

POSTING OF THIRD COUNTRY NATIONALS

MAPPING THE TREND IN THE CONSTRUCTION SECTOR

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1. THIRD PROJECT MEETING



The third Con3Post project meeting took place online on May 19. Due to the Covid-19 pandemic, the project team members decided to meet online to discuss the implementation of the project and to lay out the plan for future tasks and deliverables. We also discussed the three regional case studies on the trends of posting third country nationals to work in the European construction sector, summaries of which we present below.

2. REGIONAL CASE STUDY I

The report ["From Bosnia and Herzegovina to Austria via Slovenia: migration and posting of third country nationals in the EU"](#) co-authored by Sonila Danaj, Leonard Geyer, Sanja Cukut Krilić, Kristina Toplak & Mojca Vah Jevšnik investigates the main characteristics of the trend of posting third country nationals (TCNs) to work in the region. The main findings of this report indicate that there are strong push and pull factors between the country of origin (BiH), the sending country (SI) and the receiving country (AT). BiH workers come from an experience of economic and political instability and insecurity that drives their mobility and migration plans to neighbouring Slovenia that provides relatively easy access to its labour market for workers from the former Yugoslavia. Employers in the construction sector in Slovenia have used them as well as Slovenian workers to provide competitively cheaper services to the wider EU construction industry, thus transforming temporary service provision via posting into an expanding business model. The authors found that despite the fact that Slovenia and, more so, Austria have stronger employment regulations in place, including universally applicable collective bargaining agreements in the case of Austria, irregular and exploitative employment relations practices are transferred from the country of origin to the sending and the receiving EU countries.

3. REGIONAL CASE STUDY II

As pointed out by Rossana Cillo, the author of the report ["From Morocco and Tunisia to Belgium via Italy: migration and posting of third country nationals"](#), the employment of third country national (TCN) posted workers in the Belgian construction sector has opened a new phase of the downward competition among workers, involving both domestic workforce and workers from the European Union who have been employed as posted workers for many years. Belgian companies have adopted a business model which tends to increase flexibility and decrease labour costs by means of using posting streams involving Italian construction companies. Italian sending companies offer lower costs and greater flexibility, due to the availability of a large reserve of skilled and unskilled workers who lost their jobs in the construction sector because of the 2008 economic crisis. Moreover, TCN posted workers are often under blackmail because of their precarious migratory status and/or their economic vulnerability.

4. REGIONAL CASE STUDY III

The report ["From Ukraine to Finland and Estonia via Poland: Migration and posting of third country nationals"](#) co-authored by Kairit Kall, Anita Brzozowska, Nathan Lillie, Kamil Matuszczyk and Justyna Salamońska highlights severe regulatory challenges related to the phenomenon of posting in the region. These include posted third country nationals (TCNs) being exposed to multiple vulnerabilities that are even more extreme than intra-European Union posted workers are usually exposed to. The authors argue that, although posting of TCNs happens for a variety of reasons (including labour market disparities between the sending and receiving countries, established migration routes and ever increasing migration industry), there is also clear evidence that some companies are trying to gain competitive advantage by avoiding inspections and by opting out of more expensive and difficult ways of hiring migrants. This can stem from the availability of less demanding TCN workers, and the possibility to hire them via complex corporate constructions which shield employers from liability for violations and inspections.

5. THE UPCOMING ACTIVITIES

A **comparative report** based on the regional reports' findings with recommendations for national and EU level authorities is forthcoming. Moreover, partners are preparing three regional **policy briefs** with multi-stakeholder recommendations that will be widely distributed in autumn 2020. Main findings will be presented at the **final international conference** which the Con3Post team will organise in the second part of 2020.

6. CONTACT DETAILS

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