, Ufficio Studi Confartigianato, pp. 35-36.



### Box 1 – Posting from and to Italy – the perspective of sectoral funds

The analysis is based on answers to an online questionnaire submitted by 40 out of the 114 Italian sectoral funds active in the construction sector (Casse Edili).

The answers are well distributed among the North (15), the Centre (17), and the South of the country (8). Yet, only 14 funds reported cases of posting to Italy in 2019 and 2020, mostly from Northern regions (9), and, to a more limited extent, from the Centre (4).

The number of cases per year is below 5 for all occurrences, except for the provinces of Bolzano, Milan, Rome, and Turin (for 2019 only). The table below provides a summary of answers for these provinces.

**Table 1. Data on posting in the construction sector to Italy (2019-2020)**

Variable\Province	Bolzano	Milan	Rome	Turin
No. of postings (2019)	14	24	30	7
Posted workers (2019)	42	294	9	7
No. of postings (2020)	15	9	21	0
Posted workers (2020)	46	58	5	0
Main sending countries	Austria	Spain, Romania, Portugal	Croatia, England, Spain	Austria, Germany

Source: YES ad-hoc survey on Italian sectoral funds

First of all, albeit covering a different time frame, figures concerning posted workers seem very far from data of compulsory declarations of posting submitted to the Italian Ministry of Labour and Social Policies.

Between 27 December 2016 and 31 December 2019, the number of workers sent to Italy by companies active in the construction sector and most likely bound, therefore, to enrol in the Italian sectoral funds were: 450 for Bolzano, 654 for Rome; 1,617 for Milan, and 398 for Turin<sup>11</sup>.

Albeit these data cover also white-collar workers (not required to register at Casse Edili), the size of the gap buttresses the perception of some respondents to the survey, claiming that sending undertakings often elude contributions to sectoral funds.

In particular, this was reported by sectoral funds covering the provinces of Macerata, Pavia, Florence, Milan, Terni and Gorizia.

The sectoral fund from Macerata (an area affected by reconstruction works following the 2016 earthquake) highlights also that some companies caught by the sectoral fund's inspectors to post workers without registering them sent declarations by lawyers alleging they had no obligation to contribute.

Instead, the fund from Gorizia remarks a mix of unawareness and misconduct: 'many consultants still assume that foreign companies shall register to Cassa Edile only if active in Italy for more than 6 months (...). Others deem our contributions to apply to social security and, therefore, not to apply to posted workers. Instead, other companies, even after registering, deem themselves as not regarded by requirements on compulsory training for construction workers or to run machineries (i.e. excavators, cranes or other working machineries)'.

<sup>11</sup> Ministero del Lavoro e delle Politiche Sociali (2020), OSSERVATORIO DISTACCO – i primi dati.

The survey also investigated outflows to countries covered by bilateral agreements exempting companies and workers to register in sectoral funds abroad in case of posting. Twenty-seven funds reported to have received these requests over the last two years, 16 for more than 5 cases (mostly from Northern Italy).

Bolzano ranks on the top of the list with 1,043 cases and 3,500 workers sent abroad - most of them to Austria. Other large senders include the province of Milan (461 workers, mostly to France), Brescia (191, mostly to France), and Udine (152, mostly to Austria). Germany is a less common destination, though performing as the main host country for the province of Venice (overall 70 posted workers) and for the provinces of Bari and Barletta, Andria, Trani (Apulia) (21 overall posted workers)<sup>12</sup>.

On the other hand, San Marino performs as the main destination country only for the sectoral fund covering Small and Medium Enterprises working in the close provinces of Forlì, Cesena, Rimini and Piacenza (30 overall cases).

Findings from the survey suggest that posting is still affected by severe information gaps, both in terms of lack of adequate communication between public authorities and sectoral funds, and in terms of accessibility of information on terms of employment and specific rules concerning the construction sector. The behaviour of some companies and of their consultants confirms that much is still to be done also to tackle attempts of evasion in a sector where posting is not the only channel of irregularities<sup>13</sup>.

For what concerns **postings from Italy**, a composite scenario emerges from the analysis of micro-data available at CNCE for the last quarter of 2020, based on requests for exemption to membership in the funds of host country granted to Italian companies moving to Austria, Germany, France and San Marino.

Albeit a clear statistical analysis is hard to implement (the definition of the kind of works being an open answer field), 93 out of the 526 workers covered by the analysis were posted for general construction works or to implement 'manual tasks'. Among other works, instead, it is worthy to mention some **highly specialised activities**, like 'pile installation, perforations, micro-tunnelling and ancillary activities' (119), woodwork (50)<sup>14</sup>, installing or welding furnaces (40), laying of resin floors (34).

This is accompanied by other more common works with lower occurrences, like floor laying, restructuring of stores or of luxury estates, drywall installing, insulation works. **Geographical proximity** seems also to play a **significant role**, since in most cases posting affects Northern provinces close to the borders.

Civil infrastructure works are driven by the presence of specialised companies, mostly multinational companies well known for their ability in performing works such as perforations, special foundations and pile installation, whilst woodwork and laying activities are performed mostly by small artisanal companies having international ties.

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<sup>12</sup> Together with the full number of workers sent to Austria, France, Germany and San Marino for whom an exemption request was submitted, the survey asked to mention the country covered by most requests.

<sup>13</sup> The National Institute of Statistics (Istat) estimates a 15-16% rate of undeclared work in the sector, whilst research highlighted the abuse of self-employment contracts and the application of collective agreements cherry picked for their cost convenience as worrisome practices. See: the EU Post Lab Assessment report, available at: [https://www.fondazionebrodolini.it/sites/default/files/assessment\\_report\\_0.pdf](https://www.fondazionebrodolini.it/sites/default/files/assessment_report_0.pdf) , and Faioli, M. (2021), *Indagine sulla contrattazione collettiva dell'edilizia e sulle relative istituzioni paritetiche*, Giappichelli Editore.

<sup>14</sup> In the light of the specific activities of the involved companies, this has reasonably to do with the creation of wooden buildings rather than with general woodwork.

Two other observations can be drawn from additional analysis on micro data. First of all, work teams are made of people of different ages. Senior workers (i.e. aged over 50) are often sent abroad together with prime agers and young workers (under 30). Taking into account the demographic structure in the sector<sup>15</sup>, companies seem to prefer sending teams of young workers, supervised by one or few more experienced workers. However, further statistical analysis would be needed to confirm this hypothesis.

Secondly there are plenty of different Italian companies in the same sites, which might be due to subcontracts between a main Italian contractor and other companies implementing finishing works, or to some ties between the foreign client and Italian producers.

Albeit differences in the classifications adopted and in the broadness of the analysis do not enable to establish a clear link with skills shortages in host countries, it is interesting to remark that occupations like 'plant and machine operators' seem hard to find also in Austria, France and Germany<sup>16</sup>, and the shortage of tunnel boring machine operators is also highlighted in the YES EU Background Paper (more in detail, as regards posting from Germany).

Interviews with professional associations and vocational schools as well as from focus groups with social partners provide further insights on the mobility of specialised workers, including posted workers according to the definition given by Directive 96/71/EC but also solo-entrepreneurs or small artisans performing work abroad, possibly availing of 'posting' within the meaning of Article 12(2) of Regulation 883/2004/EC<sup>17</sup>.

Whilst the country seems not at the forefront of competences and technologies concerning drywall installing and insulation works (mirroring the few requests covering these works in CNCE databases on posting), Italian tile layers are required world-wide despite the limits they face in the certification of their competences<sup>18</sup>.

Some interviewees also stressed that the absence of certifications for most construction-related jobs and the approach of many public tenders (often assigning much relevance to the financial bid rather than to quality criteria) push Italian specialised companies to look for clients abroad, e.g. in Switzerland or in England<sup>19</sup>.

Finally, as already highlighted in the Background Paper, some large Italian brands in retail trade and hotel chains seem to prefer working with 'trusted' Italian companies when establishing/renovating their stores abroad, also taking into account the performance of general construction works.

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<sup>15</sup> According to data available at CNCE on blue-collar workers registered in its funds as of 2020, 51% of construction workers are over 45.

<sup>16</sup> See also the Cedefop country level data and reports on skills forecasts, available here: <https://www.cedefop.europa.eu/en/tools/skills-forecast>.

<sup>17</sup> I.e. the possibility for self-employed performing works abroad for a limited period to remain insured with the social security institution of the country where they normally work.

<sup>18</sup> See also findings from interviews with Italian stakeholders mentioned in the following chapter.

<sup>19</sup> For instance, the manager from the multinational company BAUMIT remarked how some tenders required a cost per square meter of insulation coat which is roughly half the minimum cost for staff and materials. The association of tile layers 'Assoposa' pointed as a paradox that Italian companies specialised in ventilated external walls are required in Switzerland, where an excellent vocational training system is in place, for them having valued their ability to perform highly advanced techniques.

At the same time, interviews also pointed to some phenomena harder to track from data available at CNCE alone.

Whilst fraudulent posting is often associated with flows towards Italy, interviewees and, especially, unionists taking part to the focus group also pointed to cases of **Italian companies** getting awarded civil infrastructure works thanks to low economic bids, in turn ending up with **savings obtained via irregular posting**, possibly implemented by their subcontractors. These cases are believed to occur more often in countries performing significant wage gaps with Italy, such as Northern European countries.

### Country-level findings: Poland

Construction is one of the key sectors of the Polish economy, accounting for 8% of GDP. In 2019, the sector employed approximately 998,000 people<sup>20</sup> (6% of the total number of employees), while according to the Labour Force Survey, over 1.3 million people worked in the sector, i.e. 7.7% of total workforce, worked in the sector. These differences result from the high number of enterprises employing less than 9 people, the many self-employed persons and the number of immigrants and people operating in the shadow economy, which is hard to estimate.

Data concerning wages collected by the Central Statistical Office show a growth from an average PLN 5,000 gross monthly earning in 2019, to PLN 5,500 at the end of 2020.

According to data by the Sedlak & Sedlak consulting firm, in 2020 the median wage in construction was PLN 5,467 gross, with 25% of the study group earning over PLN 7,000.

Despite improvements in wage levels, during the pandemic many third country nationals decided to go back home, which de facto weakened the competitive position of some construction companies. Currently, the situation of workers from Ukraine and other countries of the former Eastern Block and Asia who work in Poland is going back to normality (in some large construction sites the percentage of foreigners on the total amount of workers even hits 80%).

The sector has been suffering for many years for the **shortage of qualified workers**, mainly construction site workers. Due to the lack of qualified Polish workers, the main reason for that being the low interest of young people in working in construction and the outflow of Polish specialists to other EU markets (via short-term migrations or posting), workers from third countries are the main source for filling this gap. These are both posted workers and employees hired on the basis of the so-called 'notification' (a simplified employment procedure for people from Armenia, Belarus, Georgia, Moldova, Russia and Ukraine<sup>21</sup>).

By analysing job advertisements posted in the first quarter of 2021 on 'Praca.pl', the most sought-after specialists in the construction industry include: general construction manual workers (unqualified),

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<sup>20</sup> Główny Urząd Statystyczny (2021), Rocznik Statystyczny Pracy 2021/Yearbook of Labour Statistics 2021, Warsaw, p. 119, available at: [https://stat.gov.pl/download/gfx/portalinformacyjny/pl/defaultaktualnosci/5515/7/7/1/rocznik\\_statystyczny\\_pracy\\_2021.pdf](https://stat.gov.pl/download/gfx/portalinformacyjny/pl/defaultaktualnosci/5515/7/7/1/rocznik_statystyczny_pracy_2021.pdf).

<sup>21</sup> Regulation of the Ministry of Labour and Social Policy of 21 April 2015 on cases in which entrusting work to a foreigner in the territory of the Republic of Poland is permissible without the need to obtain a work permit (Journal of Laws, item 588, as amended. of 2017, item 2346).

qualified construction workers (steel fixers, bricklayers, painters, roofers, plumbers), machine operators (mainly in construction industry production plants), construction works managers. Also, the demand for construction and electrical installation engineers is particularly high.

Vacancies from the construction industry on the Praca.pl website in the first quarter of 2021 accounted for 7% of all job offers. In the construction sector, the number of job advertisements increased by 26.7% compared to 2020.

To this regard it shall be noted that already in 2020, the demand for renovation teams in both private and public sectors was particularly high. Forced holidays or lockdown at work turned out to be the chances for companies and individuals to renovate their offices and flats<sup>22</sup>.

It shall also be noted that **employers are reluctant to employ workers from countries other than those neighbouring EU** (Ukraine, Belarus, Moldova, Georgia) due to linguistic and cultural barriers. According to data from the Social Insurance Institution (Zakład Ubezpieczeń Społecznych, ZUS), as of December 2020, foreigners accounted for 92,000 workers insured in the sector, mostly Ukrainian citizens (84.4%), but also Belarusian (6.8%), Moldovan and Georgian citizens (both exceeding 1% share)<sup>23</sup>.

Yet, the number of workers from these countries employed in the construction industry is soon expected to exceed 200,000, especially via temporary employment agencies based in Poland, and, for a smaller part, via agencies formally registered in other EU countries<sup>24</sup>.

On the basis of the provisions of the Posting of Workers Directive, Poland is the country performing the largest number of workers posted abroad in the construction industry<sup>25</sup>. The interest of posted workers results from the possibility to enjoy better working conditions in Western and Northern European countries. In turn, foreign contractors are interested in highly qualified employees specialised in the performance of specific building and finishing works. Posting from Poland seems also a **stepping stone for migration**. According to some interviewed companies, posted workers often decide to work directly in a foreign company after the completion of the posting period (and sometimes even during it). This is related to the **higher salaries** (in many countries of Western and Northern Europe specialised workers can earn even 4 times more than they could do in Poland for the same position). At the same time, Polish specialists with education and experience gained in Poland are considered valuable employees.

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<sup>22</sup> Analysis of recruitment advertisements posted in the first quarter of 2021 (www.praca.pl).

<sup>23</sup> Tomczyk, I. (2021), Selected aspects of social insurance for section F – Budownictwo, Presentation by the Director of ZUS Statistics Department, YES Focus group.

<sup>24</sup> Source: interview with a representative of an employers' organization. See also the report of the Polish Association of Construction Employers: Polski Związek Pracodawców Budownictwa (2021), Przyszłość budownictwa po COVID-19. Znaczenie relacji w kryzysie, available at: <https://drive.google.com/file/d/1HSPhcMZ0yQczmsd4xIBEpLZd8wSfRACG/view>.

<sup>25</sup> The latest available sectoral disaggregation of data on posting by sending countries can be found in: De Wispelaere, F., and Pacolet, J. (2018), Posting of workers. Report on A1 Portable Documents issued in 2017, Brussels, available at: <https://beta.op.europa.eu/en/publication-detail/-/publication/ba0fe609-e359-11ea-ad25-01aa75ed71a1/language-en/format-PDF/source-202673691>.

## Country-level findings: Portugal

The construction sector in Portugal was heavily affected by the economic crisis of 2008. Between 2010 and 2014, the number of companies in construction dropped by 20.3%. However, in 2015 the sector started to recover and the number of companies rose by 20.8% between 2015 and 2019<sup>26</sup>, despite the fact that, from 2011 to 2019, Portugal lost about 28% of construction workers (423,100 workers in 2011 and 304,600 workers in 2019 according to data provided by the National Statistics Institute). Currently, the sector performs a **severe labour shortage**. According to different interviewees, it is estimated that between 80,000 to 100,000 workers are needed to meet the current labour demand and this scarcity ranges across all areas of the construction sector and at all levels.

Among other causes, this trend is mainly related to the **devaluation of the sector and its low wages**. Unionists and experts from public authorities stressed that wages in this sector are lower than those paid for in other European countries, pushing Portuguese workers to move abroad<sup>27</sup> and/or to shift to other sectors, such as the hospitality and catering sector: 'I was talking to a temporary work agency for the selection and recruitment of people in the area of the Algarve, now [during COVID-19] having a lot of people available from the hotels and restaurants, who used to work in the construction industry for about 7-8 years'<sup>28</sup>. The failure of attracting young people in the construction industry is mainly due to the devaluation of the sector and low wages, which is causing a severe ageing of the sector.

Similar reasons make it difficult to draw the interest of workers from other countries, especially the closer countries, where wages are much higher, as pointed out by the interviewed inspector from the Working Conditions Authority (ACT)<sup>29</sup>.

Coherently, the statistical data provided by the ACT for 2019 show that only 224 construction workers were posted to Portugal<sup>30</sup>. These posted workers are usually highly qualified, as pointed out, among others, by a labour inspector: 'It is very sporadic. For example, I can remember here at the dam in Gerês, Venda Nova, we had a specialised team of Italians, very good at welding – a very specific job for which they had a know-how that here we do not have, and then we had Italian posted workers, also for a specialised task. But these are very rare cases'.

The existing statistics in Portugal on posted workers do not allow to provide evidence of a particular role of skills. The registration of workers is carried out using Economic Activity Codes (Códigos de atividade Económica, CAE), equivalent to level 1 or 2 Nomenclature of Economic Activities (NACE) codes. These codes cover a broad range of occupations, for example: '*Construction of buildings (residential and non-residential)*', '*Engineering and related technical activities*', '*Other specialised construction activities*', which do not allow to identify exactly either the occupation of the posted worker or the skills and the role performed in undertakings in other Member States.

According to the interviewees the professions of posted workers run across different categories and jobs. It is difficult to single out specific works or occupations, albeit the following ones seem to be most

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<sup>26</sup> European Commission (2020), European Construction Sector Observatory – country profile Portugal, available at: <https://ec.europa.eu/docsroom/documents/28927/attachments/1/translations/en/renditions/pdf>.

<sup>27</sup> *Ibid.*

<sup>28</sup> Extract from the intervention in the focus group of a company.

<sup>29</sup> See also: European Commission (2020), European Construction Sector Observatory – country profile Portugal, available at: <https://ec.europa.eu/docsroom/documents/28927/attachments/1/translations/en/renditions/pdf>.

<sup>30</sup> Data concerning 2019, provided by ACT in September 2020.

affected: engineers; carpenters; construction managers, ironmongers (formwork carpenters), plumbers, tilers, electricians, masons, forklift operators, crane operators.

It should be noted that, in general, the interviewees highlight the soft skills of Portuguese workers, in addition to technical skills and dedication. As remarked by the interviewee from ACT, they have a good basic training and a good adaptability: 'they are workers who are integrated, who adapt, who are good workers, are compliant and have the necessary conditions to develop their profession well'. A unionist also stressed: 'the Portuguese are good workers; in professional terms they are good. The tradition of working in civil construction was the proletarian – grandfather, father and son all worked in civil construction. [...] So we were and we are desirable workers in Europe and outside Europe'.

### Country-level findings: Spain

Over the past nine years, the Spanish construction sector has lost some 38,900 jobs, the year-on-year drop accounting for 16% of the total amount.

However, according to UGT-FICA, during the third quarter of 2020, the presence of foreign workers in the construction sector has increased by 22% compared to the same quarter of the previous year. Therefore, it is observed that **after an upturn in the economic activity of the sector, the presence of workers posted from other countries has increased**<sup>31</sup>. The number of people employed in Spain in the second quarter of 2020 is 18,607,200, of which 6.3% work in the construction sector. The Spanish construction sector employs a higher percentage of foreigners, compared to others. The most numerous national groups in the construction industry are those from the European Union (Romania, Poland, Portugal and France) and from Ukraine. Foreign workers in the construction sector are mostly men<sup>32</sup>, between 35 and 54 years of age, holding a level of education ranging from lower secondary education and similar to upper secondary education<sup>33</sup>. According to the trade union CCOO, the **most sought-after profiles are almost always those of foremen, coordinators and site administrators**.

According to CCOO, there is a high supply of unemployed construction workers, therefore hiring workers in loco would be possible. The problem lies in the **economic competition from foreign companies** (often subcontracted by Spanish companies) sending posted workers with lower salaries and applying the (less onerous) sending country's collective bargaining agreements.

According to the Asturian Construction Confederation-ASPROCON (CAC-ASPROCON), **there is no direct relationship between labour shortages and the presence of foreign workers** from other countries (at least in Asturias). However, it is true that this crisis triggered a flow of small construction companies towards the internationalization of their activities.

The focus group highlighted that **the main reason for hosting posted workers is economic competitiveness**: workers gain lower wages and unequal economic and working conditions. In general, the **lack of skills is not a barrier**. Workers are trained directly in Spain **in occupational risk prevention**. The employers' representatives highlighted that, **in the short term**, a company may resort to workers with

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<sup>31</sup> Source: UGT-FICA-Migrations.

<sup>32</sup> Women account for 3%.

<sup>33</sup> Observatorio Industrial de la Construcción (2020), EPA. Resultados Construcción. 2º Trimestre 2020, available at: <https://www.observatoriodelaconstruccion.com/informes/detalle/encuesta-de-poblacion-activa-datos-construccion-2t-2020> .

cheaper labour costs in the competition for survival. However, **in the long term, skills are relevant** for the competitiveness of companies (in Spain and abroad). Skills will always facilitate the movement of workers, since training helps mobility.

As to posting from Spain, there are no particular data on possible links with skills mismatches or role of skills, except for the constant rise of the trend, turning the country into a net sender. According to the employers' organisation of the construction sector in Asturias (Confederación Asturiana de la Construcción), Spanish companies send mainly specialised workers or coordinators when performing services abroad<sup>34</sup>.

This position is in line with the opinions of the participants of the focus group, stressing that international construction companies usually post **qualified staff, like mid-management or technical staff to other EU countries**. When it comes to posting these workers, it is hard to find a great deal of **documentation** to prove they are adequately qualified in terms of occupational safety and health (OSH), the focus group has highlighted. When companies move to non-EU countries, for example South America, Central America or Africa, they come up against the lack of qualified local staff, which is another huge barrier. Yet, again, companies seem to prefer addressing the issue by training and certifying the competences of everyone especially if they are to perform highly specialised works (e.g. in the construction of tunnels...), rather than by moving their full-teams from Spain.

### Country-level findings: Albania

**Labour shortage** in constructions has been a problem for over a decade, but the COVID-19 pandemic has even worsened the situation. The result is an **overstretched skilled workforce, project delays and increased costs**. Construction firms compete with other rising industries like healthcare, technology and engineering to attract younger workers. The full impact of the COVID-19 pandemic is yet to be investigated, but an important ripple effect on safety protocols, employee health and supply chains is already visible. Briefly, the landscape of the construction industry is changing and it is difficult to find qualified workers for skilled positions in construction. Painters /decorators, electricians, tile workers, glaziers and carpenters are all particularly demanded occupations. This shortage is due to several factors, including **social and economic reasons**, especially **scarce job attractiveness** and limitations of the sector. At the same time, since posting to Albania is not fully regulated yet, it can be assumed with reasonable certainty that posting is not used as a tool to address current labour shortages<sup>35</sup>.

Gaps in available data at the national level make it also difficult to identify whether posting from Albania to the EU countries enabling these temporary flows are somehow related with high specialization of Albanian companies or workers.

Nevertheless, it shall be borne in mind that the country features the presence of workers specialised in some **traditional construction works**, like natural stone masonry (entailing the ability to select, cut and finish natural stones), and lime-based finishing. Courses aimed at preserving these skills are in place,

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<sup>34</sup> See also the YES EU Background Paper.

<sup>35</sup> Hackaj, A. (2015), Youth Employment Trends in Albania: What is the Market Looking for?, Friedrich-Ebert-Stiftung, Tirana.



entailing about 400 hours of lessons and these works seem to be highly required abroad, in particular in Northern Italy, as highlighted by the vocational training schools interviewed in this area.

A study by Gëdeshi and King<sup>36</sup> confirms how the **intention to leave Albania** is felt as particularly urgent in the age group 27–30, where the average share of potential migrants reaches 70%. Albeit the study does not classify findings according to construction-related occupations, it highlights how people with higher levels of education and skills intend to migrate to the more economically advanced countries in Western Europe and to the US, while those with lower qualifications and skills prefer the long-established destinations of Greece and Italy. The study also shows that potential migrants have a growing interest in participating in a training course in Albania. Compared to similar study undertaken in 2007<sup>37</sup>, the desire for training among potential migrants has dramatically increased from 49% in 2007 to 85% in 2018. In particular, the interest in vocational training has grown over the same period from 19% to 39%<sup>38</sup>.

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<sup>36</sup> Gëdeshi, I., and King, R. (2018), *New Trends in Potential Migration from Albania*, Friedrich-Ebert-Stiftung, Tirana, pp. 39-46.

<sup>37</sup> European Training Foundation (2007), *The Contribution of Human Resources Development to Migration Policy in Albania*. Turin.

<sup>38</sup> Gëdeshi, I., and King, R. (2018), *op. cit.*

# Skills-related barriers, opportunities and support services for a fair posting

## Overview of main findings

In terms of barriers to posting, country inputs stress especially the role of language and of language differences. In a sector at high risk of severe or deadly accidents, language becomes crucial to ensure the comprehension and correct application of health and safety measures.

The recognition of competences is rarely an obstacle. Most occupations in the sector are not either recognised or they are formalised only as part of the national provisions implementing the OSH Directives.

This means in practice that it is up to the contractor or the site manager to evaluate whether workers own the needed skills to perform their job. The analysis of the countries taken into account shows uncertainties in the applicable procedures, obstacles to get qualifications recognised by public authorities or companies expecting workers to prove their occupation specific skills via a certificate, albeit this happens rarely when it comes to posted workers.

Nevertheless, indirect consequences may occur for the inability to guarantee experienced or skilled workers are adequately remunerated during posting.

Pay scales aligned with workers' occupations or experience apply in Italy, Spain, Portugal and Albania. In Germany, two different wage levels are in place, depending on whether the worker has experience or not. Following different classifications and scales, the cross-border comparison may be challenging to determine and verify in the absence of adequate information and support.

Few agreements were identified to smooth processes of recognition of qualifications, arguably also because of the existence of rules pursuant to the Directive 2005/36/EC and of the discretion maintained by Member States on related competences.

Further attempts to make professions more uniform arise with regards to the development of standards, either in dedicated organisations or unilaterally by leader companies.

Instead, the promotion of professional cards, enabling to track and certify learning and working experiences, appears to many interviewees as a promising way forward.

The sector seems not to be at a turning point yet for what concerns the digital revolution. White-collar and, to some extent, blue-collar occupations are affected by the introduction of 'Building Information Modelling' software (henceforth 'BIM'). Yet, construction remains largely a manual work whereby the abilities of artisans make the difference. In this regard, the 'green' revolution looks much closer, with the ability to adapt to new environmental standards being labelled as a tax for companies and workers wishing to grow domestically and abroad.

Some initiatives and projects to train workers aiming to post them abroad were mentioned, especially in Spain, suggesting that public employment centres or vocational training schools can play a determinant role in shaping mobility as a lever for career development. Initiatives targeting the qualification of mobile

workers are highlighted in Poland too, both as education courses and as short vocational training courses in foreign languages, albeit mostly focused on migrants rather than on posted workers.

At the same time, the research has highlighted some noteworthy experiences by professional associations, social partners, public authorities and private companies apt to build knowledge on processes concerning recognition of qualifications when abroad. These experiences integrate information made available in different languages in EU-wide portals, like Your Europe or the Regulated profession database<sup>39</sup>.

Instead, public authorities and above all social partners or private organisations published materials providing information on posted workers' rights, on procedures for the recognition of qualifications or about health and safety at work or culture and rules in the host country.

### Country-level findings: Germany

The German social partners agreed on the difficulty to identify the lack of qualifications of posted workers. In general, they remarked that the basis for posting are contracts according to which a posting company commits to provide a certain service in the country. In this regard, it is up to the sending company to provide adequately trained workers. They shall develop and implement individual measures to train posted workers for the German construction sites<sup>40</sup>.

Indeed, the employers' organisations stressed that in the construction sector it is common practice for workers posted to Germany to initially receive **intensive in-company training**, either while still in their home country or after their arrival to Germany for the jobs they need to perform there.

Regarding the German regulations, the **recognition of qualifications of posted workers matters for what concerns wages**. In fact, the collective agreement on minimum wages in the construction branch has fixed two minimum wages: one for skilled and the other for unskilled workers (the difference in the wage levels also depending on the area where the posted worker is actually sent).

Another important implication stems from the collective agreement on the social fund scheme in the construction industry (VTV), which is universally applicable and, therefore, covers workers posted to Germany as well.

Art. 15 paragraph 5 VTV assumes that the contract can be fulfilled only if at least 50% of the posted workers are qualified workers. This implies that the work cannot be carried out by only or mostly helpers. That is a legal fiction, that can be used if SOKA-BAU does not know the exact amount of the gross wage.

Pursuant to Art. 15 paragraph 5 of the VTV, SOKA-BAU makes routinely use of the **right of inspection**. This foresees that the employer must post at least 50 percent of skilled workers in order to meet the working contract with the German contractor.

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<sup>39</sup> See: <https://ec.europa.eu/growth/tools-databases/regprof/index.cfm?action=homepage>.

<sup>40</sup> It is worth to highlight that German policies have addressed labour shortages in the construction sector by improving employment opportunities for migrants from third countries. In order to make working in Germany more attractive for them, ad hoc regulations about requirements for obtaining a residence and a work permit were approved.

However, according to social partners, the limited knowledge of the language may hinder comprehension of applicable health and safety standards in the construction site.

Instead, for what concerns workers posted from Germany, as their wage is generally higher than the one applicable in the host country, they are usually specialised workers and the presence of gaps in required competences is deemed unlikely.

The social partners did not see any particular connection between digitalization and limits or opportunities for posting. Instead, they conceive **digitalization as an opportunity for administrative procedures**. For example, an interviewed trade union saw the possibility to make the posting process easier by getting information through a digital device, especially concerning the release of the A1 certificate.

According to the employers' organisation ZDB, the construction industry set out on its path to a digital future some time ago and is – to stay in the picture – well on its way. Nevertheless, not every company had come equally far, so they emphasize that the road is not over yet. One example of digitalization in the construction sector is BIM, a method allowing for the simulation of a construction project and thus increasing planning accuracy. Yet, the ZDB stressed that neither BIM is a panacea, although it is often seen as such, nor it is the only digitalization strategy. If BIM works, if the interfaces are defined and function openly for all providers, BIM can contribute significantly to the digitalization of the construction industry. They explain further that the digitalization of the construction industry ultimately affects not only business processes, planning and construction, but also building materials and components. The properties of building materials and components will include interconnectivity and the ability to communicate. In the future, contractors will be expected to be able to advise their customers and therefore the building owners.

For what concerns recognition of qualifications, beside sector-specific agreements, a general procedure is in place according to the Act on the Determination of Equivalence of Professional Qualifications (Berufsqualifikationsfeststellungsgesetz, BQFG). In case the posted worker wants to have his foreign qualification recognised in Germany, he would have to go through it. The procedure varies strongly between regulated and accreditation-free jobs.

The employers' organisation HDB explained that regarding the vocational training the Federal Vocational Training Act (BBiG) or/and the Handicraft Code (HwO) were relevant. Accordingly, the Chambers of Commerce (Handwerkskammern) are the responsible contacts here. They follow the principle of the Lead Chamber. This means that local Chambers of Commerce always forward applications from certain countries to the same Chamber of Commerce, which processes the applications. However, communication would always take place between the applicant and the chamber of commerce where the application was submitted. The Chambers of Commerce and Industry (Industrie- und Handelskammer, IHK) set up a central office, the IHK FOSA in Nuremberg. The chambers provide advice locally, but ultimately the application has to be submitted to the IHK FOSA, which decides on the so-called equivalence.

It should also be noted – according to the HDB – that the following problems occur in the course of recognition procedures in the area of vocational training. On the one hand, the certification of full equivalence of a foreign qualification with the German reference qualification hardly ever takes place.

This would be due to the high proportion of practical training in the company during the vocational training in Germany. **Abroad, this practical aspect of the training is often missing**, which consequently has to be made up in Germany for a full equivalence, usually in the course of a longer internship. On the other hand, the correct German reference qualification has first to be found. In practice, this is usually more difficult than it first appears, because a simple derivation of the reference qualification by translating the designation of the foreign qualification is not sufficient. Rather, the specific competencies taught in the qualification course would need to be identified and compared with German qualifications.

Unionists confirmed that people migrating to Germany for work wishing to get their qualifications verified have to face bureaucracy. They emphasised that having a **harmonised vocational training system would be such a great step ahead**, which would make any exchanges or cross-border working more attractive. It is noteworthy though that IG BAU stressed that the German vocational training system is very different from the other EU-member states. This would be due to the specific features of the dual system in Germany. The theoretical part is as important as the practical one. Having a European type of qualification would be worth discussing.

Nevertheless, the topic would not be the most important one, at least from a German perspective. Indeed, unionists confirmed that there are no visible problems with the verification of skills and certificates of posted workers. The focus should be rather on the **posting procedure**. IG BAU remarked that whilst the attention in the European legislation is on making posting as easy as possible pursuant to the principle of the freedom to provide services, posting would also give the opportunity for the exploitation of workers.

In terms of support services, beside information available in EU portals, further information on the recognition procedure can be found on the ad-hoc portal developed by the German government<sup>41</sup>.

Another source of information made available by the government is the 'bq' portal, providing information about job profiles by country in German<sup>42</sup>.

Foreign professionals and German employers can get an overview of the similarities and differences in the respective formal education systems or qualifications there.

### Country-level findings: Italy

When it comes to posting, language is probably the main barrier. On the basis of CNCE administrative data on postings from Italy, the Province of Bolzano, sharing not only proximity but also language and cultural links with Austria and Germany, accounts alone for almost one third of requests of exemption from contributions to sectoral funds submitted from all over Italy by Italian construction companies availing of the exemption procedure for postings to Austria, France, Germany and San Marino.

According to the employers' organisation ANCE, taking part in the focus group, the usual costs associated with posting (i.e. travel, accommodation, possible wage increases...) can be discouraging considering that small companies account for a large share of the workforce (micro-enterprises accounting for 42.6% of

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<sup>41</sup> The Information portal for the recognition of foreign professional qualifications is available at: [www.anererkennung-in-deutschland.de](http://www.anererkennung-in-deutschland.de).

<sup>42</sup> Available at this link: <https://www.bq-portal.de/en/db/laender-und-berufsprofile>.

people employed in the business economy, 63.9% in construction<sup>43</sup>) both in the sector and overall in the economy of the country.

These costs also incentivise a particular way of posting whereby large companies send mainly their managers and specialised workers abroad, preferring to hire local manpower when it comes to general works.

Whilst agreements are in place to avoid risks of double contribution to sectoral funds, they do not cover all countries with a significant share of wage intermediated by sectoral funds, like Denmark. This means companies, possibly supported by the Italian sectoral funds, may be asked to prove that they already contribute to Italian funds when moving to a country not covered by the agreement, or ask for a freezing of payments in Italy in order to register and contribute to the foreign sectoral fund when active abroad. In a specific case, concerning infrastructural works in Denmark, cooperation between the Italian and the Danish sectoral funds helped to sort out which wage elements were not due to the Danish sectoral fund for them be paid directly in Italy.

As far as specialised works are concerned, interviews with vocational training funds and professional associations remarked some **limits in the cross-border recognition of qualifications**.

Albeit these issues seem to be connected with differences in standards and certifications across EU, Italy appears particularly affected due to its weak system of initial vocational training when compared to countries such as France, Germany or Northern European countries<sup>44</sup>.

This means that some foreign contractors, or possibly the health and safety coordinator in construction sites, may expect specialised construction workers to have attended vocational training programmes in secondary schools in order to work in construction, or to have their competences recognised by a certifying body.

In contrast, companies and workers from Italy can generally prove their work experience, attendance certificates of short courses attended at vocational training schools, or licences to operate machines, as ruled by national provisions on occupational safety and health. The attendance of vocational training programmes in high school is pretty rare, due both to their low diffusion and to the unattractiveness of the sector, still performing the highest rates of undeclared work and of accidents at work in the country<sup>45</sup>.

In some cases, as remarked by the interviewed vocational training schools and by the provider of construction materials and insulation components BAUMIT, requests are accomplished upon the provision of documents showing adequate experience in the light of previous works - or references.

Courses having similar contents thanks to the presence of EU-wide legislation, like the basic health and safety courses in construction sites (16-hour long in Italy), may have to be taken again for them having been attained outside the host country.

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<sup>43</sup> The correspondent values for EU-27 are 29.1% and 45.9 respectively. Source: Eurostat Structural Business Statistics, 2018.

<sup>44</sup> See also: Visionary Analytics (2017), Monitoring of the learning commitment in the campaign on the construction sector. Final report, European Commission.

<sup>45</sup> See: Quintavalle, E., and Cellini, S. (2020), op. cit.; Visionary Analytics (2017), op. cit.

Whilst the attendance of short courses may not be considered a significant obstacle, the situations might be more cumbersome whenever workers are not recognised their competence to operate machines or to perform specialised tasks.

In this regard, **limits shall be ascribable also to the functioning of the Italian system**. Vocational training was defined as an issue of shared competence between the Regions and the State by the constitutional reform enacted in 2001.

This means that the certification of competences, when in place, is implemented according to regional standards, a circumstance limiting the recognition of competences across Italian regions themselves, as stressed by vocational training schools.

For what concerns possible opportunities of posting and internationalisation arising from digitalisation, interviewees generally agreed that the construction sector in Italy still experiences a **limited digitalisation**, mostly confined to the use of BIM for modelling activities by engineers/architects.

As remarked by a vocational training school, the sector can learn from experiences in foreign countries where BIM is not confined to design but site managers use it regularly to plan changes in the necessary labour input or in materials to be purchased in the light of the actual progress of works in construction sites.

According to the unions involved in the focus group, the system of vocational training is also lagging behind for what concerns the provision of digital skills.

Projects and networks are in place to achieve shared curricula in new occupations, albeit the focus is more on the circular economy than on the digitalisation of the sector.

As far as the latter is concerned, there is hope that digitalisation may change the setting and perception of the sector, making it safer and reducing strenuous tasks, a condition from which also female employment in the sector is expected to benefit.

There are no agreements in place to smooth the cross-border recognition of competences. Nevertheless, some **multinational companies**, especially producers of materials for construction works, have established their own courses, which are well-known in the sector and de facto work as brokers of **internationally accepted standards**, albeit not necessarily formally recognised. Yet, this also poses the risk to develop different standards depending on the producer, limiting mobility and having a 'lock-in' effect for workers able to use a specific material.

Attempts are also in place by professional associations to achieve EU-wide standards and certifications, e.g. in the field of tile laying and of floor laying.

If the presence of **multinational companies** is triggering **common standards, trainings, and techniques**, some 'bottom-up' contaminations of practices stemming from mobility are also found.

For instance, as suggested by BAUMIT, workers (often migrant and young workers) have been learning how to implement insulation works with machines in Germany, a method which this mobile workforce is importing to Italy. The same interviewee also stressed that slabs used in countries with colder meteorological conditions, e.g. in Austria, because of the colder weather are often larger than those used in Italy for insulation works, requiring workers to have significant manual skills. The knowledge advantage

that Central and Eastern European countries enjoy in these technologies raised also their interest in expanding the provision of services to the Italian market.

In fact, starting from 2020, the Italian state introduced generous incentives for insulation works, granted upon certification of ‘technical adequacy’, a measure boosting the market for qualified companies. In turn, Italian vocational training schools are trying to accompany these developments with the provisions of ad-hoc courses for construction workers.

According to the association of gypsum product manufacturers (Assogesso), as far as drywall installing is concerned, the creation of a **European wide licence could support mobility in the sector**, which is still a limited trend. If associated with provisions requiring works to be performed by qualified staff, such a licence could promote the increase of quality standards alongside a growth in (fair) mobility.

Finally, for what concerns the supply chain, technological developments in the production of concrete are slightly increasing the mobility of related occupations, especially carriers. As new materials can last longer before solidifying, carriers are now able to distribute concrete over wider geographical ranges, possibly trespassing the borders. Yet, as materials to produce concrete are often sourced locally, with the related specificities in their quality and characteristics, even companies working abroad may prefer to avail of local concrete technologists when it comes to preparing concrete<sup>46</sup>.

As emerging from interviews to vocational training schools and from questionnaires to sectoral funds, some companies sought for support by vocational training schools in order to translate certificates of attended trainings or to help explaining the contents thereof to foreign contractors. This process may end up in having some ‘credits’ recognised and also may reduce the modules or courses that posted workers from Italy are to attend abroad.

For what concerns support services, the public organisation INAPP makes available several tools and a search engine to screen the contents of occupations and the related qualification paths. Yet, these tools are available only in Italian and are thought more to support choice of training or education by students than to ease cross-border comparison. The Information Centre on Academic Mobility and Equivalence (CIMEA) provides with available information in Italian and in English on legislation and procedures concerning the recognition of qualifications<sup>47</sup>, including links to the relevant web-pages of ministries in charge of formal recognition, often broken following changes in the structure of the ministries’ web-sites.

When it comes to ‘upskilling’ of the sector to align with emerging technological standards, some vocational training schools are supplying courses in BIM modelling. In this respect, it is worthy to mention the employers’ organisation ANCE recently made available an online course to all its members<sup>48</sup>.

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<sup>46</sup> Occupation-specific findings on changing trends in the construction sector and their current and possible impacts on mobility are dealt with more in detail in the multi-language summary of interviews implemented for the YES project, available here: <https://www.eureka3.it/download/Cnce/2021/giornatenazionali2021/RicercaYes.pdf>.

<sup>47</sup> See: <http://www.cimea.it/en/services/services-recognition-of-qualifications/recognition-of-qualifications.aspx>.

<sup>48</sup> See: <https://www.ance.it/perleimprese/CorsoBim2020.aspx>.



## Country-level findings: Poland

In Poland, the recognition of qualifications (only for regulated professions) is included in the Act of 22 December 2015 on the principles of recognition of professional qualifications acquired in the Member States of the European Union. This act applies to EU and EFTA citizens and, to a certain extent, also to foreigners from third countries. There are no formal agreements for the recognition of qualifications other than for regulated professions. On the other hand, there are procedures facilitating the confirmation of qualifications for foreigners in the Polish vocational education system. In most cases, this requires an assessment of the learning outcomes confirmed in the country of origin of the concerned worker, as well as an 'external' examination confirming skills.

**Few occupations are regulated in the Polish construction sector** (e.g. construction manager, operator of some construction machines, etc.<sup>49</sup>), meaning the employer is not usually obliged to hire employees with a validated qualification. As a consequence, gaps in procedures of recognition are not a formal obstacle to employment. For third-country workers, employers (i.e. HR and training departments) check the employee's formally validated qualifications and experience, but the skills are checked at the construction site. In the case of employees from third countries posted to Poland (mainly through temporary employment agencies), host companies verify the skills of employees in a similar way. Direct employment of workers from third countries (based on the notification procedure) is simplified by the existence of contact networks, and employers engage previously checked employees<sup>50</sup>. Polish employers are most likely to hire employees from neighbouring countries (Ukraine, Belarus) due to the lack of cultural barriers and low language barriers. On the top of similarity in languages, a large number of these employees has basic knowledge of Polish. Employees from other regions (Bangladesh, Nepal, Pakistan, Philippines) are less willingly accepted, precisely because of language differences and difficulties to communicate.

**Administrative provisions in the employment of third-country workers do not appear to be particularly onerous.** This also applies in case of posting. Nevertheless, legislative work is underway concerning regulation of migration, including migration for economic reasons (also due to the shortage of workers on the Polish labour market). Facilitations for non-EU countries neighbouring with Poland will be maintained. An important element for government and trade unions is to ensure that all workers from third countries are covered by social insurance and to reduce the grey area of employment of these workers.

For several years now, the **Sectoral Competence Council in the Construction Industry has been calling** for the introduction of **mechanisms for the recognition of qualifications of construction workers** (at the national level) and for the **promotion of industry-specific language training for construction workers**.

### Box 2 – The Proposals of the Polish Sectoral Council for Competences in Construction

The Sectoral Council for Competences in Construction, which brings together social partners and the most important stakeholders in the construction sector, took steps to facilitate the employment of workers from third countries in the Polish construction industry. More in particular, the Council set out the following set of proposals.

<sup>49</sup> Rules for the recognition of qualifications are available at this link: <http://men.gov.pl/pl/wspolpraca-miedzynarodowa/uznwanie-swiadectw-zagranicznych>.

<sup>50</sup> According to law, workers employed this way may work for 6 months in a 12-month period, then they can be hired again.

- In view of the large outflow of qualified construction workers from Poland (due to migration towards other EU countries, but also to the posting of specialists to companies in other EU construction markets) access of third country nationals to vocational training and a formal learning path (trade schools and universities) shall be fostered and should also become the target of systemic actions. This includes the regular organisation of courses taught in the languages of the largest groups of workers migrating to Poland.
- Basic language courses for foreign workers are necessary, also in order to equip them with industry-specific language, while making it easier for companies to involve their employees (this reiterates previous quests by the Council, with public funds for these courses being now available).
- Funds from the Labour Fund should be allocated to support (also financially) vocational training for foreign workers.
- Workers from third countries, including posted workers, should receive appropriate training in the field of labour law in Poland and of regulations affecting construction works. Ignorance of these regulations by migrants has a negative impact on their functioning on the Polish labour market and on the quality of their work. Specifically, this is the case of younger workers or of those posted for their first time in the country.
- OSH training should be conducted in language groups - depending on the origin of the workers from third countries.
- Mechanisms for recognition and mutual recognition of qualifications should be improved- both in the EU and in relation to migrant workers from third countries. New regulations in the form of a Directive should be adopted at the EU level.

The problem of the lack of competences related to the digitalization of the construction sector concerns both Polish workers and workers from third countries. Yet, the interviewed Polish employers' organisation does not expect a particular impact on posting trends. The needs related to the digitization of construction are noticed in Poland primarily in the area of the qualifications of architects, construction engineers, or for workers tasked with supervision or cost estimation of investments. This is mainly related to BIM and the education process at technical universities. In formal education at EQF levels 3 and 4, **digital skills are introduced very slowly**. Construction companies are gradually filling these gaps by hiring specialists from outside the industry holding skills related to digitalization (programming, drone operation).

Technological changes in the construction industry will most likely result in a growing demand, at least by large and medium-sized companies, for employees holding digital skills. Currently, digitally advanced works are performed by specialised subcontracting companies. Due to the fact that employees posted to Poland are not usually required to have special digital skills, the lack of these skills will not be a barrier to posting in the near future. There is a noticeable influx of programmers from Belarus and Ukraine, but they are employed directly in Polish companies.

Instead, for what concerns digitalization in the public administration, it has to be mentioned the recently completed governmental project 'Monitoring of work and stay for economic purposes of foreigners in the territory of the Republic of Poland', under which **digital tools have been developed to facilitate administrative processes** linked with the legal stay and activities of foreign workers.

Information on the labour market in the construction industry in Poland is increasingly available, addressed both to posted workers from third countries and to citizens of these countries employed directly in Poland. Relevant publications (guides) not only in English, but also in selected languages of the largest groups of migrant workers, are supplied by the National Labour Inspectorate. Such information is also arranged by the ZUS in the field of social security<sup>51</sup>.

Social partners are involved in information activities directed at posted workers and at workers from third countries. Formally, the sending company is responsible for preparing posted workers to work in the host country. Larger construction companies, with extensive experience in posting workers, usually conduct extensive training on professional requirements, health and safety regulations in the host country, insurance and social protection regulations. Access to this information is much more problematic for workers in smaller companies and sent by employment agencies (especially in the case of information on professional requirements).

Trade unions also support migrant and posted workers, albeit this has not much to do with aspects concerning access to training or recognition of qualifications. Within the framework of EFBWW and in cooperation with other national unions, information activities aimed at posted workers and (to a limited extent) legal assistance are foreseen. There are cooperation agreements with trade unions of third countries (e.g. between Budowlani and PROFBUD Ukraine). There are also trade unions of foreign workers in Poland, including the Inter-Enterprise Trade Union of Ukrainian Workers in Poland (affiliated to the OPZZ union). Assistance to economic migrants, including posted workers from Poland, is also provided by associations (the Polish Association of Migrant Workers).

Finally, private training providers organise training for migrant workers from third countries (also in foreign languages) to some extent. However, these courses are not very popular among migrant workers. On the other hand, a growing number of foreigners from third countries studying at Polish technical universities in the field of construction is noticeable. A number of Polish construction schools have established cooperation with their counterparts in third countries and are trying to promote experiences of apprenticeship abroad for students.

### Country-level findings: Portugal

The interviews and focus groups allowed to identify several barriers preventing or limiting the posting of workers: from language barriers to the procedures of recognition of qualifications and certification of competences, the 'lack of unity' among European countries, loopholes in the Posting of Workers Directive, the lack of uniformity of procedures which would simplify and make the process accessible to everyone, fulfilling the so-called free market complying with one of the European Union's basic values: equality.

All interviewees pointed to **language as the main barrier to posting**. Language differences place obstacles at several levels:

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<sup>51</sup> The guides concern health and safety requirements, but also the establishment and termination of employment contracts and other employment conditions. Here is the Ukrainian version: <https://www.pip.gov.pl/pl/wydawnictwa/119183,ukrainska-wersja-jezykowa-wydawnictwa.html>.

1) in the recognition of competences and titles, for the complementary training, which is sometimes required, as this is carried out in the language of the host country and the translation of documents into targeted national language requires time and costs for the worker<sup>52</sup>.

2) In the provision of information, as many websites display relevant information only in the national language whereas not all relevant information is translated in other languages<sup>53</sup>.

3) At the communication level, as workers and even companies are often unable to understand the process because it is dealt with directly in the host countries, as pointed out by the Portuguese Federation of Construction. Language is a fundamental factor for good communication in the workplace but also for integration: 'language is in fact very important to ensure good communication with local entities, with the companies we are going to work with, and local people too'<sup>54</sup>.

4) Without adequate language skills, it is difficult for companies to enter in the market of another Member State, as stated by an interviewed company: 'Germany, for example: speaking English with Germans does not last long, even for doing business it is almost impossible. Already a famous Chancellor of Germany said: We buy in German and we sell in English. I mean, if we don't speak German with him, he doesn't buy anything'. For this reason, all the companies' representatives that participated in one of the focus groups said that they seek to post only workers who have the required language skills. Alternatively, they provide **short language courses**, or, in some cases, they post those workers responsible for construction works, the team managers and foremen, hiring the remaining workers locally.

With regard to the recognition of skills and qualifications, Directive 2005/36/EC (last amended by Directive 2013/55/EU) aims to facilitate the mutual recognition of professional qualifications in EU countries. Although this procedure can turn recognition easier, there is no single solution. The process of recognizing competences and qualifications has various barriers, starting with the lack of practical rules that facilitate, clarify and turn the free market fair, as it is claimed by the European Union.

According to ACT and some interviewed companies, **Member States adjust the recognition of competences and qualifications according to their current interests**. In other words, they hinder or simplify recognition depending on whether they wish to restrict or enlarge access to their labour market. Such an approach seems to contradict the free market advocated by the European Union. The frequent changes in processes were also flagged as an obstacle itself, as it induces a new understanding of the requirements and of the functioning of the process by companies, workers, services and institutions themselves.

Yet, other interviewees, especially the consulted companies<sup>55</sup>, considered the recognition of skills and qualifications in the host Member State as an easy process: 'it is not very complex, as we have seen so far [...] At least I have no situation in Europe that has been very difficult'<sup>56</sup>. They affirm that it is necessary to

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<sup>52</sup> Nevertheless, in the light of Directive 2005/36/EC on the recognition of professional qualifications, translations shall be required only for important documents. See: European Commission (2020), User guide for Directive 2005/36/EC on recognition of professional qualifications.

<sup>53</sup> For example, public web-sites of the single contact points are often written only in the national language, or in two/three languages. See also the analysis of the accessibility of national websites on posting in the YES EU Background Paper.

<sup>54</sup> Extracts from the intervention in the focus group of a company.

<sup>55</sup> It is important to mention that the companies that participated in the study are highly representative and reputable companies and economic groups in the international market. Unfortunately, the project research team could not reach out also small and medium-sized companies.

<sup>56</sup> Extracts from the intervention in the focus group of a company.

have information and prior knowledge about the procedures and for that they resort to the support of the Civil Construction Business Associations, such as 'Associação dos Industriais da Construção Civil e Obras Públicas' (AICCOPN) and 'Associação de Empresas de Construção e Obras Públicas e Serviços' (AECOPS), ACT and international consultancies and lawyers, when necessary.

The recognition of skills and titles of posted workers in Portugal displays some changeable factors. In the case of professions with academic degrees, which involve public professional associations, such as those of engineers, technical engineers and architects, or entities such as ACT that is responsible for the recognition of security technicians or superior security technicians, the process is easy. However, in the case of professional qualifications, the process becomes complicated and can last for a long time, whereas the answer should be given within a month and in the worst-case scenario within four months. The professional qualifications in Portugal, corresponding to the SNQ training modalities referenced to the National Qualifications Catalogue (Catálogo Nacional de Qualificações, CNQ)<sup>57</sup> and the CNQ are organised by qualifications at the macro level, which incorporates many qualifications and skills duly recognised in other Member States, but not in Portugal and this is a problem. For example, the CNQ does not include the qualification of plasterboard installer. Such a worker would be considered as a mason. However, this means the posted worker would have to take the mason's training, which encompasses a set of other skills. On the other hand, these training courses are often part of dual educational paths, resulting into the need to recognize both vocational training and formal education titles. Portugal, like the other Member States, offers the opportunity to complete training and obtain masonry certification free of charge, even though this means attending classes and training. Such a formula can hardly match the interests of posted workers, since they provide a service for a limited time in the country.

Thus, interviewees from public authorities and training centres stress that new strategies able to make the process more flexible are necessary. The Portuguese State is currently reformulating the CNQ through the National Agency for Professional Qualification (Agência Nacional para a Qualificação Profissional, ANQEP) to adapt to the new peculiarities of the labour market. The simplification of the process of recognition of competences is expected. Nevertheless, as pointed out by an expert in the recognition of professions: 'when making laws, the legislator does not see the whole but only parts of it, within the scope of qualifications and training, professional qualifications, within the scope of vocational training, within the scope of the education system'. And this is not just a national problem, as 'at the European level, most of the recognition of professional qualifications is within the domain of education. And education is another world. (...) We need more flexibility and those hours that are at the CNQ do not matter. It is the whole and the whole goes through what the professional can do. Difficulties in the recognition of competences are due to the fact that in Portugal the competent authorities and the institutions only have certain attributions'. In other words, several different institutions or entities are involved in this process but none of them is the main responsible for the whole process, meaning it is not clear 'which involved institution is responsible for what' and there is no coordination between them, which the representatives of these institutions perceive as a serious issue in Portugal.

This often results in failure to meet the deadline stipulated in the Directive 2005/36/EC on recognition of professional qualifications. However, it is important to highlight that the recognition of skills in the construction sector is not highly requested and that Portugal has few migrants and posted workers from other Member States.

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<sup>57</sup> See: <http://www.catalogo.anqep.gov.pt/boDocumentos/getDocumentos/136> .

The focus group carried out with the institutions led to the conclusion that the process of recognition of skills improves as the cases come out. As a technician of the 'Solutions to problems with your EU rights' tool (SOLVIT) put it: 'I do not say that in Portugal things work optimally, but I think there is always a way and we have already had experiences with bodies working very badly and that after the SOLVIT cases and meetings (...) have changed a lot for the better'.

In the focus group with companies, complaints addressed the 24 month time-limit for maintaining posted workers insured with the social security institute of the sending country as per Regulation EC 883/2004, companies calling for a simplification of procedures for possible exceptions in case of longer services. This means that they might have to shift from one regulatory framework (the free provision of services within which posting takes place) to another (the free movement of workers, within which the regular mobility of EU workers takes place).

Another barrier limiting posting are **differences in taxation, wage policies and (when relevant) social security rules from country to country**. Companies with sufficient resources succeed to overcome their information gaps by looking for local entities in the area of labour law; and by hiring lawyers and groups of local consultants. However, in the case of small companies working as subcontractors, which is the most common situation, this option might be too expensive.

In the course of the interviews and focus-groups, several voices from companies and public authorities agreed that the **EU Member States are not united**, but instead are strongly protectionist: 'all Member States are very protectionist and I think this is a widespread matter of fact in the European Economic Area: each Member State thinks that it has fantastic faculties and extraordinary professional skills, whereas in other countries everything is much worse'<sup>58</sup>. Interviewees also state that the EU Member States show competition with each other: 'there are interests that can be noticed. The different markets fix taxation rates and social security rules in order to be more attractive and bring people to their market. Thus, such a factor also penalizes other markets'<sup>59</sup>.

In particular, companies call for a standardization of processes related to posting, in the belief this would bring significant economic benefits.

In Portugal, with regard to the digitalization of the sector, it is 'unanimously agreed that digitalization has contributed to lower the costs for companies (production, communication and transaction costs) and, in this sense, to increase their productivity'<sup>60</sup>. This was also the view of the companies' representatives. In addition to increasing productivity, reducing construction time and facilitating bureaucratic processes, digitalization promotes cooperation and data sharing between different companies and with public authorities, as remarked by an interviewed company.

Concerning the professional training in the field of civil construction, digitalization also offers new possibilities because it allows people to access training regardless of where they are through e-learning, an aspect which the interviewed training centre hopes will be maintained.

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<sup>58</sup> Extract from the intervention in the focus group of a SOLVIT official.

<sup>59</sup> Extract from the intervention in the focus group of a company.

<sup>60</sup> Ramalho, R. (2019), A Economia Digital e a Negociação Coletiva. Ministério do trabalho, solidariedade e Segurança Social /Centro de Relações Laborais, Lisbon, p.14, available at: <https://www.crlaborais.pt/documents/10182/341209/Estudo/d0ffbafd-f9e4-42eb-aad7-7a3e21038486>.

Mobility **opportunities increase with digitalization**, despite unequally among construction workers, as both the interviewed public authorities and companies recognize that there are still large shares of construction companies and workers lagging behind in digital innovation.

It should also be noted that in Portugal the **recruitment of construction workers** who are going to work abroad is often carried out using new technologies: as remarked by a company, concerning temporary work companies, much of what is done today occurs via social networks and mobile phones. Labour inspectors and unionists also expressed **concerns that these means are not being used only by reliable companies**, but also by recruiters who elude laws and exploit construction workers.

Concerns arise also regarding the **green transition**, requiring the construction industry to become more environment-friendly and sustainable. Some of the companies reached out for the project stress that **financial incentives and rules are being aligned with objectives of energy efficiency and reduction of CO2 emissions**. These changes require construction companies to keep up the pace with innovation in the area.

Finally, digitalization allows for the exchange of information and collaboration between different Member States through digital platforms and also provides tools for workers and companies supporting their mobility. The Internal Market Information System (IMI) is referred by the interviewees as a resource that several institutions more and more often use to find and share information and solve problems timely. Other platforms and networks are pointed out, such as Solutions to problems with your EU rights (SOLVIT), Your Europe, Electronic Exchange of Social Security Information (EESSI), Eugo Network<sup>61</sup>, The European Job Mobility Portal (EURES), etc.

Despite the involvement in EU-level platforms and tools concerning international mobility and recognition of qualifications, there are no agreements either for sharing, or for mutual recognition of certified skills, or even to ease access to information on necessary training courses to perform specific jobs and work in a construction site.

By means of desk and field research, two protocols signed by the Public Professional Association of Engineers in Europe concerning the recognition of qualifications were identified: one with Spain, because its Spanish counterpart is under the tutelage of the Ministry of Development, and the other with the United Kingdom. This last protocol was signed before Brexit, but it had the two countries agreed that the protocol would remain valid also after Brexit. However, as stated by the Order of Engineers 'in EU, the rules for the recognition of professional qualifications at a higher level facilitate the process and public professional associations do not need to draw up agreements and protocols'.

Among other services, some Business Associations, such as AICCOPN and AECOPS, hold information sessions, seminars and workshops, as well as support and guidance to member companies.

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<sup>61</sup> The single contact points established by Directive 2006/123/EC on services in the internal market provide information on the regulated professions in the host Member State, the contact details of the competent authorities and support centers, the list of regulated education and training courses, as well as training courses with a special structure, information on qualifications and linguistic requirements, procedures for recognition and provision of temporary services in the country, namely information on possible fees to be paid and documents to be presented, information on how to obtain the European professional card and detailed information on the methods of appeal against decisions on the recognition of professional qualifications. See: European Commission (2020), User guide for Directive 2005/36/EC on recognition of professional qualifications.

The Porto Higher Engineering Institute (Instituto Superior de Engenharia do Porto – ISEP), in partnership with the Embassies, provides information sessions, information sharing and support to companies.

The National Energy Agency manages the ADENE Academy (*Academia ADENE*), which offers training modules for construction workers focusing on energy efficiency skills. The Academy created an online platform allowing users to quickly and effectively access the available courses and select those in line with their needs. The training offer includes energy certification of buildings, energy auditing, installation of renewable energy systems, as well as other skills such as project management.

The Portuguese Technological Construction Platform performs capacity building and training courses in the area of construction technologies, for example: introduction to BIM, digital transformation, new technologies for urban rehabilitation, innovative and eco-efficient materials.

The public professional associations (Public Professional Association of Engineers, Public Professional Association of Technical Engineers and Public Professional Association of Architects) disseminate information on posting, provide legal support and training in the corresponding professional areas.

Some private companies, like Euroconsult, clarify situations and procedures and provide support to companies and workers, as a paid service.

### Country-level findings: Spain

In Spain, in general, professions in the construction sector are not regulated, i.e., no formal titles are required by law to exercise them. However, a **national catalogue of professional qualifications** classifies the professional competences of all professional families, including building and civil engineering. To access these professional qualifications, people willing to work in the construction sector can choose to take Technical Degrees of the Ministry of Education or the Professional Certificates issued by the Ministry of Labour. These degrees/certificates are all transposed to the **Europass Supplement**, a tool used by the European Commission to recognize professional qualifications between Member States, which facilitates the transparency of the professional qualifications of workers moving to another European Union country. These qualifications are increasingly in demand by companies. Yet, the interviewed EURES officials point out the difficulties of recognition outside Spain.

Companies in the construction sector demand from their workers mainly **technical skills**, related to the occupation and **prevention of occupational and health risks**. They also value transversal skills related to teamwork, responsibility, initiative... **Digital skills** are starting to be required for certain technical positions.

The most demanded training is related to OSH risk prevention. However, companies also request specific training related to masonry, finishes and thermal insulation, formwork, construction machinery, waterproofing, dry plaster partitioning and false ceilings... They also require BIM for the different jobs in the company. In other words, skills aimed primarily at enhancing the energy efficiency of buildings and promoting the digitalization of the sector are mostly required.



Literature shows that studies focusing on working conditions of posted workers have followed qualitative approaches which in most cases rely on semi-structured interviews conducted with posted workers, social partners and labour inspectors<sup>62</sup>.

Overall, qualitative research focusing on both workers posted to Spain and workers posted from Spain show results similar to other European countries. They reflect that posted workers are generally exposed to poorer working conditions than native workers. Most problems faced by posted workers are related to circumvention of equal pay and working time rules (longer hours, etc.). Moreover, problems related to living conditions (i.e. the quality of the accommodation offered by sending companies is often poor) have been reported. Sometimes even cases of companies discounting housing costs from posted workers' salaries have been also reported. Attention should also be paid to the negative impact on health and safety. These last are related, on the one hand, to the fact that workers spend a short period of time in different workplaces and, as a consequence, they do not internalise organisational culture and workplace routines reducing risks. On the other hand, these negative effects on health and safety are also a consequence of language barriers<sup>63</sup>. The language barriers faced by posted workers also lead to limited access to information about work-related rights, obligations, working conditions, and health and safety training, as reported by posted workers from Spain<sup>64</sup>.

The recognition of the qualifications of posted workers is also a field where many difficulties may arise. These difficulties depend largely on the regulation in the hosting country. They may entail problems for recognising skills/competences certified in Spain, as pointed out by the interviewed employers' organisations and EURES official.

### **Box 3 – Possible measures to overcome information gaps of posted workers – hints from EURES activities**

The interviewed EURES counsellors point out the importance of **prior information on different cultures and lifestyles**. These are dealt with more in the framework of specific projects than through the general service. Sometimes, in Nordic countries, posted workers are the main targeted actors of projects concerning cultural adaptation in which EURES participates and that include language courses in origin. Requests for information from users are sometimes poorly adjusted to the needs they will later experience (very focused on salaries and working conditions, little attention to soft skills, cultural background, etc.).

EURES indicates that the most successful projects are **3-sided projects: EURES in the sending country + EURES in the host country + company**. These sometimes include vocational training tests at origin. In this sense, the **MySkills** project has just been launched in collaboration with the German Public Employment Service and the Land of North Rhine-Westphalia. The project is focused on the

<sup>62</sup> See: Eurofound (2017), In-depth analysis of the impacts of fraudulent forms of contracting work on inequalities in working conditions and on business competition, Dublin; Dodi, I., and Melenciuc, I. (2019), Posted workers on the route to a European labour market: Case study: OSH-related vulnerabilities of posted workers in Spain, Centre for European Studies Working Papers, 11(1), pp. 73-90; Zólyomi, E., and Danaj, S. (2019), Language barriers and the occupational safety and health of posted workers, Policy Brief, European Centre Publications.

<sup>63</sup> See: Eurofound (2017), In-depth analysis of the impacts of fraudulent forms of contracting work on inequalities in working conditions and on business competition, Dublin; Dodi, I., and Melenciuc, I. (2019), op. cit.

<sup>64</sup> Zólyomi, E., and Danaj, S. (2019), op. cit.

construction sector. It aims to facilitate the mobility of Spanish construction workers to Germany through a system allowing them to obtain the certification of skills acquired via professional experience by means of an online test. The project includes:

- Extensive training in German in Spain (3-4 months);
- training in Germany in immersion in construction; bridge building courses, before incorporation and even while working.
- initial self-assessment test of experience.
- subsequent on-line test guided by technicians (EURES will participate in this phase, as well as in the orientation and information).

Aimed at persons who have no official training, even without a certificate of vocational qualification, the project targets workers with one/two years of experience and the following profiles: specialised tiling and mosaic worker, tiler of elements, specialised road worker, masonry worker.

In terms of **OSH training**, workers from other countries who come to work to Spain must abide by the provisions of the Collective Agreement of the construction sector. Concerning the prevention of OSH risks, it is compulsory for each worker to receive initial training on the risks of working in the sector, as well as the risks concerning his/her occupation or trade. In this training, known as second cycle training (20 hours), there is a common part (14 hours to be carried out only once) and a specific part (6 hours for each occupation or trade) to be taken by workers carrying out multifunctional and polyvalent activities. Likewise, the site's preventive services<sup>65</sup> must also successfully complete the basic level of preventive training, which is specific to the construction sector (60 hours).

Spanish professionals in the construction sector moving to another EU country to carry out a temporary activity posted by their company have to comply with Spanish regulations on professional qualifications (within the European framework of qualifications and the Bologna Treaty) and OSH risk prevention (according to the national **Collective Agreement**).

As a general rule, the training that workers receive in terms of OSH risk prevention through the sector's **Construction Professional Card** (Tarjeta Profesional de la Construcción) or its training certificate is sufficient to prove that the worker has received adequate training, at least in the EU.

Professionals moving to another EU country carrying out activities related to construction, industrial maintenance, engineering, electrical engineering, insulation work, scaffolding assembly, industrial cleaning or vertical works in some countries such as Belgium, Germany, United Kingdom, Luxembourg, Denmark, France, Holland, Austria or Switzerland, must hold a valid **VCA certificate**<sup>66</sup>. VCA is a certification system that accredits workers in safety, health and environment. VCA certification has two levels of training: - BASIC-VCA - Basic Safety - VOL-VCA - Middle Management Safety.

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<sup>65</sup> In line with Directive 89/391/EEC, the Spanish legislation obliges companies to designate one or more workers or external services to carry out activities related to the protection and prevention of occupational risks, and to make sure they are equipped with the necessary knowledge.

<sup>66</sup> In Dutch, VCA stands for: 'Veiligheid Gezondheid Milieu Checklijst Aannemers' meaning: Safety, Health, Environment and Subcontractor's Checklist.

For what concerns digitalization of the sector, the lack of **BIM** skills is becoming an obstacle also in cross-border labour mobility, as they are required by public tenders in many EU countries, especially in international tendering.

EURES notes that there has been an increased demand for construction workers to move to other countries (especially during the 2008-2013 crisis). However, in many cases there were **language problems or difficulties with professional cards or skills accreditation systems**. There is a recurring problem with the recognition of professional certifications. This need for professional certificates differs from country to country but it is generally very important. The recognition of university degrees works quite well but in VET it is often easier to obtain a professional card. These cards may help to prove one's own competences and experiences abroad. For instance, the VCA card is currently recognised across many Central and Northern European countries. Yet the process of professional recognition in construction seems not sufficiently developed.

In the case of other types of training at **technical** level for construction workers (knowledge of the technical code, legal parameters of the countries of origin of work execution and language, etc...), there is no monitoring by public authorities. These issues are relegated to the relations between contractor and subcontractors in terms of the requirements, parameters and profiles that some demand from the others to assure quality criteria, etc...

In **OSH preventive** matters, posted workers may be exposed to risks arising from any of the following situation(s) identified in the Guide developed by UGT<sup>67</sup> for the preventive protection of temporarily posted workers in the European Union:

- the work and preventive culture of the environment of origin and of the posted workers themselves, which will condition the motivation and attitude in relation to preventive activities;
- the way of understanding occupational risk prevention in each country or region for cultural and/or socioeconomic reasons and the time for the implementation and maturation of the culture of occupational risk prevention;
- the language barrier, which makes it difficult to understand the information and training received, as well as the company's instructions, especially in preventive matters;
- the level of training and the skills and abilities of the posted worker;
- the widespread presence of precarious employment, characterised by temporary contracts, part-time work and instability;
- the exposure to very long working hours;
- the discrimination or marginalization to which posted workers are exposed as a result of attitudes of racism, xenophobia, rejection or discrimination;
- the loss of the social support network as posting entails separation from the family in most cases;
- difficulties in adapting to new working and social contexts;
- ignorance of the legislation and customs of the host country, which places workers in a particularly vulnerable situation;
- insecurity and uncertainty due to the lack of control of the situation.

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<sup>67</sup> See: [https://www.ugt.es/sites/default/files/guia\\_trabajadores\\_desplazados\\_web.pdf](https://www.ugt.es/sites/default/files/guia_trabajadores_desplazados_web.pdf).

There are some cross-border agreements for information sharing between Spain and other EU countries. Agreements have been concluded with Labour Inspectorates from Portugal, France, Poland and Romania<sup>68</sup>.

In general, these agreements imply that the Labour Inspectorates would share information about posted workers and enforce the EU directive of posted workers in terms of OSH, working and employment conditions. Yet, they do not encompass the mutual recognition of certified skills / information on required courses to work in the construction sector.

Within the scope of the FLC, trade unions and employers are already working to enable workers to access relevant information and to promote the recognition of their qualifications. However, it is true that no joint activity/service has been launched, which instead could be very interesting.

At the local level, back in 2001, the Swiss Society of Construction Entrepreneurs, through the Ministry of Labour and Social Affairs of the Spanish Embassy in Switzerland, **signed an agreement** with the Fundación Laboral de la Construcción of the Principality of Asturias for the integration of Spanish workers in the AlpTransit project. The agreement entailed training measures addressing **ad-hoc unemployed workers** with experience in the coal extractive industry (**miners**) to **facilitate their employment in Swiss construction companies specialised in the construction of tunnels**. The training lasted **160 hours** and it included, apart from technical aspects, training in a foreign language, H&S, as well as a cultural and placement knowledge (including geographical, cultural, political, social and labour features and the Swiss General Agreement for the Construction sector).

It is also true that activities should strengthen the issue of taxation and social security for workers moving to work in another country, because it arises many doubts and subsequent problems; the unemployment benefits to which they are entitled, that is all the social benefits affecting workers. These issues are very important and very complex, thus requiring the support of social actors.

Between 2012 and 2014, the Asturian Federation of Employers published some guides for posted workers by country with information on several aspects, like taxation, labour rights and occupational risk prevention.

The Centre of Information for Foreign Workers (Centro de Información de Trabajadores Extranjeros, CITE) from CC.OO provides individual support for workers arriving to Spain for work and for expatriates going back to Spain<sup>69</sup>.

Similar **relevant initiatives** carried out by training centres, social partners and public employment services are as follows:

1. The activities of the REFORME Network, put in place by organisations and paritarian funds active in the construction sector in a view to promote mobility of construction workers (see the box no. 4 below).

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<sup>68</sup> All the bilateral cooperation agreements can be consulted in the website of the Ministry of Employment: [http://www.mitramiss.gob.es/itss/web/Atencion\\_al\\_Ciudadano/Normativa/CONVENIO\\_INTERNACIONAL/index.html](http://www.mitramiss.gob.es/itss/web/Atencion_al_Ciudadano/Normativa/CONVENIO_INTERNACIONAL/index.html).

<sup>69</sup> See: [https://castillayleon.ccoo.es/Documentos/Accion\\_Sindical/Migraciones/Que\\_son\\_los\\_CITES](https://castillayleon.ccoo.es/Documentos/Accion_Sindical/Migraciones/Que_son_los_CITES).

2. The development of a **Preventive Guide** of workers temporarily posted to the European Union, an initiative of the Ministry of Labour, Migration and Social Security, the State Foundation for the Prevention of Occupational Risks and UGT.

3. The Plan to promote the internationalization of Asturian construction companies and to **adapt the professional information/training of their workers**, launched in 2014 by the Asturian Construction Confederation (CAC-ASPROCON), with the support of the Construction Labour Foundation of the Principality of Asturias, in order to foster a productive scenario that would guarantee their sustainability and competitiveness in the future, after the serious repercussions of the 2008 economic crisis.

The objectives of this initiative were mainly aimed at improving the companies' knowledge of foreign markets and their commercialization channels; promoting their export activity of products/services; favouring their establishment abroad; channelling existing business opportunities; and encouraging their participation in international tenders. To support this task of advising and consulting companies, CAC-ASPROCON created an international portal (Enlace) for competitive surveillance and international market studies, which also covers labour aspects of the posting of workers in certain countries of commercial interest for the Asturian construction industry.

4. The **permanent training service** created by FLC Asturias to enable all workers in the Asturian construction sector to certify their training in preventive matters. On the other hand, for workers from the region moving to another Member State to carry out activities related to construction, industrial maintenance, engineering, electrical engineering, scaffolding assembly, industrial cleaning or rope access work, FLC Asturias offers the possibility of learning the official Basic Elements of Safety VCA and Safety for operational supervisors for VCA exams. Such a certification is likely to be required by countries such as Belgium, Germany, the United Kingdom, Luxembourg, Denmark, France, Holland, Austria or Switzerland.

At cross-sectoral level, social partners have developed supporting materials for both workers and companies related to the topic of posting of workers. Trade unions have developed informative guides addressed to both migrant workers and posted workers, which provide information about existing regulations and labour rights. The employers' organisation CEOE has developed, in cooperation with the Ministry of Labour and the Health and Safety State Foundation (Fundación Estatal para la Prevención de Riesgos Laborales (FSP), a website tool providing to companies for information about health and safety standards and regulation in the EU countries. Besides, CEOE has also developed specific guides at provincial level explaining employers' duties about the posting of workers.

#### **Box 4 – The REFORME network and the mobility of young workers in the construction sector**

The Construction Labour Foundation of the Principality of Asturias, chaired by the CAC-ASPROCON organization together with the two major trade unions in the region (CC.OO and FICA-UGT), is one of the founding members of the European REFORME network since its inception in 1985. This network, which is made up of joint bodies in the construction sector from several European countries that have been collaborating for 35 years, has facilitated the transnational training mobility of more than 3,500 young people and trainers, with at least 400 of these training stays organised by Asturian partners, half of them sending and the other half hosting young people/trainers from other Member States. These transnational experiences have allowed their beneficiaries to carry out professional internships in

another country of the European Union (thanks to the co-funding of the European Commission through programs and initiatives such as Erasmus+, Leonardo da Vinci or Equal), during normally three weeks. These training itineraries are finally recognised with the EUROPASS MOBILITY, a document created by the European Commission, where the experiences that the holder of the document has obtained by studying or working in another country are recorded. The document usually includes roles and responsibilities, professional skills developed, language skills, digital, managerial and organizational skills, etc. These competencies are often highly valued when applying for jobs. Candidates for transnational mobility projects receive language and cultural training prior to their deployment to facilitate and enhance their labour and socio-cultural integration during their stay. They are usually assisted by a tutor during their stay, who is in charge of the coordination and supervision of their professional development in the host construction companies. In general, the occupations mostly benefiting from these transnational mobility projects are bricklayers, painters, formwork workers and construction technicians.

### Country-level findings: Albania

As anticipated in the previous chapter, posting to and from Albania is still limited, with related obstacles being linked with in force rules rather than with aspects concerning recognition of competences and of qualifications.

Nevertheless, ahead of a possible EU membership, some elements for discussion can be mentioned.

Work engagement in Albania is usually in the form of seasonal, ad hoc, informal or vulnerable employment. In this context, one third of the people in Albania work as unpaid family members. These data suggest that **vulnerable employment is not a marginal phenomenon in Albania**, but a major structural weakness of the labour market<sup>70</sup>.

A tracer study with 18% respondents from among 1,778 graduates of public vocational schools in Albania in 2017 revealed that 41% of the participants to the survey were in a 'working relationship', which is a good result<sup>71</sup>. However, the survey also shows that VET school graduates are employed mostly in two sectors – (i) wholesale and retail, and (ii) the hotel and catering sector, beside featuring also large geographical imbalances.

This vulnerability is likely to affect also mobility patterns linked with the provision of services by companies, like in posting.

In the study there are neither data related to periods of experience abroad or training in languages other than Albanian, nor other elements supporting mobility. The opportunities to access lifelong learning for both young people and adults are limited and **the quality of education and training remains an issue**. Labour market alignment is still weak: the vocational education and training system does not produce the 'right numbers' of candidates, and most graduates lack the skills that are sought by employers<sup>72</sup>.

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<sup>70</sup> Thomas, S. (2019), Torino Process 2018-2020 Albania National Report, ETF.

<sup>71</sup> GIZ (2018), Tracer study for the graduates from public VET schools in Albania in 2017, Tirana.

<sup>72</sup> *Ibid.*

Nevertheless, various donors' initiatives (Swisscontact, Kulturkontakt Austria, GIZ, Italian Development Cooperation) fund IT schools or programmes and the cross-curricular development of IT skills. Some of the initiatives include the postsecondary IT programme, Hermann Gmeiner IT, Swisscontact Skills for Jobs on digital and online learning, the GIZ-supported VET Centre (providing digital skills as a key competence across all VET programmes and courses), PROTİK ICT Resource centre and PROTİK Innovation Centre, the RisiAlbania Project to contribute to an increased employment of young women and men (aged 15 to 29).

For what concerns digitalization of the construction sector, **the building project design and its on-site implementation are highly required services**, implying the ability to use software like Autodesk's AutoCAD 2D/3D, Revit, Trimble's Tekla and to combine it with latest IT technologies. On the other hand, young designers are actively supporting the digital transformation (BIM 3D – BIM 7D, VR etc). They are making use of cutting-edge technologies, efficient and effective software developed for project design and engineering. In this regard, it seems that boosting qualified education is the only feasible way to generate long-term economic growth and to push forward the digital future of the construction and engineering sector<sup>73</sup>.

Albania is somehow progressing in fostering freedom of movement for workers. Some progress was achieved in the implementation of recommendations of the ETF report<sup>74</sup> especially concerning the free movement of family members of EU citizens, the conclusion of new **social security bilateral agreements** and getting done what is needed for joining the European network of employment services (EURES) upon accession.

Some specific challenges and opportunities are brought along by migration. The increased number of returning migrants following the economic and labour market crises in recipient countries such as Greece or Italy after 2012 led to the establishment of ad hoc desks in regional employment offices. Their aim was to offer advice and services to unemployed returning migrants.

Finally, it is worthy to mention the supply of vocational training by the Vocational Training Centres (VTCs) (falling under the responsibility of the National Employment Service) includes programmes dealing with teaching **basic Albanian language or foreign languages**, tailored for foreigners in the country or for Albanians wishing to work abroad.

Courses usually last between a few weeks and six months. Any adult can enrol in these programmes by paying a modest fee, although unemployed jobseekers are exempted from such fees. Participants obtain a certificate of attendance, which obviously indicates the course taken.

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<sup>73</sup> At the following link there are some additional information on the available software already required mainly in Albanian project design but also to the construction sites. <https://www.siliconinfo.com/building-information-modelling/albania-cad-bim-2d-drafting-bim-3d-modelling-services.html>.

<sup>74</sup> Thomas, S. (2019), op. cit.

# Conclusion

Despite limits in data availability, the report provides an overview of posting from the perspective of skills. On the basis of findings emerging from the different covered countries, some elements can be highlighted to inform the next activities and outputs of the YES project.

In particular, ahead of the discussions to be held in international workshops and of the policy recommendations, it is possible to single out the following domains as deserving particular attention:

- **Language differences:** the report discusses how language differences poses barriers at different levels, from access to information by companies and workers to the ability of interacting adequately with colleagues in the construction sites and with citizens in the host country.
- **Recognition of qualifications:** although limits in the recognition of qualifications are not widespread and they are believed not to affect posting in a significant way, proper tools for information sharing and recognition of previous work experiences and training may be helpful not only to ensure quality of works but also to guarantee workers are paid according to the appropriate level of the pay scale.
- **Recognition of competences on health and safety at work:** in this field, some interesting experiences emerge to equip workers with qualifications accepted in several countries, like the VCA, whilst processes of comparison of training and of information sharing on training could help to verify whether a worker is prepared to perform particular jobs, like operating a crane.
- **Promotion of mobility as a learning opportunity:** few initiatives came out as thought to promote experiences of apprenticeship or of learning by doing abroad. Interestingly, in a context featuring low attractiveness of the sector across all concerned countries, such experiences may help not only to strengthen value-oriented paths of mobility but also to make the sector more attractive for young workers.
- **Digitalisation and workers' mobility:** the introduction of BIM and of digital technologies seem to affect more white-collar workers or high-skilled blue-collar workers than the majority of construction workers, meaning that changes may have a limited impact on posting trends and on the composition thereof. Yet, several stakeholders stressed the importance of exploiting potential benefits for the digitalisation of posting related procedures.





For more information on the YES project: [www.yesproject.net](http://www.yesproject.net)