

# OCCUPATIONAL SAFETY AND HEALTH IN TRANSNATIONAL WORKPLACES: THE CASE OF POSTED WORKERS

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COBISS 1.01

## ABSTRACT

### Occupational Safety and Health in Transnational Workplaces: The Case of Posted Workers

The article presents the results of an empirical study on the occupational safety and health (OSH) of posted workers in transnational, multilingual and multi-employer workplaces. The argument is based on data obtained from semi-structured interviews with key stakeholders in Slovenia, which we analyse within the framework of Sargeant and Tucker's (2009) layered vulnerability approach. We discuss multiple vulnerabilities of posted workers who are disproportionately recruited into hazardous jobs and exposed to numerous health hazards. Possible measures to reduce OSH-related vulnerabilities of posted workers are identified and discussed, including the role of information sharing and awareness raising.

**KEY WORDS:** posted workers, occupational safety and health, transnational workplaces, vulnerabilities, Slovenia

## IZVLEČEK

### Varnost in zdravje pri delu v transnacionalnih delovnih prostorih: Primer napotnih delavcev

Članek predstavlja rezultate empirične študije o varnosti in zdravju pri delu napotnih delavcev v transnacionalnih in večjezičnih delovnih prostorih. Razprava temelji na podatkih, pridobljenih s polstrukturiranimi intervjuji s ključnimi deležniki v Sloveniji, ki jih avtorici analizirata s pomočjo 'pristopa večplastne ranljivosti' (layered vulnerability approach; Sargeant, Tucker 2009). Članek prinaša vpogled v multiple ranljivosti napotnih delavcev, ki so pogosto napoteni na opravljanje dela v nevarnih sektorjih in izpostavljeni številnim zdravstvenim tveganjem, ponuja pa tudi nekaj rešitev za zmanjšanje njihove ranljivosti, med drugim tudi vlogo in pomen učinkovitega širjenja informacij in ozaveščanja.

**KLJUČNE BESEDE:** napotni delavci, varnost in zdravje pri delu, transnacionalni delovni prostori, ranljivosti, Slovenija

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## INTRODUCTION

The posting of workers plays an essential role in the EU's internal labour market (European Commission 2016). The term refers to the process of sending an employee to provide a service in another EU Member State on a temporary basis. The workers thus work abroad, but they remain in the host Member State only for the duration of the provision of services and do not integrate into its labour market. Social contributions are paid in the sending state, which implies that workers do not fall under the social security scheme of the Member State in which the service is provided (Pacolet, De Wispelaere 2016). But although the posting of workers in principle contributes to balancing the demand and supply of services in the EU and provides valuable economic opportunities for companies and workers, it also exposes the deeply rooted tensions between promoting the free movement of goods, capital, services and labour on the one hand and maintaining the European social model and established industrial relations, including industrial action to protect collective interests, on the other. In this sense, it has become a sensitive issue, especially in Member States where labour is expensive and the welfare state is generous (Vah Jevšnik, Cukut Krilić 2016). The terms and conditions of posting are regulated by the Posting of Workers Directive (Directive 96/71/EC) and the Enforcement Directive (Directive 2014/67/EU), which have been transposed into national labour laws of the Member States. Yet, in the past years, the posting of workers has often been tainted by the circumvention of rules, fraud and abuse. Several problems caused by so-called letterbox<sup>1</sup> companies have been reported, as well as violations of posted workers' rights (European Commission 2016), including those relating to living and working conditions and occupational safety and health (OSH).

The field of OSH is mentioned in Article 3 of the Posting of Workers Directive, titled 'Terms and conditions of employment', which addresses rest periods, holidays, health and safety and hygiene, protective measures and equality of treatment. The Enforcement Directive readdresses the issue taking into account the transnational and multi-lingual composition of the workplaces and calls for accessible and free of charge provision of information on OSH. The OSH Framework Directive 89/391, however, is the umbrella applicable regulatory framework for all workers and as such it also applies in cases of posting.

Nevertheless, research on the OSH of posted workers has been scarce, unsystematic and fragmented (Vah Jevšnik 2017; Rogelja, Toplak 2017). The question of the interplay of the EU regulatory framework and national OSH systems and their impact on the health and safety of posted workers in transnational workplaces has

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1 Hastings and Cremers (2017) note that most Member States have no legal or working definition of letterbox companies, which leads to difficulties in tracking and tackling them. Most often, the term denotes businesses which exist via a mailing address only, with actual activities taking place elsewhere (i.e. in another Member State), and which are purposefully designed to circumvent legal obligations (Heinen et al. in Hastings, Cremers 2017: 2).

not been sufficiently addressed. The issues of liability in multi-employer workplaces, grievance procedures and management, transnational cooperation between competent authorities and enforcement bodies, and the development of systemic and workplace level measures to reduce OSH-related vulnerabilities has also not been on the research agenda. This gap in research is currently being addressed by an international group of scholars involved in a research project called 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.<sup>2</sup> Using the multiple case-study approach (Yin 2003), the project sets out to conduct fieldwork in nine EU Member States, including Slovenia, Croatia, Austria, Italy, Romania, Slovakia, Spain, Germany and Belgium, involving a variety of stakeholders in order to provide a comprehensive comparative study of the OSH-related vulnerabilities of posted workers in transnational workplaces and identify possible measures to reduce or overcome them.

The article presents the results of the case study for Slovenia. In line with the research questions, the unit of analysis are OSH-related challenges of posting to and from Slovenia. Data was collected using semi-structured interviews in the period from February to December 2017. A total of eleven interviews were conducted with representatives of the Slovenian Labour Inspectorate of the Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia, and the Association of Free Trade Unions of Slovenia, a non-governmental organisation providing counselling to workers and posted workers.<sup>3</sup> Valuable material was also collected at two transnational joint visits attended by labour inspectors and other stakeholders from Slovenia, Croatia, Romania and Belgium in Ljubljana and Bucharest. The joint visits were held with the purpose of exchanging experiences, best practices, discussing the use of the IMI system for the exchange of information in relation to OSH, and enhancing cooperation between labour inspectorates.<sup>4</sup> The participants' insights and recommendations contributed significantly to expanding the knowledge base on OSH in the context of posting of workers.

The article first provides an analytical and theoretical framework for discussing OSH-related vulnerabilities in transnational workplaces within the framework of posting of workers, primarily using Sargeant and Tucker's (2009) layered vulnerability approach. It then focuses on the case of Slovenia, drawing from the data obtained at joint visits and from semi-structured interviews with key stakeholders. We discuss in particular the proposed measures to reduce the OSH-related vulnerabilities of posted workers, including the role of information sharing and awareness raising.

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2 Financed by the European Union, EaSI-Progress programme VS/2016/0224 and Slovenian Research Agency. Duration of the project 1 Jan. 2017 to 31 Dec. 2018.

3 Some interviews were conducted by Kristina Toplak and Jernej Mlekuž, research fellows at the Slovenian Migration Institute ZRC SAZU and POOSH project members.

4 Joint visit in Ljubljana, Slovenia, 14 February 2017 and joint visit in Bucharest, Romania, 11 October 2017.

We conclude with a discussion of the multiple vulnerabilities of posted workers who are disproportionately recruited into more hazardous jobs and exposed to numerous health hazards.

## THE OSH REGULATORY FRAMEWORK AND A LAYERED APPROACH TO VULNERABILITY

The field of occupational safety and health in the workplace covers all aspects of health and safety in the workplace with a strong focus on primary prevention of hazards. The first set of determinants relates to risk factors in the workplace such as work-related accidents, development of a variety of diseases and stress-related disorders. The second set relates to employment and working conditions such as working hours, salary, workplace policies concerning e.g. maternity leave, health promotion and protection (World Health Organisation 2007). OSH can also be defined as a policy-related field concerned with developing and implementing mechanisms for the prevention of occupational risks by promoting the highest degree of safety and health at workplaces (International Labour Organization). It addresses issues related to sector-specific hazards that can lead to work accidents and poor health, including psychosocial hazards such as work-related stress, anxiety, isolation and mobbing at the workplace.<sup>5</sup>

In the case of posting of workers, OSH and posted workers' overall workplace wellbeing is inextricably connected to the general employment conditions. Serious infringements in matters of OSH often go hand in hand with factors such as undeclared work, underpayment, excessive working time, lack of rest periods, and non-compliance with regulations concerning social security and health insurance. Work-related accidents and ill health can therefore also be attributed to stress-related conditions which may occur as a result of irregularities in the posting procedure, fatigue due to long working hours, failure to provide adequate OSH training, failure to provide translations of health and safety regulations and failure to establish efficient communication channels, to name a few. This may lead to a higher rate of work-related accidents, especially in high-risk, hazardous sectors, and can have short-term and long-term effects on the health of posted workers (i.e. burnout, development of

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5 Examples of hazards that can lead to work accidents are equipment related (unguarded machinery, machine movement, walking on slippery surfaces), practice related (heavy lifting, working at heights, tasks involving awkward movement or posture), and electricity related (overhead electric lines, poorly insulated electrical equipment). Hazards that can lead to poor health include handling chemical substances (inhalation, ingestion and skin absorption of a material hazardous for health), exposure to physical agents (noise, extreme temperatures, electromagnetic radiation), exposure to biological agents (viruses, bacteria, fungi), inadequate ergonomic conditions (awkward postures, fast-paced work, repetitive tasks, insufficient rest period), psychosocial hazardous situations (stressful tasks, job insecurity, isolation, mobbing) (OSHwiki).

chronic diseases and a variety of disabilities). Since posted workers predominantly provide services in hazardous sectors such as construction, heavy industry and agriculture and/or are often exposed to hazardous agents such as chemical substances or radiation, they are particularly vulnerable to accidents and occupational diseases (cf. Vah Jevšnik; Cukut Krilić 2016).<sup>6</sup>

When identifying OSH-related vulnerabilities of posted workers, the layered framework to assess vulnerability in occupational safety and health for migrant workers developed by Sargeant and Tucker (2009) is arguably the most useful. Sargeant and Tucker define migrant workers as workers without a permanent status in the receiving countries, which is also applicable in cases of posting. They argue that migrants are exposed to a multi-layered vulnerability that manifests itself in a variety of forms depending on a set of factors, but, importantly, that the heterogeneity of migrant workers should be taken into consideration when assessing their vulnerabilities. In the first layer of vulnerability, they outline migration factors, such as the conditions of the recruitment and the migration status of the worker. If the conditions of recruitment are regular, meaning that suitable contracts are in place according to national laws and workers have valid work permits, the workers will be better protected. If employment is precarious and/or informal, migrants will be more vulnerable to OSH risks, with irregular migrants operating in the informal economy being the most vulnerable of all. In the cases of posting, several cases were highlighted by the labour inspectors of posted workers being sent to work abroad by letterbox companies without being registered in social security schemes or covered by accident insurance. In those cases, medical bills for illness or accidents had to be paid by the workers themselves, saddling many of them with debts they could not repay in the foreseeable future (joint visit, Ljubljana).

The second layer of vulnerability refers to the characteristics of the migrants themselves, namely the socio-economic conditions of their home country, education and skill levels, and language skills. For workers coming from poor countries, the cost of losing their jobs are higher than for those workers who can return home to jobs that are comparable, and this can inhibit the workers' willingness to exercise their rights. For these reasons, workers may also seek to maximise their income in the short term by agreeing to work long hours, thereby increasing their risk of injury, illness or disablement (Richardson et al. in Sargeant, Tucker 2009: 3). In posting situations, such cases were reported by most of our interviewees, including posted workers. Our findings confirm that due to significant wage disparities in the EU Member States, workers from lower-income countries sometimes tend to intentionally ignore

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6 According to ILO and EU-OSHA studies, OSH is of special importance for migrant workers for similar reasons: high employment rates of migrant workers in high-risk sectors, language and cultural barriers which require specific OSH communication, instructions and training approaches, and frequent overtime work, which makes them more prone to occupational diseases and injuries (International Labour Organization 2004, European Agency for Safety and Health at Work 2007).

or downplay irregularities and are reluctant to report OSH-related violations for fear of losing their jobs.

Training and skill levels, including language skills, are of paramount importance since untrained or poorly trained and unskilled workers are more vulnerable to OSH risks compared to others. Language and the ability to communicate should be particularly emphasised here, as it is an important aspect that overwhelmingly singles out the migrant workforce as a particular type of vulnerable workforce (Dustman et al. in Sargeant, Tucker 2009). Lack of knowledge of the local language may mean that workers are unable to fully understand instructions, read warning signs, communicate concerns and learn about regulatory protection in place in order to voice their concerns regarding safety and health. Some UK studies on the OSH of migrant workers also shed light on the issue of lack of understandable training and argue that “risk assessments bearing in mind migrant workers (language barriers and cultural differences) are hardly done” (European Agency for Safety and Health at Work 2007: 29). This aspect was also discussed during the joint visit in Ljubljana as a problematic issue that needs further attention. Finally, the language barrier is also a pressing issue because the inability to communicate at work can interfere with establishing supportive relations at work, which in itself can adversely affect workers’ wellbeing (Premji et al. 2008).

The third layer of vulnerability, Sargeant and Tucker (2009) argue, refers to the conditions in the receiving country, such as the characteristics of employment and the sector, access to collective representation, access to regulatory protection and issues of social exclusion and social isolation. Some sectors and jobs are more hazardous than others, and that increases OSH-related vulnerabilities, which are further exacerbated when coupled with a lack of knowledge of the health and safety system, the desire to earn as much as possible in a short period of time and difficulties in accessing OSH training. Finally, access to collective representation in cases of rights violations is important to reduce vulnerability of workers (ibid.).

Another aspect of OSH-related vulnerability should be mentioned, especially when the subject of investigation is posted workers, i.e. work fragmentation, outsourcing and long supply chain. Providing services in multiemployer workplaces with a long supply chain presents challenges for OSH (Cox et al. 2014) and may also lead to elevated risks of work-related injuries (Nenonen 2011). Several factors contribute to this, including tension between the safety and production efficiency of workers at the end of the subcontracting chain, miscommunication, conflicting interests, disorganization, inadequate regulatory controls and inability to initiate collective actions (c.f. Lingard 2013; Mayhew et al. 1997). Ambiguities concerning liability in cases of work accidents and health-related issues in cases of long supply chain were also continuously reported by representatives of trade unions and non-governmental organisations (joint visit, Ljubljana and joint visit, Bucharest).

## THE IMPORTANCE OF INFORMATION SHARING IN TRANSNATIONAL, MULTI-EMPLOYER WORKPLACES

### The case of Slovenia

In Slovenia, the posting of workers to provide services in other EU Member States on a temporary basis has been increasing steadily and noticeably. From 2010 to 2015, the number of postings increased by 419.4 per cent, making Slovenia the fourth-ranked EU country in terms of number of workers posted to other Member States (Pacolet, De Wispelaere 2016; Posted Work Country Sheet Slovenia). In 2015, Slovenia issued 126,902 A1 forms,<sup>7</sup> which amounted to 14.1% of the total employed persons in Slovenia. In 2016, the number of issued A1 forms increased further to 146,574 (Napoteni delavci). The main countries of destination in 2016 were Germany and Austria, followed by Belgium and Italy, and services were most often provided in the construction sector, followed by other industry and personal services (*ibid.*). Posting to Slovenia was smaller in scale but has also been increasing. Most workers were posted from neighbouring Croatia (45%), followed by Bulgaria (12.2%), Germany (11.9%), Austria (10.9%) and France (7%). The employment sectors were construction (43.6%), other industry (23.7%), business (15.1%), personal services (8.5%) and agriculture (1.5%) (Pacolet, De Wispelaere 2016, Posted Work Country Sheet Slovenia).

In Slovenia, as in other Member States, health and safety has been subject to many directives, most notably the OSH Framework Directive (Directive 89/391) transposed into national laws of the Member States. The implementation and enforcement of the applicable laws and regulations, however, is the purview of the competent national authorities. In the case of cross-border provision of services, the transnational cooperation of those authorities, particularly labour inspectorates, is key to identifying and reacting to irregularities and violations (joint visit, Ljubljana). Many different channels of cooperation have been established, including the use of the IMI system and cooperation between senior labour inspectors in the SLIC committee. The latter established a working group on cross-border enforcement and published a handbook titled *e-Handbook on cross-border enforcement on occupational safety and health by SLIC inspectorates* (2016), with the aim of exchanging information and enhancing administrative support. In 2016, the Slovenian Labour Inspectorate responded to 114 requests for information from the IMI system, which is a significant increase from 2015, when the number of requests was 42 (IRSD 2016: 71). In fact,

7 The A1 form is a formal statement that the worker falls under the social security scheme of the sending country and not the country where s/he provides services. The number of A1 forms issued is not necessarily equal to the number of workers posted abroad, as several A1 forms can be issued to the same worker in the same year.

most violations were reported in cases of posting of workers from Slovenia (246 violations) and less in the cases of posting to Slovenia (*ibid.*).<sup>8</sup>

The representative of the Slovenian Labour Inspectorate whom we interviewed pointed out the difficulties in responding to cases of cross-border provision of services due to understaffing, detailed knowledge required about foreign labour laws and regulations, bureaucracy and often lengthy processes of collecting information via the IMI system. The Belgian labour inspectors also argued that due to the temporariness of posting jobs, labour inspectors are often unable to efficiently monitor and enforce the rules and regulations. By the time they manage to collect all necessary information to act, the workers may be long gone (joint visit, Ljubljana). Similar frustrations were reported by trade union representatives (joint visit, Ljubljana and joint visit, Bucharest).

### **What information should be conveyed to employers and employees involved in posting?**

When discussing vulnerabilities of posted workers and brainstorming about ways on overcoming them, our interviewees singled out preventive measures, efficient information sharing and awareness raising as mechanisms that may significantly contribute to their reduction. The Enforcement Directive (2014/67/EU) also addresses this issue in terms of calling for accessible provision of information and taking into account the transnational and therefore multi-lingual composition of the workplaces (Article 5(2)(c)):

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 taking into account demands in its labour market, the choice being left to the host Member State. That information shall be made available if possible in summarised leaflet form indicating the main labour conditions applicable, including the description of the procedures to lodge complaints and upon requests in formats accessible to persons with disabilities; further detailed information on the labour and social conditions applicable to posted workers, including occupational health and safety, shall be made easily available and free of charge.

In Slovenia, the information on OSH when working abroad and in transnational workplaces is hidden in EU Directives and national laws, and there is a pressing need to provide handbooks or guides on how employers and employees should prepare for working abroad. Based on the interviews and literature review, we propose the following guidelines for employers who are posting workers abroad:

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8 It is not evident from the IRSD annual report how many requests for information were related to OSH of posted workers.

- before posting, they should familiarize themselves and their workers with the risks associated with the provision of the service in the workplace they are sending them to;
- they should ensure that each worker has received mandatory safety and health training;
- they should provide workers with guidelines on safety and health regulations in the country where they will provide services, preferably in their mother tongue;
- they should make sure that workers have passed a medical exam and received other training required in the country where they will provide services;
- they should check if workers' vocational qualifications are compatible with those required in the country where they will provide services;
- they should inquire with the hiring company what protective equipment is needed and who is responsible for providing it;
- they should make sure workers always have all mandatory protective equipment at their disposal;
- they should discuss with the workers the possible language barriers and ways to overcome them;
- they should instruct workers on the steps to be taken if an accident occurs and how to document the reported accident;
- they should make sure that workers' housing conditions are acceptable;
- they should consult workers and encourage them to take part in discussions on all questions relating to safety and health at work;
- they should take into consideration specific risks related to vulnerable groups (e.g. pregnant women, minors, etc.).

Furthermore, posted workers should always be encouraged to share any OSH-related concerns with their employers, including lack of appropriate training and language barriers. They should make sure that they are always using protective equipment, are not working excessively and are taking enough breaks, since tiredness often leads to carelessness and increases proneness to accidents and diseases. They should maintain hygiene at all times to avoid health risks. They should be informed not only about the immediate work-related dangers but also the possible long-term health effects and the impact of the occupational diseases on their quality of life in later life. This might encourage them to follow the guidelines and regulations more closely and without exception. The role of trade union representatives on site is paramount in this respect.

One aspect of vulnerability that was not discussed in detail during the interviews but is of great importance and should be brought to attention relates to psychosocial risks and stress at the workplace. According to the European Agency for Safety and Health at Work, psychosocial risks arise from poor work design, organisation and management, as well as a poor social context of work, and may result in negative psychological, physical and social outcomes such as work-related stress,

burnout or depression (EU-OSHA). In other words, when workers are facing an excessive workload, conflicting demands, lack of role clarity, lack of involvement in making decisions that affect them, job insecurity, ineffective communication, lack of support, and workplace violence and harassment, they are at risk of experiencing psychosocial risks that may lead to mental health and physical health problems (ibid.).

## CONCLUSION

The aspect of the OSH of posted workers, although mentioned frequently by stakeholders as a problematic issue in need of attention (joint visit, Ljubljana and joint visit, Bucharest), has not yet been adequately researched. There is a significant body of literature covering the exploitation of migrant workers in Slovenia from various angles, focusing primarily on derogatory and exploitative treatment of workers from the republics of former Yugoslavia,<sup>9</sup> but thorough research of OSH in the context of posting of workers remains lacking. The same is true for other Member States. The representatives of labour inspectorates, trade unions and non-governmental organisations participating at the joint visits firmly called for further research in light of the growing number of complaints and violations of workers' rights and challenges of imposing rules in transnational and multi-employer workplaces (joint visit, Ljubljana and joint visit Bucharest). Understanding posted workers' vulnerabilities is paramount when developing strategies and policies to overcome them, and further research needs to be conducted in order to provide the necessary evidence base. This article set out to contribute to filling this gap in research by applying the layered approach to the vulnerability of migrant workers (Sargeant, Tucker 2009) to posted workers, based on which we proposed some guidelines for employers who are posting workers abroad and posted workers themselves.

We argued that vulnerability of posted workers is manifold, especially when working in hazardous and physically demanding sectors, which is where posted workers most often provide services (Pacolet, De Wispelaere 2016). It ranges from the migration status-related factors, migrant characteristics and social-economic conditions in the home country, to the conditions in the receiving country and the characteristics of the employment (cf. Sargeant, Tucker 2009). We find that the most indicative interplay of vulnerabilities relating to posting can be linked to the temporariness of work abroad, which often results in turning a blind eye to OSH-related risks by employers and workers alike. Efforts to increase productivity, frequently working

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9 See e.g. Medica, Lukić (2011). The research that addressed the OSH of 92 migrant workers in Slovenia is also of particular interest. The study showed that migrant workers live and work in harmful conditions that are hazardous to their health. Only a third of the respondents believe they are healthy, other reported a number of health-related conditions. The study also revealed that more than 30% of respondents do not wear any protective equipment at work site and that 39 of the 92 workers experienced injuries at workplace in the recent past (Drakšler 2011).

overtime in order to finish the job quickly, and fear of losing the job or endangering future business cooperation if reporting irregularities and violations are continuously reported. Efficient monitoring and enforcement of compliance with employment and OSH standards is crucial in this respect, but more attention should also be paid to awareness raising about the possible long-term consequences of work accidents and occupational diseases. Health-related, psychological and socio-economic consequences of work accidents should be made clearly evident to employers and workers in an effort to pay more attention to safety and health. Finally, following Aksorn and Hadikusumo (2008) we argue that leading by example, meaning that employers demonstrate a determination to adhere to the safety standards no matter the cost or duration of employment, will encourage workers to follow their lead and is as such an important preventative measure to be taken into consideration. A representative of an NGO that provides counselling to migrant workers talked at some length about construction workers removing their protective equipment to be able to work faster and meet the deadlines even though they were aware of the safety regulations and possible fines for not acting in compliance. Joint visit attendees also remarked that construction workers often do not apply sunscreen to protect their skin in the summer months, because in their opinion that would compromise their masculinity (joint visit, Ljubljana). A strict stance by employers and site managers with regard to respecting the safety rules and their promotion of measures to eliminate health-related risks, such as applying sunscreen for example, may be significantly more effective when they are themselves acting in accordance.

One of the posted workers that we interviewed stated that his inability to speak German when posted to work in Germany was the most difficult barrier to overcome. Not so much in the workplace, he explained, since they used drawings to explain things to each other. It was the inability to communicate outside work that was most burdensome. As stated above, linguistic barriers significantly contribute to increasing OSH risks, and lack of access to OSH material in a language workers understand makes them more vulnerable to accidents and health risks. But there is clearly another dimension here. Language barriers may also evoke feelings of loneliness, detachment and social exclusion at the workplace and beyond. Even though posting jobs are temporary and transient in nature, language seems to be an important tool for integration into workplace dynamics and the majority society.<sup>10</sup>

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10 In an interesting PhD study, Kamilla Kraft explores the linguistic and communication practices in workplaces characterised by a high degree of change and diversity. She argues that multilingual language skills represent a significant asset for workers in late capitalist societies and a restriction on professional opportunities for those who are not able to acquire language skills (Kraft 2017).

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## POVZETEK

### VARNOST IN ZDRAVJE PRI DELU V TRANSNACIONALNIH DELOVNIH PROSTORIH: PRIMER NAPOTENIH DELAVCEV

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Mobilnost in napotitve delavcev so rezultat skupnega evropskega trga, ki temelji na prostem pretoku oseb, blaga, kapitala in storitev. Posledica vstopa Slovenije v EU pri pretoku delovne sile je uvedba številnih novosti in oblik zaposlovanja – tako v okviru držav članic EU kot tudi v odnosu do državljanov nečlanic EU. Število napotениh delavcev v Slovenijo in iz nje iz leta v leto narašča, največ napotениh delavcev iz Slovenije dela v gradbeništvu. Posledica stalne rasti števila napotениh delavcev je tudi povečanje števila zlorab in kršitev pravic, pri tem pa so kršitve na področju varnosti in zdravja pri delu napotениh delavcev med bolj perečimi in najmanj raziskanimi področji v povezavi z napotovanjem delavcev.

V članku so predstavljeni rezultati empirične študije o varnosti pri delu in zdravju napotениh delavcev v transnacionalnih in večjezičnih delovnih prostorih. Razprava temelji na podatkih, pridobljenih z metodo opazovanja z udeležbo in s polstrukturiranimi intervjuji s ključnimi deležniki v Sloveniji. Podatke avtorici analizirata s pomočjo 'pristopa večplastne ranljivosti' (*layered vulnerability approach*; Sargeant, Tucker 2009). Članek prinaša vpogled v multiple ranljivosti napotениh delavcev, ki so pogosto napotени na opravljanje dela v nevarnih sektorjih in izpostavljeni številnim zdravstvenim tveganjem. Ponuja nekaj rešitev za zmanjšanje njihove ranljivosti ter poudari vlogo in pomen učinkovitega širjenja informacij in ozaveščanja.

Avtorici v članku ugotavljata, da je ranljivost napotениh delavcev, zlasti pri delu v nevarnih in fizično zahtevnih sektorjih, kamor so delavci največkrat napotени, večplastna (Pacolet, De Wispelaere 2016). Ranljivost je povezana z njihovimi osebnimi lastnostmi, njihovim zaposlitvenim statusom, s socialnoekonomskimi razmerami v državi zaposlitve kot tudi državi napotitve in posebnostmi delovnega mesta. Ugotavljata, da je ranljivost napotениh delavcev povezana tudi z začasnostjo opravljanja dela v tujini, zaradi česar so tako delavci kot tudi delodajalci pogosto premalo pozorni na varnost in zdravje pri delu ter na dolgoročne finančne, zdravstvene in psihološke posledice, ki lahko ob tem nastanejo.