

# Transnational cooperation between the counselling office for posted workers and public authorities

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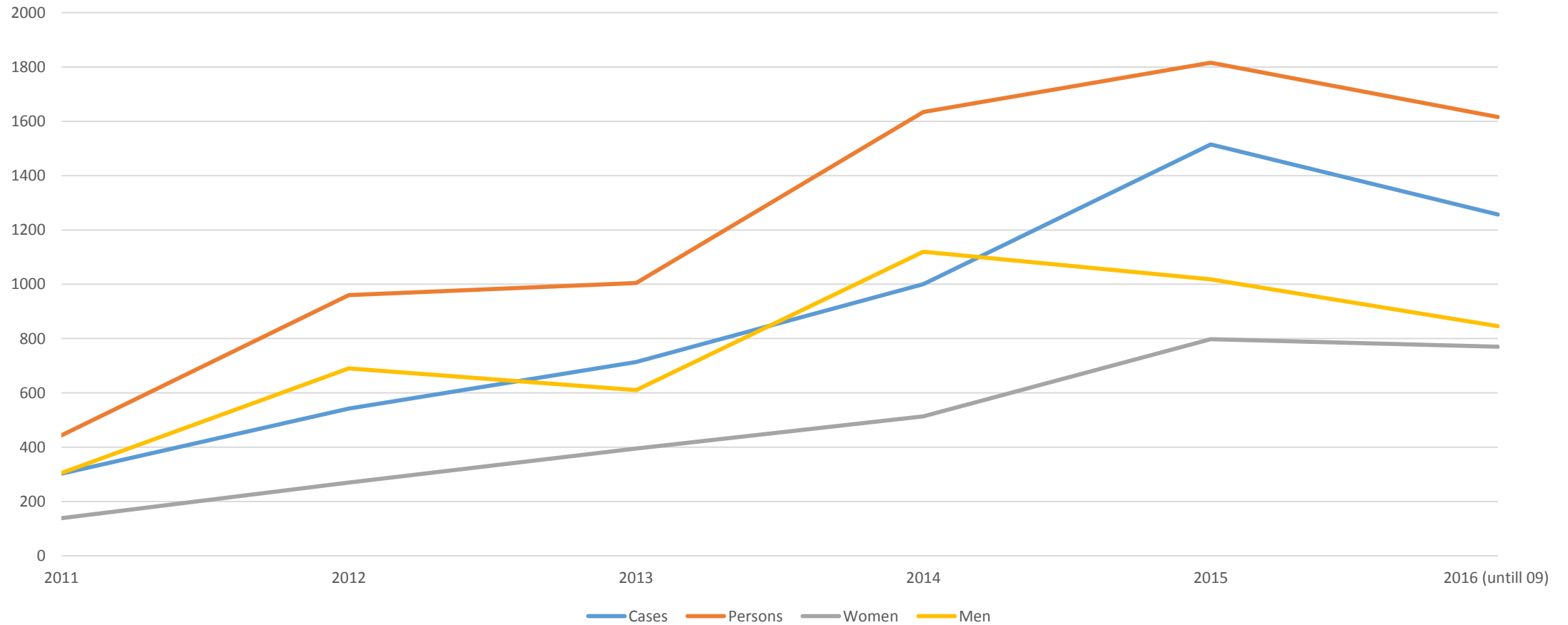
# 1. Who we are

- Project provider: trade union-linked association Arbeit und Leben Berlin e.V.
- Advisory activities since 01.08.2010
- Funded by: Berlin Senate Administration for Integration, Employment and Women Affairs
- Target group: temporary employed workers, most notably: posted workers
- Counselling provided in: Romanian, Russian, Polish, Spanish, German, English, French

## 2. What we do

- Counselling on labour and social law:
  - Prevention – direct or through multipliers
  - Intervention

# 3. Number of cases 2011-2016



## 4. National and transnational cooperation - experience of the counselling office BEB

- Legal infringements are recorded and forwarded by BEB to the relevant domestic and foreign authority and trade unions
  - FKS
  - national Labour Inspectorates
  - SOKA Bau
  - Police
  - Sectoral Trade Unions
- Collaboration in local and transnational networks

# 5. Background of the meeting in Nuremberg

- Background:
  - Case of Romanian posted workers employed on a construction site in Nuremberg and advised by BEB
- Participants:
  - Romanian Labour Inspectorate, FKS Nuremberg, General Directorate of Customs, Trade Union IG Bau Nuremberg, SOKA-Bau, Arbeit und Leben e.V.
- Purpose
  - Presentation of competences and proceedings regarding the controls in the field of posting of workers
  - Evaluation of opportunities of strengthening of the international collaboration

## 6. Results regarding the collaboration between German and Romanian control authorities

- Currently:
  - intermediation role of the counselling office
  - lack of notification about misconduct
  - no bilateral agreement
  - no direct contact between the two authorities
- Perspective: improvement of direct contact



# 7. Results regarding the usage of collaboration tools

- No effective utilization of the IMI-System:
  - Centralization of the IMI System
  - 1.580 IMI inquiries sent within the EU in 2015. Germany: received 70; sent 4
  - Genuineness of the posting is not controlled (no legal requirement for the application of the minimal working conditions)
  - Limited applicability (not foreseen for social insurance questions )
- Binding effects of A1 form as a main obstacle for German authorities

# 8. Questions

- Control request only through IMI?
- Experiences with bilateral and direct contact with responsible control body in the sending country: Is it possible to cooperate also without legal basis of bilateral agreement? How can this work?
- Access of regional Financial Control Authority to IMI? Decentralisation of IMI?
- Extension of IMI to other authorities CNAS= Social Security?
- How do you handle the obstacle of binding effect of A1 form in the control practice ?
- In cases in which an A1 form has been withdrawn: who is responsible for retrieving the social contributions?