



Language barriers and the occupational safety and health of posted workers*

Eszter Zólyomi and Sonila Danaj

*Eszter Zólyomi and Sonila Danaj are researchers at the European Centre for Social Welfare Policy and Research.
zolyomi@euro.centre.org
danaj@euro.centre.org*

Introduction

This Policy Brief aims to present findings about the language barriers faced by posted workers (a particularly vulnerable category of temporary cross-border mobile workers) in nine EU countries and to discuss the implications these may have for their occupational safety and health (OSH). It also offers recommendations for policy that could help reduce OSH risks many posted workers are exposed to due to language barriers. The Brief focuses on Austria, Belgium, Croatia, Germany, Italy, Romania, Slovakia, Slovenia and Spain, and draws on information gathered through desk research and interviews conducted between 2016-2018 with posted workers as well as national representatives of public authorities, enforcement agencies, social partners and other experts involved in posting.

Background

Keywords:
language barriers,
posting of workers,
occupational
safety & health

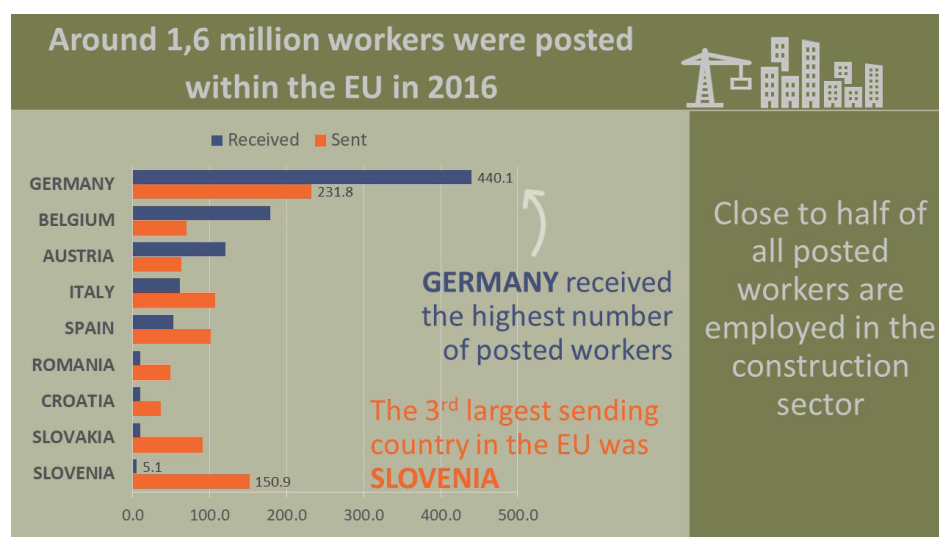
Posting of workers has been a fast-growing form of cross-border labour mobility in the EU (European Parliament, 2016). Estimates drawn from the number of portable documents A1 forms (PDs A1)¹ issued by sending and receiving countries, indicate that the number of PDs increased from around 1 million workers in 2010 to 1.6 million workers being posted across the EU in 2016 (De Wispelaere & Pacolet, 2017). Of the nine countries studied here, Germany

* This Policy Brief is based on the comparative study (Danaj & Zólyomi, 2018) prepared in the frame of the project 'POOSH – Occupational Safety and Health of Posted Workers', financed by the European Commission, DG Employment, Social Affairs & Inclusion (for reference, see the project website: <https://www.euro.centre.org/projects/detail/198>). The opinions expressed in this Policy Brief are those of the authors and do not necessarily represent those of the funding organisation. We are grateful for comments received from Anette Scoppetta and Magdi Birta and would also like to thank Willem Stamatiou for editing and layout.

1 The A1 form certifies which social security legislation applies to the holder of the form. It is needed in situations where an employed or self-employed person has a connection through employment or self-employment with more than one EU country. In the case of posting, the employer should apply on behalf of the employee to the relevant authorities in the country where s/he is posted from to show to the authorities where the employee is posted to, which social security legislation s/he is subject to. These forms then are used as an estimate of the number of postings from and to a Member State.

clearly stands out with receiving and sending the highest number of posted workers (it ranks first in terms of receiving and second in terms of sending in the whole of the EU) (Figure 1). The number of workers posted to Belgium and Austria is also substantial, placing them among the most important receiving EU Member States in 2016. Workers posted to another EU country by far outnumber those received in the remaining six countries. Among them, Slovenia recorded the largest number of workers sent, followed by Italy, Spain and Slovakia.

Figure 1: Number of posted workers received and sent by the nine EU countries (in 1,000s), 2016



Note: The number refers to the number of PDs A1, issued by sending and receiving countries, which does not necessarily match with the total number of individual posted workers as a person can be issued multiple PDs A1 during a year.

Source: Own representation with data from De Wispelaere & Pacolet, 2017.

In terms of countries of destination and origin, there is a high frequency of cross-border mobility, i.e. exchange between neighbouring countries. So-called “Old Member States” remain the main countries of destination for most posting assignments, which has been the case for all nine countries (Figure 2). There is also a growing tendency for workers from Member States of the latest enlargement, such as Romania and Croatia, as well as from the candidate countries of the Western Balkan countries, being posted through companies in EU-8² countries, such as Slovenia or Slovakia.

² EU8 or A8 refers to eight of the countries that joined the EU in the 2004 Enlargement, namely Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia.

Figure 2: Main countries of origin and destination of workers posted to/from the nine EU countries, 2016

Main countries of origin		Main countries of destination
Poland, Slovenia, Slovakia	GERMANY	Switzerland, Austria, Netherlands
France, Poland, Luxemburg	BELGIUM	France, Netherlands, Germany
Slovenia, Germany, Slovakia	AUSTRIA	Germany, Switzerland, Italy
Germany, France, Spain	ITALY	Switzerland, France, Germany
Germany, France, Portugal	SPAIN	France, Germany, Portugal
Germany, France, Spain	ROMANIA	Germany, Spain, Italy
Slovenia, Germany, Italy	CROATIA	Germany, Slovenia
Germany, Poland, Czech Republic	SLOVAKIA	Germany, Austria, Czech Republic
Croatia, Austria, Germany	SLOVENIA	Germany, Austria, Belgium

Source: Own representation with data from De Wispelaere & Pacolet, 2017.

Posting, by definition, is carried out on a temporary basis. Under the Posting of Workers Directive (96/71/EC), the posting period cannot exceed 24 months, and when the revised Directive (2018/957) enters into national laws (by 30 July 2020), it will be confined to 12 months. Posting assignments also tend to be generally short-term, albeit estimates on the average duration per posting show great variation across the countries for which this information is available. The figure ranges from 37 days in Belgium to as many as 240 days in Croatia, which is more than double the 101-day EU average (De Wispelaere & Pacolet, 2017).

Although posted workers tend to be employed in various economic sectors, such as road transport, manufacturing, agriculture or services, construction remains the predominant sector with 45 percent of the overall number of posted workers sent and received to work in construction projects around the EU (De Wispelaere & Pacolet, 2017).

Institutional recognition of language barriers

The International Labour Organization (ILO) has identified language barriers as hinderance to the safety and health of migrant workers. Already in its Global Strategy on Occupational Safety and Health (ILO, 2004), it underlined the importance of strengthening prevention mechanisms by expanding the access for vulnerable groups like migrants. In its *Fundamental Principles of Occupational Health and Safety*, the ILO specifically reiterates the necessity

of providing OSH training for migrant workers in their mother tongue (Alli, 2008: 149). More recently, the ILO also published a document on *Promoting Fair Migration: General Survey Concerning the Migrant Workers Instruments* (2016), in which a Committee of Experts on the Application of Conventions and Recommendations confirmed the high OSH risks migrant workers are exposed to. Therefore, training and other preparatory measures were recommended for migrants in a language they would understand (Recommendation No. 151, paras 20 and 21).

Similarly, at the EU level, the implementation of the Posting of Workers Directive (96/71/EC) showed that, among other concerns, more needs to be done in order to provide access to information for workers posted from one Member State to another on all matters relevant to their employment, including OSH. This meant not only making relevant information easily and freely available, but also making it accessible to workers, i.e. providing information in languages that posted workers would understand. The matter was eventually addressed in the Enforcement Directive (2014/67/EU):

‘make the information available to workers and service providers free of charge in the official language(s) of the host Member State and in the most relevant languages ... (Article 5, 2c).

Why are language barriers a problem?

Existing literature shows that language barriers are among the most important obstacles for labour mobility in the EU (Bonin et al., 2008; Bartz & Fuchs-Schündeln, 2012). According to data reported by Fries-Tersch et al. (2018), language skills are considered a major barrier to finding a suitable job among employed EU-28 movers. This is confirmed by results from a public consultation by the European Commission (2017) which showed that language barriers was the most frequently reported problem by respondents after legal and administrative barriers.

Lacking knowledge of the receiving country’s language has also been identified by previous research as an important factor for explaining the higher vulnerability of migrant workers (Bust et al., 2008; Sargeant & Tucker, 2009). Language barriers encountered by migrant workers have been linked to difficulties in accessing information on working conditions and compensation policies, understanding OSH information and communicating warnings about potentially dangerous work situations (Premji et al., 2008; Tutt et al., 2011, 2013), as well as accessing health care, in particular, in case of work-related injuries or illness (Premji et al., 2008; Moyce & Schenker, 2018).

Posted workers are likely to experience such linguistic barriers because the temporary, mobile and transnational character of posting implies that they spend too limited time in the host country to be able to acquire the local language or improve their language skills. They are also generally unable to access language instructions or training programmes provided in the country they are posted to. In addition, posted workers are overwhelmingly employed in hazardous sectors with multi-employer, multi-national workplaces, such as construction, which makes language barriers especially problematic in terms of occupational safety and health as it may increase the risk of work accidents and workers' exposure to safety and health risks in general.

Language barriers might also become an impediment for the work of OSH or labour inspectors, who if unable to communicate with the posted workers directly or through interpretation, might not be able to properly monitor working conditions in transnational workplaces and/or investigate reported cases. During the fieldwork, concerns were raised by inspectors on the language barriers encountered when inspecting transnational workplaces, which also tend to be multi-lingual, thus making communication between inspectors and workers a challenge, especially in the case of posted and temporary workers that do not speak the local language. Because of language barriers, inspectors face challenges such as not being able to: monitor if the training received by posted workers is adequate; control if workers have a proper understanding of OSH rules on site; or conduct in-depth interviews with posted workers on their working and OSH conditions during site visits and/or after an accident.

Language barriers reported in the nine countries and OSH-related implications for posted workers

In all nine countries, language differences are reported as an important barrier to work safety and health conditions in the context of posting. Even in the cases of Croatia, Slovenia and Slovakia, where many posted or temporary migrant workers come from other countries of former Yugoslavia or neighbouring Slavic-speaking countries, language barriers are becoming a safety risk due to increasing numbers of workers posted from other EU Member States.

Language barriers significantly limit the capacity of posted workers to realise and exercise their employment rights, including health and safety rights

Language barriers affect posted workers in multiple ways (Table 1). One aspect where language barriers are most commonly reported across the nine countries is accessing information and materials on local working conditions, including OSH regulations and procedures, terms and conditions of employment, as well as rights and obligations as posted workers. Lack or insufficient knowledge of the local language further impedes workers' ability to gain access to information

about grievance and redress procedures and to pursue their rights. Even if information is available, language barriers appear to be a major obstacle for posted workers in terms of access to information and training, to understand work instructions and communicate effectively with their co-workers and supervisors at the work site (i.e. on-site communication), and pursuing any grievances (grievance management).

Table 1: Main language barriers faced by posted workers in the nine EU countries

	BE	DE	ES	HR	IT	AT	RO	SI	SK
Access to information	●	●	●	●		●	●	●	●
Access to training			●	●	●	●	●	●	
On-site communication	●	●	●		●	●	●		●
Grievance management	●	●			●	●			

Note: While language barriers were mentioned as a problem generally in all nine countries, the dots in Table 1 highlight specific aspects within the corresponding areas that were mentioned by the informants directly.

Source: Danaj & Zólyomi, 2018.

Access to information and training

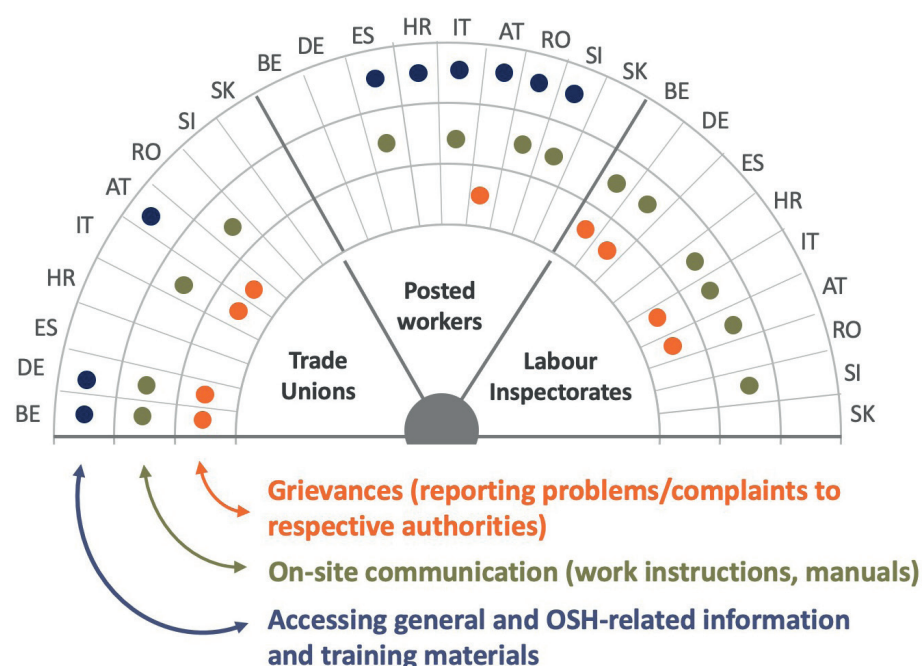
Workers often lack information about the safety and health risks they are exposed to during their posting

Limited access to information about work-related rights, obligations and working conditions is the most pronounced manifestation of the language barriers faced by posted workers. The resulting information gap concerning the specific contractual conditions, safety regulations, health and accident insurance, among others, significantly lowers their level of protection from potential exploitation and safety- and health-related violations. Language barriers to obtaining general and OSH-related information and materials was identified by trade union representatives as a serious challenge in Belgium, Germany and Austria (Figure 3). The same problem was reported by posted workers interviewed in Spain and Slovenia.

Not understanding training materials and statutory safety instructions due to language difficulties, is an additional hurdle encountered by posted workers interviewed in Austria, Croatia, Italy, Romania, Slovenia and Spain. Locally-provided OSH trainings are often available only in the local language preventing non-native speakers from participating in and benefitting from these. In the cases of Austria, Croatia, Italy, Romania and Spain it was reported that language barriers limit the actual amount and quality of the training received by posted workers, as well as the ability of the labour inspectors to control that proper training has been received.

While language barriers were identified as negatively influencing the OSH of posted workers in all nine countries, Figure 3 indicates the cases where language barriers faced by posted workers were reported specifically by each category of interviewees (Trade Unions, Posted Workers, Labour Inspectorates) in relation to grievances, on-site communication, and accessing general and OSH-related information and training materials.

Figure 3: Language barriers reported by Trade Union and Labour Inspectorates representatives and posted workers



Source: Own representation based on Danaj & Zólyomi, 2018.

On-site communication

Insufficient communication due to language differences increases posted workers' exposure to work accidents and to safety and health risks in general

Due to the high proportion of posted workers in hazardous sectors and occupations, language barriers can present a significant risk for their health and safety. This is especially the case when workers are posted for the first time or if they lack the skills required for the job they are tasked to perform. Posted workers in international road transport face a greater challenge as they are exposed to various languages while travelling through several countries.

Most frequently mentioned communication problems to occur on site, include understanding of work instructions, interacting with colleagues, coordinating work tasks, reading operating manuals and hazard warnings as well as communication in the event of work accidents.

Potential risks at the work site arising from language differences were reported by representatives of trade unions and labour inspections in Austria, Belgium, Croatia, Germany, Italy, Romania and Slovenia (Figure 3). Communication barriers during inspection controls were specifically highlighted by representatives from labour inspectorates in Austria, Belgium, Germany, Italy, and Slovenia.

Grievance management

Inability to speak the local language in addition to limited knowledge of the receiving country's grievance policies and procedures means that posted workers are less likely to report problems and file complaints about working conditions and seek information and legal assistance from respective authorities.

Lack of know-how accentuated by language barriers is a deterring factor in reporting OSH-related violations and addressing grievances formally

While both trade union representatives and labour inspectors are aware of the problems (e.g. language barriers to grievance management were reported by representatives of trade unions and labour inspections in Austria, Belgium, Germany and Italy), they tend to lack resources and capacities to adequately tackle these issues. For instance, in Belgium and Italy, trade unions and labour inspectorates generally use representatives who speak the language of the sending countries and can act as interpreters. Where counselling services and support are offered in several languages, as is the case in Austria, Germany and Slovenia, their availability is oftentimes limited, e.g. provided in the context of specific projects or without coverage of OSH-related matters.

Efforts to overcome language barriers in posting

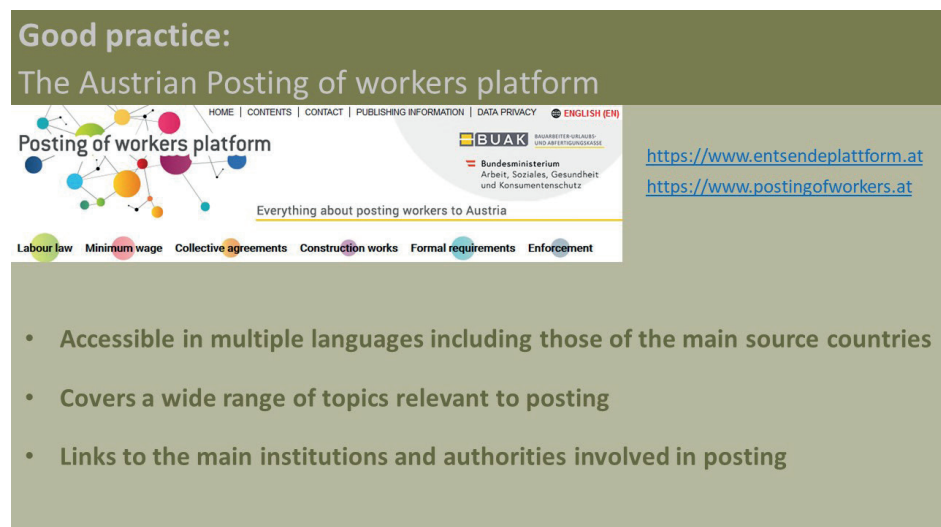
Examples on how posted workers deal with the language problem mostly entail informal solutions such as asking colleagues with better foreign language skills to translate instructions and information materials or to act as mediators for them if needed. The use of translation apps on smart phones and reliance on English as the common language were also frequently reported coping strategies by posted workers to overcome communication difficulties arising from language barriers.

There are also a number of examples for formal solutions in the form of policies and interventions that countries introduced to address the language gap. They include policies that aim to improve language competences of trade unions and labour inspectorates by employing foreign language speakers and interpreters, as it was reported in Belgium and Italy, and offering training courses and materials that are accessible in different languages (e.g. Belgium, Germany, Italy). In Austria, Belgium and Italy, video materials and pictograms are used for

work safety instructions. Another practice currently experimented with by the Austrian labour inspectors is the use of mobile language apps.

To improve posted workers' access to information about their rights and obligations, all nine countries set up specific websites where they provide relevant information and services on posting, albeit only some make these available in languages other than the host country's language and English. The Austrian 'Posting of workers platform' where information is available in the languages of the main sending countries (i.e. in Czech, Hungarian, Polish, Slovak and Slovenian), in addition to German and English, can be considered a good practice in this regard.

Figure 4: The Austrian national website for the Posting of Workers



Good practice:
The Austrian Posting of workers platform

HOME | CONTENTS | CONTACT | PUBLISHING INFORMATION | DATA PRIVACY | ENGLISH (EM)

Posting of workers platform

BUA
Bundesarbeiter-Unfallversicherungsanstalt

Bundesministerium
Arbeit, Soziales, Gesundheit
und Konsumentenschutz

<https://www.entsendeplattform.at>
<https://www.postingofworkers.at>

Everything about posting workers to Austria

Labour law | Minimum wage | Collective agreements | Construction works | Formal requirements | Enforcement

- Accessible in multiple languages including those of the main source countries
- Covers a wide range of topics relevant to posting
- Links to the main institutions and authorities involved in posting

Recommendations: What more can be done?

Several recommendations have been suggested by the stakeholders who participated in the study. These comprise the following:

- Awareness-raising campaigns organized preventatively to address the general public but also to reach posted workers in individual workplaces. Multi-lingual tools could help to better disseminate campaign messages.
- OSH trainings and/or induction as well as other relevant information have to be made available in languages posted workers understand. Additionally, OSH materials should use more internationally recognizable symbols and pictograms in order to be better understood by posted workers.

- Knowledge of their rights prior to the posting assignment would help to minimize their vulnerability created by language. To guarantee that information and trainings are received, they should be made mandatory for employers and workers.
- Language barriers faced by the inspectors have to be better addressed, even though a lot has already been done. Innovative solutions, such as the use of translation mobile apps, for example, can be applied by all inspectors. Labour Inspectorates could hire inspectors with language skills in the languages spoken by the majority of posted workers and deploy them in transnational workplaces with posted workers to help improve the process of inspection of workplace OSH.
- While providing accessible information to posted workers is currently addressed in the Enforcement Directive, the ‘how’ remains to be sorted out by individual Member States. Further enforcement mechanisms need to be put in place, in particular in terms of measures in cases when countries do not comply with this rule.
- To facilitate the process of addressing the language barriers at the country level, peer reviews and other mutual learning activities in which best practices are shared and exchanged, could be organized on a more regular basis.

While in this Policy Brief we highlighted the impact language barriers have on a particularly vulnerable category of temporary cross-border mobile workers such as posted workers, addressing the overall issue has to become important for the single European labour market and the increasingly multi-lingual workplaces across the EU.

References

- Alli, B.O. (2008). *Fundamental Principles of Occupational Health and Safety*. International Labour Organization (ILO).
- Bartz, K. & Fuchs-Schündeln, N. (2012). The Role of Borders, Languages, and Currencies as Obstacles to Labour Market Integration. *European Economic Review*, 56, 1148-1163.
- Bonin, H. et al. (2008). *Geographic Mobility in the European Union: Optimising Its Economic and Social Benefits*, IZA Research Report No. 19.
- Bust, P.D., Gibb, A.G.F. & Pink, S. (2008). Managing Construction Health and Safety: Migrant Workers and Communicating Safety Messages. *Safety Science*, 46(4), 585-602.
- Danaj, S. & Zólyomi, E. (2018). *Occupational Health and Safety of Posted Workers in the EU: A Comparative Report*. 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. Vienna: European Centre for Social Welfare Policy and Research.
- De Wispelaere, F. & Pacolet, J. (2017). *Posting of Workers: Report on A1 Portable Documents Issued in 2016* (Rep.). Brussels: Network Statistics FMSSFE, European Commission.
- European Commission (2017). Commission Staff Working Document accompanying the document 'Communication from the Commission to the Council and the European Parliament on boosting growth and cohesion in EU border regions, SWD (2017) 307 final.
- European Parliament (2016). *Posting of Workers Directive – Current Situation and Challenges*. Directorate General for Internal Policies Policy Department: Economic and Scientific Policy. Brussels: European Parliament.
- Fries-Tersch, E., Tugran, T., Rossi, L. & Bradley, H. (2018). *2017 Annual Report on intra-EU Labour Mobility*. European Commission, Luxembourg: Publication Office of the European Union.
- ILO (2016). *Promoting Fair Migration: General Survey Concerning the Migrant Workers Instruments*. Geneva: ILO, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_453898.pdf (17.04.2018).
- ILO (2004). *Global Strategy on Occupational Safety and Health*. Geneva: ILO, http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/policy/wcms_107535.pdf (17.04.2018).
- Moyce, S.C. & Schenker, M. (2018). Migrant Workers and Their Occupational Health and Safety. *Annual Review of Public Health*, 39, 351-365.
- Premji, S., Messing, K. & Lippel, K. (2008). Broken English, Broken Bones? Mechanisms Linking Language Proficiency and Occupational Health in a Montreal Garment Factory. *International Journal of Health Services*, 38(1), 1-19.
- 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.
- Tutt, D., Dainty, A.R.J., Gibb, A. & Pink, S. (2011). *Migrant Construction Workers and Health & Safety Communication: Construction Industry Training Board (CITB)-Construction Skills*. Bircham Newton, King's Lynn, Norfolk, UK.
- Tutt, D., Pink, S., Dainty, A.R.J. & Gibb, A. (2013). 'In the Air' and Below the Horizon: Migrant Workers in UK Construction and the Practice-Based Nature of Learning and Communicating OHS. *Construction Management and Economics*, 31(6), 515-527.

About the European Centre for Social Welfare Policy and Research

The Policy Briefs series of the European Centre is edited by Ricardo Rodrigues and Sonila Danaj

The European Centre for Social Welfare Policy and Research is an intergovernmental organisation affiliated to the United Nations. Its purpose is to foster the collaboration between governments, research and other stakeholders in the field of social welfare.

Core Functions

- Providing applied social science and comparative empirical research on social policy in the UN-European Region
- Forging the evidence-base for social policy making and mutual learning on social welfare issues
- Initiating future-oriented public policy debates on social welfare issues by networking across the UN-European Region

Research Focus

The European Centre provides expertise in the fields of welfare and social policy development in a broad sense – in particular in areas where multi- or interdisciplinary approaches, integrated policies and inter-sectoral action are called for.

European Centre expertise includes issues of demographic development, work and employment, incomes, poverty and social exclusion, social security, migration and social integration, human security, care, health and well-being through the provision of public goods and personal services. The focus is on the interplay of socio-economic developments with institutions, public policies, monetary transfers and in-kind benefits, population needs and the balance of rights and obligations of all stakeholders involved.

European Centre Publications

- ‘Policy Briefs’ contain recent research and policy advice results
- ‘European Centre Reports’ expose results of studies or research carried out in the context of national or international projects
- ‘European Centre Working Papers’ comprise preliminary findings or innovative ideas to be shared with a wider public
- The European Centre Newsletter is published in English on a bi-monthly basis and synthesizes the news published regularly on our website

Furthermore, scientific staff of the European Centre regularly publish books, peer-reviewed articles or contributions to books.

Please contact us (stamatiou@euro.centre.org) if you want to get informed on a regular basis about our activities and publications.

More information:

<http://www.euro.centre.org>

Contact
Berggasse 17
A – 1090 Vienna
Tel: +43/1/319 45 05-0
Email: ec@euro.centre.org