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Employment/Working Conditions, Occupational Safety and Health of Posted Workers

Transnational Conference

15 February 2017, Atrij ZRC, Ljubljana

POOSH

Occupational Safety and Health of Posted Workers:

Depicting the existing and future challenges in assuring decent working conditions and wellbeing of workers in hazardous sectors.



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Why project POOSH – Introduction to the project and its consortium

Kristina Toplak, ZRC SAZU, POOSH project manager

POOSH

Occupational Safety and Health of Posted Workers:

Depicting the existing and future challenges in assuring decent working conditions and wellbeing of workers in hazardous sectors.

// LEAD BENEFICIARY



// CO-BENEFICIARIES



// ASSOCIATED INSTITUTIONS

Ministry of Labour and Pension System of the Republic of Croatia (Croatia), Labour Inspectorate of the Federal Public Service Employment, Labour and Social Dialogue (Belgium), Federazione Italiana Lavoratori Legno Edili e Affini (Italy), European Trade Union Institute (Belgium), Ministry of Labour, Family, Social Affairs and Equal Opportunities of Republic Slovenia (Slovenia), CONECT Association for Employment, Dialogue and Migration (Romania).

Posting of workers (2014-2016), EaSI PROGRESS

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SL | **EN** | DE | HR

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- Obligations of employers
- Obligations of posted workers
- Fines and sanctions
- Additional information



RLPO



Courtesy of RLPO.

A1



Employees temporarily posted to another country in the European Economic Area

When to use this form

The form should be completed by United Kingdom (UK) employers that are sending an employee to work in another country within the European Economic Area (EEA). The form will enable HMRC to determine which Member State's social security legislation will apply.

If this is the first time your company has contacted HMRC about sending employees to another country you should also complete form CA3821.

If the employee will be simultaneously working in two or more EEA countries form CA8421 should be completed instead.

Applicable countries

Austria	Belgium	Bulgaria
Cyprus	Czech Republic	Denmark
Estonia	Finland	France
Germany	Greece	Hungary
Iceland	Ireland	Italy
Latvia	Liechtenstein	Lithuania
Luxembourg	Malta	Netherlands
Norway	Poland	Portugal
Romania	Slovakia	Slovenia
Spain	Sweden	Switzerland
United Kingdom		

EEA nationals

Social security liability for EEA nationals is determined by EC Regulation 883/04.

Non-EEA nationals

Social security liability for non-EEA nationals that are legally resident and employed in an EU Member State is determined by EC Regulation 1408/71.

Further information

An employee working abroad can only remain subject to UK legislation under Article 12.1 of EC Regulation 883/04, or 14.1(a) of EC Regulation 1408/71, if he/she remains directly employed by the company which posts them to work abroad. The posting company must be directly responsible for the recruitment, contract of employment and termination of employment. They must also have the authority to determine the nature of the work.

The employee should have been subject to UK NI legislation for at least one month immediately prior to the posting abroad to be able to remain UK insured under Article 12.1 of Regulation 883/04.

If UK National Insurance legislation will apply:

- form A1 (or E101 if Regulation 1408/71 applies) will be sent to the person that has completed this form (provided we have the required authority)
- we may notify the competent authorities in the country in which the employee is working that he/she remains subject to UK legislation during the period of the posting
- you should continue to pay UK National Insurance contributions.

If another country's social security legislation will apply we will write and tell you.

You should notify us immediately of any change in employment circumstances, particularly if the intended posting does not take place, or ends before the intended date.

We may check the circumstances throughout the period of posting to ensure that the conditions under which the employee remains subject to UK legislation are still met.

What to do now

Please complete the rest of this form in capital letters and return it to us at:

NICO International Caseworker
BP1301
HM Revenue & Customs
Benton Park View
Newcastle Upon Tyne
NE98 1ZZ
United Kingdom

How we use your information

HM Revenue & Customs is a Data Controller under the Data Protection Act 1998. We hold information for the purposes specified in our notification to the Information Commissioner, including the assessment and collection of tax and duties, the payment of benefits and the prevention and detection of crime, and may use this information for any of them.

We may get information about you from others, or we may give information to them. If we do, it will only be as the law permits us to:

- check the accuracy of information
- prevent or detect crime and
- protect public funds.

We may check information we receive about you with what is already in our records. This can include information provided by you, as well as by others, such as other government departments or agencies and overseas tax and customs authorities. We will not give information to anyone outside HM Revenue & Customs unless the law permits us to do so. For more information go to www.hmrc.gov.uk and look for Data Protection Act within the Search facility.

Employee's details

1 Surname	6 Nationality
2 First name(s)	7 If not an EEA national are you legally resident in the UK?
3 Date of birth DD MM YYYY	8 Residential address
4 National Insurance number	9 Are any family members accompanying the employee abroad?
5 Previous names	

Employment details

10 Name of UK employer	15 Was the employee recruited in the UK?
11 Address of UK employer	16 Date employment with the UK company started DD MM YYYY
12 Address of registered office (if different)	17 Who holds the employee's contract of service?
13 Employer's PAYE reference	18 Who pays employee's wages?
14 Is the employee employed by an employment agency?	

Current posting details

If the posting is for a period of more than 24 months, or is an extension to a previous posting that will take the total period beyond 24 months (12 months for non-EEA nationals), we require a signed statement from the employee stating that he wishes to remain UK insured during the posting, giving reasons why it would be in his best interest to remain UK insured.

19 Which country will the employee be working?	23 Type of work employee will be doing
20 How long will the employment last?	24 Was the employee posted directly from the UK?
21 Name of company where the work will be carried out	25 Is the employee being sent to replace another person?
22 Address of where the work will be carried out	26 Has the employee had previous periods working abroad within the last 5 years?

Previous posting details

Employer	Country	From	To

Declaration

Signature	Position in company
Name	Phone number
Date DD MM YYYY	Fax number
If this form has been completed by an agent please ensure that form 64-8 has been completed and submitted to HMRC giving us the authority to deal with the agent.	

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The free movement of persons in the EU



<http://www.eda.admin.ch>

The European Year of Worker's Mobility 2006





MOBILITY?

hierarchy of mobility (Bauman 1998)

privileged?

14 million = 2.8 % of EU citizens

impediments to mobility

IMPEDIMENTS TO POSTING

limited access to information,
social security and social benefits issues,
language and cultural differences,
challenges of transnational cooperation between national competent
public institutions,
not sufficient monitoring of breaches of workers' rights,
visas and work permits for posted workers from non-EU Members
States,
...

OTHER ISSUES RELATED TO POSTING OF WORKERS

the questions of occupational safety and health,
to assurance of decent working conditions,
assessment of health-related risks,
prevention measures and monitoring,
...

FROM POSTING OF WORKERS TO POOSH

closely connected, yet underexplored topic,
extended partnership and included associated institutions (strategic partners),
transnational network of stakeholders (competent public institutions, employers' associations, trade unions, and NGO's)
financial support from the same competent EU program, European Commission, DG Employment, Social Affairs and Inclusion, EaSI –
PROGRESS

GENERAL OBJECTIVES

Enhancing transnational cooperation between national competent bodies, social partners and NGOs concerned with the OSH and labour/working conditions of posted workers, with the aim of exchanging best practices, experience, discuss possible forms of further cooperation, improve cooperation via the IMI system, facilitate multilateral initiatives leading to better monitoring and response to violations of labour rights, and develop policy recommendations.

GENERAL OBJECTIVES

Improving access to information on decent labour/working conditions and OSH of posted workers. The aim of the project is to work towards increasing the accessibility and quality of information for posted workers, employees and national competent authorities in the countries covered by the project.

GENERAL OBJECTIVES

Providing comprehensive research on OSH-related vulnerabilities of posted workers and regulatory protection in place in nine EU countries (gathering and systematically reviewing the existing sources on labour/working conditions and OSH of posted workers in the EU; investigating the language barriers and challenges of working in a culturally diverse workplace - to fill the research niche and provide a sound new knowledge and evidence base to further inform policy dialogue and capacity building.

ACTIVITIES

Cooperation

Information sharing

Research

TARGET GROUPS

1. **Competent public authorities**/administrations involved in the prevention of violations and monitoring of labour/working conditions of (posted) workers; i.e. various ministries (labour, employment, health) and labour inspectorates

2. **Other social partners**

- individual employers and employers' associations
- trade unions and interest bodies

3. **Posted workers**

4. **Other stakeholders.** i.e. non-governmental organisations working in the field of labour migration/posting, national health insurance authorities, think tanks/research institutes concerned with labour migration/posting of workers.

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