



Funded by
the European Union



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 (Project number VS/2016/0224; 2017 – 2018)

**Work Package 4
COMPARATIVE RESEARCH STUDY**

POOSH COUNTRY Report in Italy

**Cillo Rossana
Ca' Foscari University of Venice**

February 2018

Executive Summary

- In 2015 Italy registered 59,095 PDs A1 of incoming posted workers mainly from neighbouring countries, such as Austria, France and Slovenia, and from countries with the highest number of sent posted workers. Moreover, it was the second destination for a set of countries with the highest number of outgoing posted workers, such as Germany, Poland, Romania and Spain.
- The number of outgoing posted workers reached its peak in 2015, with 83,277 PDs A1. The main destinations were neighbouring countries, such as Switzerland, France, Austria and the main receiving countries, Germany and Belgium.
- Italian regulation on the posting of workers applied a broad protection level compared to what is provided by Directive 96/71/EC (Pallini & Pedersini, 2010) and establishes that the minimum remuneration is set by national collective bargaining agreements. Legislative Decree No. 81/2008, which regulates provisions on OSH, is applied to both workers hired with national contracts and posted workers.
- Posted workers employed in hazardous sectors in Italy usually experience working conditions characterized by numerous irregularities with regard to remuneration, the payment of social security contributions and working conditions, including OSH conditions.
- Posted workers' working and OSH conditions are influenced by a series of structural factors, such as the strong spread of undeclared work in the sectors where posted workers are employed - which increases the OSH risks for all workers - and the temporary nature of posted workers' employment contracts.
- In many cases posted workers employed in hazardous sectors are not informed about their rights and live in a condition of "isolation" due both to language barriers and to the control exercised over them by their employers.
- Employers and management can significantly influence the application of the OSH standards, as the application of OSH regulation is mainly their responsibility. The enforcement of OSH regulations involves also the occupational physician, trade unions, the Ministry of Labour and Social Affairs and inspection agencies.
- There are various forms of cooperation between the various actors both at national and transnational level, which mainly concern: the establishment of policies adopted to protect workers' OSH (including posted workers); the information and training on the phenomenon of transnational posting; the collaboration between inspection bodies and social partners in the Member States; the inspection area.
- The preventive practices in transnational workplaces are influenced by a significant lack regarding the information and training of the posted workers on OSH issues. Although the sending companies have

the obligation to inform and train their employees before the posting, in many cases they fulfil this obligation only on a formal level.

- In Italy it is possible to access information materials on working conditions and OSH issues in various languages, both directly on the workplace and through the trade unions.
- Trade unions intervene to contact and to protect posted workers using different tools and approaches:
 - by resorting to union officials of immigrant origin, who speak the languages of the countries of origin of posted workers;
 - in the construction sector by modifying the national collective bargaining agreement in order to include the obligation to enrol the sending companies to the construction funds (Casse edili);
 - by cooperating with trade unions in the countries of origin of the posted workers.
- In case of OSH issues that are not resolved by the sending companies, posted workers can contact the local labour inspectorates - who will carry out the necessary checks, possibly contacting the labour inspectorates of the sending countries - or the trade unions.
- In the event of accidents at work, posted workers can access medical treatments in Italy using the European Health Insurance Card and the A1 Portable Document or S1 form. In the case of irregular posting, injured workers can access medical treatments of the emergency room at the Local health units.
- In the case of irregular posting, injured workers can be protected by art. 26 of Legislative Decree 81/2008, which establishes the principle of joint liability of the subcontracting chain for all damages suffered by workers.
- The language and cultural barriers contribute to make workers more vulnerable, as posted workers have many difficulties to fully understand the set of instructions and procedures to be respected in order to prevent OSH risks.
- Also with regard to the grievance procedures, the research has shown that the lack of knowledge of the Italian language or of a vehicular language makes it particularly difficult to interact with posted workers.

1. Introduction

1.1. A quick overview of OSH and posted work in the country

In 2015 Italy registered 59,095 PDs A1 of incoming posted workers mainly from neighbouring countries, such as Austria, France and Slovenia, and from countries with the highest number of sent posted workers. Moreover, it was the second destination for a set of countries with the highest number of outgoing posted workers, such as Germany, Poland, Romania and Spain (European Commission, 2016).

Italian regulation on the posting of workers applied a broad protection level compared to what provided by Directive 96/71/EC (Pallini & Pedersini, 2010) and establishes that the minimum remuneration is set by national collective bargaining agreements. Legislative Decree No. 81/2008, which regulates provisions on OSH, is applied to both workers hired with national contracts and posted workers. The bodies responsible for monitoring the implementation of the legal framework are: the National Labour Inspectorate (Ispettorato Nazionale del Lavoro - INL); the Service for prevention and safety in the workplace (Servizio per la prevenzione e la sicurezza negli ambienti di lavoro - SPSAL); the Comando Carabinieri per la Tutela del Lavoro; the Guardia di Finanza.

Literature on the OSH conditions of posted workers in Italy is not very wide, yet a number of issues may be identified through newspaper surveys focused mainly on the construction and road transport sectors, together with temporary work agencies. These case reports highlight frequent irregularities as regards remuneration, welfare and insurance contributions and working conditions, which are generally worse than average.

The purpose of this research is to deepen the study of this issue through a qualitative research aimed at detecting: the OSH and working conditions of posted workers employed in hazardous sectors; the preventive practices adopted in transnational workplaces; the legal and health care mechanisms and practices adopted in case of accidents at work involving posted workers; the practices adopted to cope with language and cultural barriers. The research is also aimed at providing policy recommendations in order to reduce OSH-related vulnerabilities both at the systemic and workplace level. The qualitative research is based on the thematic analysis of nine interviews carried out with experts, labour inspectors, representatives of trade unions and employers' organisations, representatives of the Ministry of Labour and Social Affairs, posted workers.

1.2. Main Findings

The fieldwork research highlighted that posted workers employed in hazardous sectors in Italy usually experience working conditions characterized by numerous irregularities with regard to remuneration, the payment of social security contributions and working conditions. Moreover, in many cases they are not informed about their rights and live in a condition of "isolation" due both to language barriers and to the control exercised over them by their employers.

Employers and management can significantly influence OSH conditions of posted workers, as they are the main responsible for the application of the OSH regulation. Monitoring of the application of the OSH regulation involves many actors operating at various levels and cooperating with each other both at national and transnational level. However, there are no ad hoc controls on companies that employ

posted workers and the cases in which their rights are not respected are detected during ordinary monitoring activities.

The fieldwork research found that workers posted from Eastern European countries to Italy and employed in hazardous sectors are particularly vulnerable in terms of OSH as there are many problems related to their information and training on OSH, although the sending companies have the obligation to inform and train them before the posting and in Italy it is possible to access information materials in various languages, both directly on the workplace and through the trade unions.

In case of OSH issues that are not resolved by the sending companies, posted workers can contact the Italian labour inspectorates. Alternatively, they can contact trade unions, which often resort to union officials of immigrant origin, who speak the languages of the countries of origin of posted workers. In the event of accidents at work, posted workers can access medical treatments in Italy using the European Health Insurance Card and the A1 Portable Document or S1 form. In the case of irregular posting, injured workers can access medical treatments of the emergency room at the Local health units and can be protected by the art. 26 of Legislative Decree 81/2008, which establishes the principle of joint liability of the subcontracting chain for all damages suffered by workers.

The main findings of the fieldwork suggest the need for considerable changes in the policies aimed at protecting posted workers' rights concerning both working conditions and OSH. A part of these policies must address the problem of the underground economy and the general worsening of working conditions related to its diffusion. Another part of these policies must address the specific vulnerabilities of posted workers: - by strengthening the information and training provided by sending companies before the posting; - by providing specific tools to cope the language and cultural barriers in transnational workplaces; - by introducing continuing education policies on OSH; - by reinforcing the existing controls at both national and transnational level; - by encouraging national and transnational cooperation between labour inspectorates and social partners.

1.3. Structure of the country report

The first part of the country report focuses on the main characteristics of the Italian context and the socioeconomic transformations affecting the Italian labour market since starting of the global economic crisis in 2008. Moreover, the report presents the main data regarding posted workers from and to Italy, the legal framework on the posting of workers (including OSH regulations) and the roles of the main actors involved in monitoring the implementation of the legal framework.

The second part of the country report presents the main findings of the fieldwork research of the Poosh project, focusing on: - the OSH-related vulnerabilities of posted workers employed in hazardous sectors; - the OSH institutional framework, including the roles of different actors, the mechanisms and procedures adopted at different levels and the national and transnational actor interaction and cooperation; - the OSH practices adopted in transnational workplaces; - the issue of language and cultural barriers in transnational workplaces.

The third part presents the recommendations based on the policy implications of the findings of the fieldwork research.

2. Country Context

2.1. Socio-economic overview

The global economic crisis has deeply influenced the Italian economy, leading to an unprecedented process of deindustrialisation. Despite some recent positive signals, industrial production in Italy is still 18.9% below pre-crisis level (from 100 in Q3 2007 to 75.4 in Q3 2014, to 81.1 in Q3 2017) (Eurostat, 2018). Job losses in manufacturing and construction have reduced the number of the most protected and unionised jobs, reinforcing the process of de-standardization of employment relations (Eurofound, 2015b).

Labour market reforms have lowered overall protection levels and have favoured the growth of atypical employment, leading to the emergence of new forms of employment such as job sharing, job on call and voucher-based work (Eurofound, 2015a). Moreover, over the last ten years the industrial relations system has been profoundly reformed, accelerating the process of decentralisation of collective bargaining and favouring the imposition of a greater flexibility during negotiations on wages, working time and organisation. According to Eurofound (2015b), Italy's employment system is going through a process of downgrading, with greater growth in atypical, low-paid and casual employment, and declining top-paid jobs.

In this context, immigrant workers were one of the categories of the workforce most affected by the crisis. On the one hand, because they are often employed in sectors and jobs that have suffered the most from the effects of the crisis - such as the construction sector, some branches of industry, and the so-called 3D jobs. On the other hand, because the link between the residence permit and the employment contract imposed by the legislation on immigration, combined with the increase in unemployment, has made immigrants even more vulnerable both in the labour market and in the workplace (Basso, 2010). Moreover, it should be taken into account that this situation has also been affected by the harshening of migration policies and the broad propaganda conducted at the institutional and media level against asylum seekers and, more generally, immigrants.

2.2. OSH and posting in the country

2.2.1 OSH legal framework

Italian law applies a broad protection level compared to what is provided by Directive 96/71/EC (Pallini & Pedersini, 2010). Legislative Decree No. 72/2000 provides that between sending companies and posted workers «the same working conditions apply as provided by law, regulation or administrative provisions, or collective bargaining agreements negotiated by the most representative trade unions of employers and workers at the national level, applicable to workers carrying out similar subordinated work performance in the workplace where posted workers carry out their activity».

Since in Italy there is no minimum wage established by law, minimum remuneration is set by national collective agreements subscribed for each sector by the most representative trade unions and employer organisations at the national level. National collective bargaining agreements determine the mark-up for extra hours, night work, holiday work. The remuneration shall be “sufficient and proportionate to the quality and quantity of work” (art. 36 of the Italian Constitution).

Legislative Decree No. 81/2008, which regulates provisions on health, safety and hygiene on the workplace and defines the obligations of employers and employees, is applied to both workers hired with national contracts and posted workers.

2.2.2 OSH and Posting Stakeholders

The bodies responsible for monitoring the implementation of the legal framework are:

- the employers;
- the trade unions;
- the occupational physician;
- the inspection agencies, which include the National Labour Inspectorate (Ispettorato nazionale del lavoro - INL), the Service for prevention and safety in the workplace (Servizio per la prevenzione e la sicurezza negli ambienti di lavoro – SPSAL), the Comando Carabinieri per la Tutela del Lavoro (Carabinieri working for labour protection) and the Guardia di Finanza;
- the Ministry of Labour and Social Affairs.

2.2.3 Data on posting

Italy is included among the countries receiving between 50,000 and 100,000 posted workers yearly. Over the years, the total number of posted workers received has varied and was affected by the impact of the crisis on the Italian economy. When considering data on PDs A1, at first a steady increase was recorded, reaching its peak in 2011 (2009: 50,365; 2011: 64,223), afterwards the numbers decreased until 2013 (47,445) and increased again in the following years (2014: 52,485; 2015: 59,095). In 2015 Italy has received posted workers mainly from neighbouring countries, such as Austria (3,207 PDs A1), France (11,496) and Slovenia (6,398). Moreover, it was the second destination for a set of countries with the highest number of outgoing posted workers, such as Germany (11,498), Poland (3,275), Romania (6,518) and Spain (7,189) (European Commission, 2012, 2014, 2015, 2016).

Regarding the data on outgoing posted workers, Italy is included among countries sending between 50,000 and 100,000 posted workers yearly. Over the years, the total number of posted workers sent from Italy has kept on growing and it has more than doubled given the marked impact of the crisis on employment prospects (2009: 29,955 PDs A1; 2015: 83,277) (European Commission, 2012, 2016). In 2015 the main destinations were mainly neighbouring countries, such as Switzerland (37,421), France (13,697), Austria (4,273) and the main receiving countries, such as Germany (8,071 PDs A1) and Belgium (3,774).

2.2.4 Sector(s) characteristics

In 2015, 50.8% of incoming posted workers worked in the industrial sector (21.4% construction) and 48.8% in the service sector (13.7% Financial and insurance; Real estate; Professional, scientific and technical activities; Administrative and support service activities; 22% Education, health and social work, arts and other services) (European Commission, 2016).

Data on outgoing posted workers are not available.

2.2.5 Specific issues for migrant and posted workers

Literature on the OSH conditions of posted workers in Italy is not very wide, yet a number of issues may be identified through newspaper surveys focused mainly on the construction and road transport sectors and temporary work agencies. These case reports highlight frequent irregularities as regards remuneration, welfare and insurance contributions and working conditions, which are generally worse than average.

In the construction sector several cases of fake postings have been reported. In the post-earthquake construction sites in L'Aquila, the trade union Fillea-CGIL Abruzzo has filed a complaint at the Public Prosecutor Office in which they indicated the crime of a possible illegal intermediation or labour exploitation (Law No. 148/2011). In Milan the trade union Filca-CISL Milan reported the case of a Romanian company employing 25 Romanian workers for a gross wage between 500 and 800 leu for 40 hours of work weekly (between 110 and 176 euro, i.e. 2.75 - 4.4 euro per hour), but presenting a payslip of 2,100 euro a month (Lauria, 2015).

In the road transport sector, letter box companies were used in order to hire foreign and Italian workers to be employed in Italy with contracts that can be solved under the provisions of the labour code of the sending countries (Tizian, 2013).

As for posting through temporary work agencies, one of the most interesting cases was that of a Romanian agency, which in 2015 distributed a flyer offering the chance to save 40% on the cost of labour by avoiding the payment of social provisions in the sending countries and a part of salaries in the receiving country (Rassegna Sindacale, 2015).

3. Methodology

3.1. Data collection

The report is mainly based on the results of field research, both because the literature related to the working conditions (particularly the OSH conditions) of posted workers in Italy is not very wide, and because there is no case-law related to OSH grievances involving both incoming and outgoing posted workers.

The fieldwork was based on both face-to-face interviews and telephone interviews and was carried out between August 2017 and February 2018. The focus of the research is mainly the construction industry, as it is the main sector of employment of posted workers in Italy. As for the geographical coverage, the interviews were carried out mainly in Northern and Central regions, where the employment of posted workers is concentrated.

Respondents include: four trade unionists (local, national and international level); an expert on the topic of posting of workers; a responsible of HR's management of a consulting agency that deals with posting of workers; a representative of the Ministry of Labour and Social Affairs; a labour inspector; a posted worker.

IT_EXP01	FILLEA CGIL (TU, construction sector, Veneto Region).
IT_EXP02	Labour inspector (local level, Venice)
IT_EXP03	Representative of Directorate General for Labour Relations and Industrial Relations of the Ministry of Labour and Social Affairs
IT_EXP04	FILLEA CGIL (TU, construction sector, national level)
IT_EXP05	HR management – Ernst&Young
IT_EXP06	Expert, Professor of Labour Law
IT_EXP07	INCA CGIL (TU, patronage services of CGIL in Romania)
IT_EXP08	FILLEA CGIL (TU, construction sector, Abruzzo Region)
IT_PW01	Posted worker – Construction sector

3.2. Analysis

Data collected through field research were analysed using the thematic analysis method and taking into account the main results of the literature review. The analysis is based on the multi-layered approach adopted by Sargeant and Tucker (2009) in their analysis of the risks that increase the OSH vulnerabilities of migrant workers and influence their access to regulatory protection¹. This approach, combined with the thematic analysis of the interviews, made it possible to identify the main issues related to the working and OSH conditions of posted workers in Italy and the preventive and protective measures put in place to guarantee their safety and health at work.

3.3. Challenges and limitations

One of the main challenges during the fieldwork concerned the possibility of interviewing posted workers, both because in many cases they prefer not to be interviewed for fear of retaliation by their employers, and because in many cases the respondents who were able to meet posted workers they no longer maintained contacts with them. Moreover, none of the respondents had the opportunity to deal directly with grievance procedures related to OSH problems of posted workers. For this reason, some of the information collected refer mainly to the existing regulations and procedures and not to concrete cases.

¹ The multilayered approach of Sargeant and Tucker include the analysis of the migration factors, the characteristics of migrant workers and the receiving country conditions.

4. Results

4.1. OSH-related vulnerabilities of migrant and posted workers

The research found that posted workers are often not informed about their rights: as reported by all respondents, they do not usually know either the legislation of the country to which they are posted or the relevant EU legislation, and in some cases, they do not even know that they have been hired with contracts based on the POW legislation. The lack of information about the contractual conditions is often linked to irregular forms of posting and to the imposition of working conditions that do not comply with the provisions of the legislation on the matter both by the sending companies and by the receiving companies. According to a trade unionist in the construction sector, this case is directly related to the attempt to practice forms of social dumping:

the major problems are found where the postings are not made in a regular manner. Maybe the clients do not supervise the working conditions, they just exploit workers... because that is the right word! They lower labour costs, import companies and workers from countries where wages are lower. They transport them here to our country to make unfair competition.

One of the main problems related to the posting of workers in Italy concerns the salary. Respondents reported that in many cases, posting companies do not pay or partially pay social contributions in the sending countries. In addition, there are cases in which the remuneration of posted workers was equivalent to 50% of that of workers employed under national contracts because they were not paid all the wage items established by national collective bargaining agreements. As highlighted by a trade unionist, in the construction sector this practice is connected to the lack of registration of the sending companies to the Construction Workers Fund, which provides a part of the remuneration (Christmas Bonus and Holiday Bonus) and provides some additional services negotiated through the second level of collective bargaining (employee termination indemnity, supplementary health care programs, request for family benefits and so on). A couple of interviewees said that posted workers accept lower salaries than those established by Italian national collective agreements because in any case the remuneration is higher than that received in the countries of origin.

Respondents highlighted numerous irregularities regarding working hours and breaks. The posted workers employed in hazardous sectors frequently work beyond the limits allowed by Italian legislation. A trade unionist in the construction sector reported that in the post-earthquake construction sites in L'Aquila,

working hours always exceeded eight hours, up to 12 hours per day. At these working times, it was sometimes necessary to add the time of transportation of the workers from the home to the building site. All this without paying overtime and without recognizing travel allowances.

Another trade unionist reported that in the construction sector posted workers often work six days a week and try to do the maximum number of hours during the posting period in order «to optimize the time» and return as soon as possible to their country:

Very often they [posted workers] have made negotiations on holidays at the time of departure and those negotiations are hardly modifiable by the unions of the receiving countries, because if it is already written on the employment contract that you come back every month for a week, trade unions can hardly intervene.

He highlighted that this practice is also adopted by Italian workers, hired mostly by companies based in the Southern regions of Italy and detached on the national territory:

They are posted or detached workers, they have to do hours, they want to go home early, but this is something that unites all the workers employed in posting. They try to optimize working time, work as much as possible to set aside hours to use for longer rest when they return to their countries of origin or perhaps return to Southern Italy.

Irregularities related to the attempt to reduce labour costs affect also housing conditions. Respondents reported cases of overcrowding and poor housing conditions, which do not meet the criteria of habitability. For example, a trade unionist in the construction sector explained that in the post-earthquake construction sites in L'Aquila, some companies accommodated the posted workers in containers, which are set up in base camps at the construction sites. Another company accommodated 9 posted workers

in an apartment of about sixty square meters. So, there has been an attempt to make these people live in apartments, but it does not respect the criteria and the legislation from the point of view of hygiene-sanitary suitability.

As pointed out by a couple of trade unionist and a posted worker, these working conditions are often exacerbated by «isolation» and «separateness» in which posted workers live both at material and social level. The posted workers, in fact, tend not to have relations with the social context and with the community where they work. The lack of knowledge of the language of receiving country prevents posted workers from entering into a relationship with workers who work side by side in the same workplace, whether they are Italian or of other nationalities. Moreover, this prevents posted workers from establishing relationships outside the workplace, during breaks and free time. As a trade unionist in the construction sector highlighted,

isolation affects working conditions in general and also from a psychological point of view. [...] This is a problem that we often underestimate, but which we should take into consideration because it also affects work performance.

In addition, a couple of respondents reported some cases in which posted workers were kept isolated in order to prevent them from being informed about the regularity of their working conditions and claiming fair treatment.

With regard to health and safety at work, the contractor is responsible for the conditions of the workplace, while the sending company is responsible for training and informing the workers. A couple of respondents pointed out that in places where the OSH legislation is not respected, because companies are operating partially or completely in the underground economy, there are greater dangers for all workers. According to a representative of the Ministry of Labour and Social Affairs, it must be considered that the employment of workers in the underground economy affects the OSH conditions of all workers and makes posted workers even more vulnerable:

If the worker is regular, he/she still accesses the training and the employer takes on the responsibility of these issues. If the worker is irregular, then, unfortunately, there is the risk that he/she is left to his/her own devices even from the point of view of safety, and therefore his/her situation of irregularity prevents him/her from accessing the training, as other fundamental rights of the employment relationship.

According to a trade unionist, the regular posting implicates better compliance with regulations on OSH conditions of workers, while in case of irregular posting "there is almost a situation of slavery and therefore it is clear that no rule is respected, including the conditions of OSH".

As highlighted by all respondents, posted workers' vulnerability in terms of OSH tends to vary depending on the sector of employment: the sectors that pose the greatest risks to all workers - such as construction, agriculture, road transport sector, some branches of industry - are the most dangerous also for posted workers. The factor that most affects the posted workers' vulnerability in terms of OSH is the temporary nature of their employment, since, as highlighted by a trade unionist in the construction sector,

if a worker has a permanent contract, he will have a greater interest to be informed about everything. We are referring to the contract, the legislation, but also to security. If the contract is a fixed-term contract, the shorter the time a worker will remain in a certain job and the less is the interest in obtaining information. The interest of workers to inform themselves is a bit directly proportional [to the duration of the contract]. Then, as regards the posting, the workers are the least interested.

In addition to these factors, all the trade unionists interviewed highlighted that the vulnerability in terms of OSH is enhanced by the "isolation" and "separateness" in which posted workers live. In fact, a large part of them do not speak Italian and/or English, live in isolated dwellings and tend to be closely controlled by their employers, thus impeding any relationships with other workers and the local community.

4.2. OSH Institutional Framework

4.2.1. Actors' roles

According to the "Consolidated Law on Health and Safety at Work" (Legislative Decree No. 81/2008) ["Testo unico sulla salute e sicurezza sul lavoro", D. Lgs. N. 81/2008], obligations related to the application of OSH regulation are mainly a responsibility of employers. They shall identify and assess the risks in the company and subsequently implement all measures aimed at eliminating or reducing existing risks and preventing any risks through collective and individual protection measures, health checks, information and training activities aimed at managers, supervisors, workers' representatives and workers themselves. In addition, employers must comply with the rules contained in the "Consolidated Law on Health and Safety at Work" regarding risks related to specific activities and specific processes.

According to many respondents, employers and management can significantly influence the application of the OSH standards. On the one hand, in fact, a trade unionist of the construction sector there are cases of

companies managed by an enlightened and progressive management, which integrates the culture of safety in the organisational culture of its business in a conscious and responsible way and promoting dialogue and collaboration between all levels of the production structure.

On the other hand, as reported by another trade unionist of the construction sector, there are cases of companies that work without respecting the existing laws and obligations, in which the question of OSH is treated with "superficiality" and as a cost to be cut:

respect for security has very high costs, it is a very expensive item in the calculation of the general expenditure of a work. Very strong reductions are often applied in order to win tenders and often these reductions include OSH expenses. The first thing you cut... It's not completely cut, but you can try to save on security.

In addition to employers, the enforcement of OSH regulations involves numerous institutions:

- *the occupational physician*: the employer is obliged to appoint the competent doctor. He collaborates with the employer to assess the risks and carry out the necessary surveillance to ensure workers' health and safety. Furthermore, he is responsible for establishing and updating the health and risk file of each worker;

- *the trade unions*: as highlighted by a trade unionist in the construction sector,

in general, the trade unions have a shared responsibility role in promoting and implementing the maximum protection in terms of health and safety. On the workplaces, trade unions intervene through the workers' safety representatives (Rappresentanti dei lavoratori per la sicurezza - RLS), who collaborate with the employer, listen to workers' problems, participate in periodic meetings on OSH" and maintain "a relationship with public agencies in charge of control, supervision and inspection.

The RLS are designated by election by workers every three years. However, a trade unionist in the Veneto Region reported that in the case of small companies or non-unionised companies,

it may happen that workers' safety representatives are improperly designated by employers without sharing with the workers the designation and election of their safety representative. This only happens to avoid the penalties imposed by the law.

The representative of Directorate General for Labour Relations and Industrial Relations of the Ministry of Labour and Social Affairs highlighted that if a company does not have the workers' safety representative,

the workers' representative for territorial security (Rappresentante dei lavoratori per la sicurezza territoriale - RLST) is appointed. Even if he/she is not an employee of the company,

This material has received financial support from the European Union Programme for Employment and Social Innovation «EaSI» (2014- 2020). For further information please consult: <http://ec.europa.eu/social/easi>

The information contained in this publication does not necessarily reflect the official position of the European Commission.

he/she has the possibility to access the workplace, clearly by agreement, and to verify the real working conditions.

Furthermore, trade unionists and labour inspectors pointed out that in the construction sector there is the Special construction workers' fund (Cassa edile), a joint body set up by trade unions and business organisations, which provides continuing education services, including courses related to OSH, aimed at construction workers (both apprentices and skilled workers);

- *the inspection agencies*: the inspection bodies in charge of monitoring of the application of OSH regulation are:

- the National Labour Inspectorate (Ispettorato nazionale del lavoro - INL) which is supervised by the Ministry of Labour and Social Affairs and "carries out and coordinates nationally a supervisory action on labour, welfare contribution, mandatory insurance and social legislation, including health protection and safety on the workplace". INL's Local Labour Inspectorates are responsible for the monitoring of working conditions, social contributions, mandatory health insurance and social legislation, including health and safety on the workplace at the local level and for the monitoring of OSH in the construction sector;

- the Service for prevention and safety in the workplace (Servizio per la prevenzione e la sicurezza negli ambienti di lavoro - SPSAL) which is supervised by the Regions through the Local health units (Aziende sanitarie locali)² and monitors health and safety in the workplace with the aim of contributing to the prevention of occupational diseases and accidents at work and to improving the well-being of workers.

The Labour inspectorate and the Service for prevention and safety in the workplace are judicial police officers and have administrative and criminal powers and are supported by the Comando Carabinieri per la Tutela del Lavoro (Carabinieri working for labour protection) and the Guardia di Finanza. The Comando Carabinieri per la Tutela del Lavoro is supervised by the Ministry of Labour and Social Affairs and has "police functions tasks". Carabinieri are active in case of crimes against the health and safety on the workplace and cooperate with labour inspectors during activities that could be dangerous for the inspector's safety. Moreover, "they monitor compliance with the law on immigration from non-EU Countries (therefore workers posted from those Countries are included)" (Orlandini, 2013, p. 45). The Guardia di Finanza is supervised by the Ministry of Economy and Finance and is a fully-fledged part of the armed forces and law enforcement. It has competences in economics, finance and in the tax system.

- *the Ministry of Labour and Social Affairs*: the Directorate General for Labour Relations and Industrial Relations of the Ministry of Labour and Social Affairs is responsible for the application of the rules governing labour relations, even in cases of transnational posting and supervises the National Labour Inspectorate.

² The Local health units fall within the responsibility of the Regions.

4.2.2. Mechanisms and procedures at different levels

The monitoring of the implementation of OSH regulation is carried out by the National Labour Inspectorate (the construction industry) and the Service for prevention and safety in the workplace (all other sectors). Some respondents pointed out that companies to be controlled are selected according to various methods: on reporting by trade unions, judicial authorities or private citizens (e.g. employees); by sample; as part of activities to prevent the risks of fatal accidents; based on criteria related to the dangerousness of the productive sectors (e.g. agriculture, construction); according to the type of accidents recorded by individual companies (particularly dangerous accidents, repetitive accidents, above average incidence of accidents, even if not serious).

The monitoring activities at the workplace usually start from the control of the registers (matriculation book, in which the employees are registered; the payroll, which records the hours worked and the salaries paid; the accident register). Secondly, during the monitoring activities labour inspectors check the application of the OSH regulation concerning the risks and the safety equipment of workers. These controls allowed to detect numerous cases of irregularities related to the posting of workers and concerning the Portable documents A1 and the application of minimum standards in relation to contracts, working hours, holidays, etc. (see 4.1). Moreover, as regards the OSH conditions, a couple of interviewees reported that during the monitoring activities labour inspectors have detected cases where the safety equipment and the safety outfits of posted workers did not comply with the existing rules and the sending companies had not provided adequate training for health and safety at work.

Most of the interviewees explained that they were not aware of a large number of cases concerning the health and safety conditions of posting workers because no *ad hoc* controls were carried out. In fact, the monitoring of health and safety conditions of workers posted is carried out during the normal surveillance and monitoring activities. Moreover, as it was pointed out by a labour inspector, before the introduction of the Observatory on transnational posting (Osservatorio sul distacco transnazionale), which took place in 2016 with Legislative Decree no. 136/2016, it was not possible to access tools to monitor the posting phenomenon and the expertise in this area was acquired through direct experience of the same labour inspectors and trade unionists:

We had no database, so we did not know how many posted workers came to work in Italy. This involved many problems because we could not plan a monitoring action. We found posted workers during our ordinary monitoring activities, without knowing that we could find posted workers [in certain workplaces].

4.2.3. National and transnational actor interaction and/or cooperation

The cooperation between the various actors at the national level concerns: the establishment of policies adopted to protect workers' OSH (including posted workers); the information and training on the phenomenon of transnational posting; the inspection area.

During the establishment of policies aimed at protecting posted workers' OSH, the Directorate General for Labour Relations and Industrial Relations of the Ministry of Labour and Social Affairs (Direzione Generale dei rapporti di lavoro e delle relazioni industriali) "get an opinion from [with the social partners and with the inspectorates] on the implementation of the relevant legislation on OSH".

This material has received financial support from the European Union Programme for Employment and Social Innovation «EaSI» (2014- 2020). For further information please consult: <http://ec.europa.eu/social/easi>

The information contained in this publication does not necessarily reflect the official position of the European Commission.

Furthermore, it involves the social partners in the activities of the Observatory on transnational posting, which was established in 2016 with Legislative Decree no. 136/2016, in order to gather information on the transnational posting in Italy, in particular in relation to the sectors and territories in which the employment of posted workers is concentrated.

Regarding the training, a couple of interviewees have underlined the importance of some projects funded by the European Commission (e.g. Enfoster) that have allowed to know more deeply the phenomenon of the posting of workers, favouring the interaction between the different actors both at the national and transnational level. Furthermore, a respondent reported training activities aimed at the various inspection bodies organised by the Ministry of Labour and Social Affairs in order to share knowledge and expertise acquired in the areas where the employment of posted workers is concentrated.

Respondents pointed out that trade unions collaborate with labour inspectorates during inspections, reporting to them situations in which the OSH regulations are not respected. Moreover, the representative of Directorate General for Labour Relations and Industrial Relations of the Ministry of Labour and Social Affairs highlighted that in particularly complex cases, concerning more aspects of the employment relationship and the OSH conditions of the workplace, or in situations of particular danger, such as controls on companies in areas with a strong presence of criminal organisations, task forces including the various inspection bodies, the Carabinieri Command for Labour Protection (Comando Carabinieri per la Tutela del Lavoro) and the Guardia di Finanza are organised. A labour inspector, however, has reported that formal procedures of cooperation between the National Labour Inspectorate (INL) and the Service for prevention and safety in the workplace (SPSAL) do not exist, as in the first case the inspection agency is supervised by the Ministry of Labour and Social Affairs, while in the second case which is supervised by the Regions:

There is no coordination with SPSAL regarding safety. They detect the incident, but do not pose the problem of the employment relationship, and therefore they do not report cases involving posted workers. We [the National Labour Inspectorate based on the province of Venice] work a lot with the SPSALs of the territory, but it is not everywhere like this. These collaborations between different inspections bodies are not systematic, [...] they depend on sensitivity, they depend on people, but do not exist in relation to a [formal] coordination activity.

The cooperation between the various actors at the transnational level concerns: the establishment of policies adopted to protect workers' OSH (including posted workers); the information and training on the phenomenon of transnational posting; the collaboration between inspection bodies and social partners in the Member States; the inspection area.

The representatives of the Ministry of Labour and Social Affairs take part in specific working groups at the European Commission and in the discussions of the Council of the European Union in order to establish specific policies.

As regards the information and training area and the collaboration between the inspection bodies and the social partners of the Member States, the respondents reported various transnational initiatives aimed at sharing knowledge, experience and good practices and involving both the inspection bodies and the social partners. A union representative of the construction sector reported some projects of the European Federation of Building and Woodworkers (EFBWW) – such as “Stop social dumping”,

which is aimed at achieving equal rights, equal pay and equal treatment for all workers (<http://www.stopsocialdumping.eu/>), and “Construction workers - wages and rights in Europe, which is aimed at providing accessible information to posted workers about their rights.

The transnational cooperation within the inspection area is mainly based on the Internal Market Information system and on the links created and consolidated through this platform. A labour inspector reported that:

For some years now, we [the labour inspectors] have been using the Internal Market Information System to exchange information with our European partners. Initially this platform did not work very well, now, in the last few years it works a bit more. We have made a partnership with the Romanian labour inspectorate [since a large part of the workers posted to Italy comes from Romania]. And also, with Belgium, in the sense that Belgian labour inspectors contact us for the opposite reason: there are Italian workers, especially Italian companies, who are posted to Belgium.

4.3. OSH in practice in transnational workplaces

4.3.1. Preventive practices in transnational workplaces

As declared by a representative of Directorate General for Labour Relations and Industrial Relations of the Ministry of Labour and Social Affairs, the Italian legislation (art. 3, par. 6 of Legislative Decree no. 81/2008) provides that, in the event of a posting,

the receiving company with which the posted worker operates is responsible for prevention and protection obligations, while the sending company has the obligation to inform and train in relation to the typical risks related to the performance of the tasks for which the worker is posted.

In addition, the sending companies must provide the posted workers with personal protective equipment (safety outfits, boots, helmets, gloves, glasses, etc.).

With regards to immigrant workers legally residing in Italy and employed with a regular contract by Italian companies, employers have the same obligations regarding OSH that must be respected for Italian workers. As far as information and training are concerned, trade unionists and labour inspectors pointed out that training courses and information materials on OSH are provided in various languages. In general, their conditions are better than posted workers, especially if compared to cases of irregular posting. A trade unionist in the construction sector, in fact, reported a case of irregular posting concerning a Romanian worker, who, after filing a complaint at the Public Prosecutor for the crime of illegal intermediation or labour exploitation (Law No. 148/2011), was regularly hired by an Italian company:

After the regularisation this worker was able to enjoy all his rights. In particular, as regards health and safety at work, he was able to attend training courses and was equipped with all the personal protective equipment that was not provided before.

A couple of interviewees highlighted that in the workplace, all the documentation necessary to use certain types of machinery (such as the use and maintenance manuals or, in the absence of manuals, a detailed description of the procedure for use) must be present and made available to all workers, including posted workers. In transnational workplaces posted workers can access instructions and audio-visual materials on preventive practices in various languages. Moreover, many respondents reported that trade unions and training institutions can provide them with training courses and information materials on OSH (including flyers, audio-visual materials, etc.) in various languages. However, until now the access to these services has been very rare, due to the isolation of posted workers and the lack of knowledge about these issues among trade unionists working at local level.

Regarding the monitoring of preventive practices, field research has shown that it is very difficult to check whether the sending companies are applying the existing regulations - particularly those concerning the information and training on preventive practices. According to an expert on the topic of posting of workers,

on a concrete level there is a problem of control over employers who are abroad and who are required to comply with Italian law. How do you know if you have complied with the training and information obligations for workers or the documentation requirements on health and safety? Theoretically it can be done, since Legislative Decree No. 136/2016³ has strengthened the obligations of cooperation between the inspection bodies of different countries, but this is the most deficient plan of the whole legislation. There are rules, theoretically these rules bind and protect posted workers, but it is very difficult to check if they are not respected. [...] How does the Italian inspector check and can be certain that these obligations have been fulfilled in the country of origin? Very often everything is resolved only on paper. What do foreign companies that post workers do? Before arriving in Italy, they ask a good labour law consultant, they are told which documents are to be compiled to be in order, they prepare them according to the Italian law and with this at least the obligations are resolved. Thus, there is a clear problem of being able to guarantee the effective fulfilment of these rules or actually ascertaining that these obligations have been met.

4.3.2. (Migrant and/or Posted) Worker Representation and Protection

In case of OSH issues that are not resolved by the sending companies, posted workers can contact the workers' safety representatives (Rappresentanti dei lavoratori per la sicurezza - RLS) or the workers' representatives for territorial security (Rappresentanti dei lavoratori per la sicurezza territoriale - RLST) (see 4.2.1). Moreover, a trade union officer in the construction sector reported that trade unions often resort to union officials of immigrant origin, who speak the languages of the countries of origin of posted workers:

³ Legislative Decree No. 136/2016 transposed the Directive 2014/67EU into Italian law.

This material has received financial support from the European Union Programme for Employment and Social Innovation «EaSI» (2014- 2020). For further information please consult: <http://ec.europa.eu/social/easi>

As we are representative organizations, we try to represent these workers, even resorting to union officials who are from those countries [who prevail between the immigrant labour force] and that come from previous work experience on construction sites.

At the national level, the main Italian trade unions in the construction sector are working to ensure better working conditions for posted workers. A FILLEA CGIL representative explained that in 2017, during the renewal of the national collective bargaining agreement, they managed to include the obligation to enrol the sending companies to the construction funds (Casse edili), thus extending to posted workers a series of rights related to the working and OSH conditions (access to training courses on OSH, provision of personal protective equipment, etc.).

At the transnational level, the main Italian trade unions have started cooperation projects with trade unions in the countries of origin of the posted workers (see 4.2.3). In addition, trade unionists reported that the INCA CGIL trade union office in Bucharest has started a close collaboration with FILLEA CGIL (trade union of the building sector) and with FLAI CGIL (trade union of agriculture) in order to inform immigrant and posted workers from Romania about their rights (including OSH rights) during their stay in Italy and to support them in case of problems, both in their country of origin and in Italy.

However, despite the various tools put in place by the trade unions to protect the posted workers, many respondents explained that in almost all cases workers ask for help from unions only when the situation has become too serious - for example when they do not receive salaries for many months and so they are no longer able to provide for their needs, or when working conditions have compromised their health irreparably.

4.3.3. OSH-related grievance procedures in transnational workplaces

Posted workers can access medical treatments in Italy using the European Health Insurance Card and the A1 Portable Document or S1 form. If they cannot produce these documents, they have to pay and later claim the reimbursement. The sending companies are responsible for informing them about their health insurance entitlements and obligations. Furthermore, the interviews showed that in many cases the sending companies have additional health insurances, which cover the costs of possible private treatment and transportation for the return of posted workers to their country of origin.

In the case of irregular posting, workers who are injured can access emergency room care at the Local health units, which provide universal and free services in the event of poverty conditions. Some interviewees highlighted that if the damages suffered by the posted worker employed in the subcontracting chain are not indemnified by Inail or by the social security system of the sending country, since the sending company had not activated the insurance coverage, the art. 26 of Legislative Decree 81/2008 establishes joint liability and requires that "the client shall respond jointly with the contractor, as well as with any of the subcontractors, for all damages" suffered by the worker.

4.4. Language and cultural barriers in transnational workplaces

4.4.1. Prevention

The language and cultural barriers contribute to make workers more vulnerable. The representative of Directorate General for Labour Relations and Industrial Relations of the Ministry of Labour and Social Affairs explained that the lack of knowledge of the language of the receiving country makes it "difficult to fully understand the set of instructions and procedures that the worker must respect to prevent risks to health and safety at work".

According to the "Consolidated Law on Health and Safety at Work", this obstacle should be overcome taking into account the different national backgrounds of workers when the risk assessment is performed (Article 28, Legislative Decree No. 81/2008) and informing workers using a language they know and understand (Article 37, Legislative Decree No. 81/2008). However, the interviews highlighted quite problematic cases not related as much to the lack of training in a language understandable by the posted worker, but rather to the difficulties of interacting daily in jobs where not all workers speak the language used predominantly. For example, a couple of interviewees reported that in some workplaces the employers of the receiving company and the local workers interact with each other using the dialect, making it even more difficult for posted workers to understand. Furthermore, according to a trade unionist in the construction sector, the rescue procedures can be strongly influenced in the case of sending companies in which the supervisor does not speak either the Italian language or the English language:

a workers' representative for territorial security based in Trieste carried out an inspection on a site where thirteen posted workers of Ukrainian nationality were working. And the construction site chief was also of Ukrainian nationality. They were alone in the construction site. Thirteen Ukrainian workers and the Ukrainian construction site chief. Stop. If one gets hurt, how do they call the ambulance? What do they say to the operator? The operator answers and hears one who speaks another language... Oh well, one can go on the street, stop somebody who understands the situation and have the ambulance called....

Some respondents have pointed out that posted workers may come from contexts where little importance is given to the OSH protection. According to a representative of the Ministry of Labour and Social Affairs, it must be borne in mind that

there are workers who come from different cultures, even from completely different working environments, and therefore the use of a helmet rather than a hooking belt, rather than other safeguards and protection devices, it must be specifically recommended and recalled to that worker.

The interviews also revealed cases that were assessed very positively. For example, a trade unionist of the INCA CGIL patronage in Romania reported the example of some Romanian sending companies who, before starting the posting, asked detailed information about the regulations to be applied. A trade unionist in the construction sector, on the other hand, reported an example of a site inspection in which some Belgian sending companies rigorously applied the Italian OSH regulations.

Moreover, posted workers can be at their first work experience and therefore do not have enough experience, further increasing the risks to health and safety at work. For example, a trade unionist of the INCA CGIL patronage in Romania, in charge of providing support to Romanian immigrant and posted workers employed in the construction and agriculture sectors in Italy, reports that:

There are two phenomena. On the one hand, they are highly skilled workers, and maybe they work for big companies in Northern Europe, and in this case the directive of posting is respected a lot, or in any case enough. There are fewer problems there, we have some positive cases. Maybe they start from the bigger cities, where there are the conditions to be trained, to study... On the other hand, the biggest problems we encounter with posted workers affect workers who come from the north and north-east of Romania, near Moldova, on the border with Ukraine. These are workers who are not very skilled. They are people who leave because they cannot find a real job in the country of origin, maybe they did not access to professional training... So they agree to leave even this way, under conditions a bit more difficult, unfortunately. Maybe they learn the job once they are abroad, but in this case, there are also more serious risks with regard to accidents and safety at work, because if they do not have the experience, if they are beginners, the risks are larger ones.

4.4.2. Grievance management

Fieldwork research has shown that during inspections on workplaces by representatives of unions or inspection bodies, the lack of knowledge of the Italian language or of a vehicular language makes it particularly difficult to interact with posted workers. The trade unions manage to circumvent this obstacle by resorting to trade unionists of immigrant origin who work at local level and who act as interpreters during the checks and possible grievances involving the posted workers, as it was explained by a CGIL union officer of the construction sector:

As representative organizations, we [CGIL] and our colleagues in the CISL have made the choice to include immigrant unionists within our organization. The FILLEA CGIL [of Venice] has a Romanian worker, the colleagues of CISL have a Macedonian worker. Both speak several languages, they can also speak Russian. And so, in the xxx site, where posted workers were employed, we sent them, because the other secretary and I did not understand anything.

In the case of labour inspectorates, local officers can speak in Italian or English with posted workers. However, if the posted workers do not speak those languages, the inspections could be more difficult, since there is no provision for the use of interpreters. According to a labour inspector,

interpreters are often a matter of "luck". Sometimes we use employees who have been living longer in Italy and who act as interpreters, just because we find them in the company. Or, if someone speaks English, we can have a basis to know the real working conditions. We also get a lot of information from Italian workers, who sometimes work in the same workplace and who "de relato" report to us the conditions of posted workers.

During the subsequent phases of grievance management, the inspectors can use the Internal Market Information System to contact the inspectorates of the sending countries and obtain information on

payroll, contracts, the regularity of contributory payments, etc. However, a labour inspector reported that:

the main phase of the inspection is during the access in the workplace. It is at this stage that we have to acquire the most information from workers. At a later stage it becomes difficult and sometimes counterproductive to get information directly from the workers, because the workers themselves can give different information for fear of losing their jobs or being subjected to some retaliation.

5. Synthesis and Conclusions

Posted workers employed in hazardous sectors in Italy tend to be concentrated mainly in the construction sector and secondarily in the road transport and tourism sectors. Field research confirmed what emerged from the literature review and highlighted frequent irregularities as regards remuneration, welfare and insurance contributions and working conditions, which are generally worse than average.

Posted workers are often not informed about their rights and in some cases also about their contractual conditions. Very often posted workers live in a condition of social and material "isolation" and tend not to have any relationships in addition to those with their employer and the group of workers with whom they have been posted. The lack of information and the "isolation" are often the prerequisite of the lack of respect for posted workers' rights, in particular as regards: the salary, the payment of the social contributions in the sending countries, the payment of overtime, working hours, breaks, housing conditions, the health and safety at work. Moreover, posted workers' working and OSH conditions are influenced by a series of structural factors, such as the strong spread of undeclared work in the sectors where posted workers are employed - which increases the OSH risks for all workers - and the temporary nature of posted workers' employment contracts.

The fieldwork research highlighted that employers and management can significantly influence the application of the OSH standards, as the application of OSH regulation is mainly their responsibility. In addition to employers, the enforcement of OSH regulations involves a number of other subjects, such as the occupational physician, the trade unions, the Ministry of Labour and Social Affairs and the inspection agencies. These actors are involved at various levels and with different roles in monitoring the implementation of OSH regulation. There are not *ad hoc* controls on companies that employ posted workers, so the cases in which their rights are not respected are detected during ordinary monitoring activities. Companies to be controlled are selected according to various methods: on reporting by trade unions, judicial authorities or private citizens; by sample; as part of activities to prevent the risks of fatal accidents; based on criteria related to the dangerousness of the productive; according to the type of accidents recorded by individual companies.

Research has shown that there are various forms of cooperation between the various actors both at the national level and the transnational level, which mainly concerns: the establishment of policies adopted to protect workers' OSH (including posted workers); the information and training on the phenomenon of transnational posting; the collaboration between inspection bodies and social

partners in the Member States; the inspection area. Respondents pointed out that some of the most significant forms of cooperation have been activated thanks to some projects funded by the European Commission and through the Internal Market Information system. However, respondents also reported examples where the cooperation between the various actors should be strengthened - for example between the different branches of labour inspectorates at local level and between the labour inspectorates of sending and receiving countries.

Regarding the preventive practices in transnational workplaces, a significant lack has been found regarding the information and training of the posted workers on OSH issues, although the sending companies have the obligation to inform and train them before the posting and in the receiving countries it is possible to access information materials in various languages, both directly on the workplace and through the trade unions. This lack is due to the fact that very often information and training obligations are only carried out on a formal level. Moreover, the language and cultural barriers contribute to make workers more vulnerable, as posted workers have many difficulties to fully understand the set of instructions and procedures to be respected in order to prevent OSH risks.

In case of OSH issues that are not resolved by the sending companies, posted workers can contact the local labour inspectorates - who will carry out the necessary checks, possibly contacting the labour inspectorates of the sending countries - or the trade unions. Unions can be contacted in the workplace, through the Workers' safety representatives or the Workers' representatives for territorial security, or, alternatively, addressing directly to the territorial offices, which often resort to union officials of immigrant origin, who speak the languages of the countries of origin of posted workers.

In the event of accidents at work, posted workers can access medical treatments in Italy using the European Health Insurance Card and the A1 Portable Document or S1 form. If they cannot produce these documents, they have to pay and later claim the reimbursement. In the case of irregular posting, injured workers can access medical treatments of the emergency room at the Local health units, which provide universal and free services in the event of poverty conditions. Moreover, posted workers employed irregularly are protected by the art. 26 of Legislative Decree 81/2008 which establishes the principle of joint liability of the subcontracting chain for all damages suffered by workers.

Also with regard to the grievance procedures, the research has shown that the lack of knowledge of the Italian language or of a vehicular language makes it particularly difficult to interact with posted workers. While trade unions circumvent this obstacle by resorting to trade unionists of immigrant origin, for the labour inspectorates there is no provision for the use of interpreters.

In conclusion, posted workers employed in hazardous sectors constitute a part of the labour force that is particularly vulnerable, both in terms of working conditions and in terms of OSH. The research has revealed a stratification of working conditions which includes: a) highly specialized companies – which are mostly based in the countries of Northern Europe and which tend to respect the existing regulation on working conditions and OSH; b) the companies that provide more generic services – mostly based in the Eastern European countries, these companies are used to lower production costs by leveraging lower labour costs and often fail to comply with the existing regulation on working conditions and OSH.

This stratification is combined with the stratifications already existing in the Italian labour market, such as the racial stratifications, which ensure that immigrant workers are mainly employed in 3D jobs, and

the stratifications linked to the contractual status, due to the strong incidence of the underground economy in the hazardous sectors where a large part of posted workers is employed.

The combination of these different types of stratifications has serious repercussions on the OSH conditions of posted workers, the access to protection in case of OSH related issues and the access to medical treatment in the event of accidents at work. Moreover, even though Italian legislation provides numerous tools to protect posted workers' health and safety at work, the full application of the existing regulation encounters a series of structural obstacles - such as the cuts on social expenditure, which also have repercussions on the resources allocated to the monitoring process carried out by labour inspectorates, or the attempt to relaunch Italian competitiveness at the international level by lowering labour costs and favouring an increasing casualisation of the whole labour force.

6. Policy Implications and Recommendations

The main findings of the fieldwork concerning the Italian case highlight that posted workers constitute one of the most vulnerable groups employed in hazardous sectors – such as the construction industry, the road transport sector, the tourist sector, etc. These findings suggest the need for considerable changes in the policies aimed at protecting posted workers' rights concerning both working conditions and OSH.

A part of these policies must address the problem of the underground economy and the general worsening of working conditions related to its diffusion, which has heavy repercussions on OSH conditions, including those of posted workers. To foster the transformation of undeclared work into regular employment, it is necessary to strengthen the existing control policies, to increase the resources allocated to inspection bodies and to envisage contractual regularisation programs both for workers hired directly by Italian companies and for posted workers employed by sending companies.

Another part of these policies must address the specific vulnerabilities of posted workers. Respondents point out that it is necessary to strengthen the existing measures aimed at providing effective information and training by sending companies before the posting.

At the workplace level, more attention should be paid to the language and cultural barriers in transnational workplaces. Respondents suggest introducing incentives for the receiving companies to put in place tools aimed at providing information for posted workers, for example using information material and providing training courses for posted workers in various languages. Furthermore, trade unions should try to get in touch with the posted workers and inform them about their rights through union officials and trade unionists who speak their language.

At the industry level, respondents propose the introduction of continuing education policies on OSH should be envisaged in all sectors, with services aimed at all workers, in the same way as the Construction Workers Fund organises training courses in the construction sector. It should also be envisaged to inform and train posted workers through specific training courses.

At the national level, respondents suggest the introduction of more stringent rules in order to punish those who do not respect OSH regulation, particularly in the case of fatal accidents. Moreover, more detailed training on the issue of the posting and the working and OSH conditions of posted workers should be provided both to the inspection bodies and to the social partners. Greater and closer collaboration between the various inspection bodies is also recommended.

At the EU level, respondents point out that the existing forms of control should be strengthened to ensure that postings take place on a regular basis, encouraging transnational cooperation between labour inspectors through the Internal Market Information system and establishing a European supranational authority in order to coordinate the functions of supervision, control, inspection and prevention. Furthermore, homogenization of the existing regulations concerning working conditions should be encouraged, so as to facilitate cross-checks in the event of irregularities .

References

- Basso, P. (Ed.) (2010). *Razzismo di stato: Stati Uniti, Europa, Italia*. Milan: FrancoAngeli.
- European Commission (2012). *Posting of workers in the European Union and EFTA countries: Report on A1 portable documents issued in 2010 and 2011*. Brussels: European Commission.
- European Commission (2014). *Posting of workers. Report on A1 portable documents issued in 2012 and 2013*. Brussels: European Commission.
- European Commission (2015). *Posting of workers. Report on A1 portable documents issued in 2014*. Brussels: European Commission.
- European Commission (2016). *Posting of workers. Report on A1 portable documents issued in 2015*. Brussels: European Commission.
- Eurofound (2015a). *New Forms of Employment*. Luxembourg: Publications Office of the European Union.
- Eurofound (2015b). *Upgrading or Polarization? Long-Term and Global Shifts in the Employment Structure: European Jobs Monitor 2015*. Luxembourg: Publications Office of the European Union.
- Eurostat (2018). *Eurostat Database*. <https://ec.europa.eu/eurostat/data/database> (6-2-2018).
- Istituto Guglielmo Tagliacarne (2015). *Il distacco dei lavoratori all'interno dell'Unione Europea: pratiche e riflessioni sul dialogo sociale e la cooperazione amministrativa. Enfooster Brief no.1*. Modena: Istituto Guglielmo Tagliacarne.
- Lauria, F. (2015). Le parti sociali per la tutela transnazionale dei lavoratori distaccati nel settore delle costruzioni. In Istituto Guglielmo Tagliacarne. *Il distacco dei lavoratori all'interno dell'Unione Europea: pratiche e riflessioni sul dialogo sociale e la cooperazione amministrativa. Enfooster Brief no.1*. (p.s 6-8). Modena: Istituto Guglielmo Tagliacarne.
- Pallini, R. & Pedersini, M. (2010). *Posted workers in the European Union*. Dublin: Eurofound.
- Rassegna Sindacale (2015). Vinci la crisi con i lavoratori interinali a contratto rumeno. *Rassegna Sindacale*. April 2, 2015.
- Sargeant, M. & Tucker, E. (2009). Layers of Vulnerability in Occupational Safety and Health for Migrant Workers: Case Studies from Canada and the UK. *Policy and Practice in Health and Safety* 7/2, 51–73.
- Tizian, G. (2013). Chi specula sugli schiavi romeni. *L'Espresso*. May 6, 2013.