



## **SOKA-BAU – Service and Partner for the Construction Industry**

S&D Group workshop, 6 June 2018  
Dana Schäfer



# SOKA-BAU



# Development posted worker 2012 - 2017

Registered posting companies in the construction industry	2012	2013	2014	2015	2016	2017
Posting companies in total	3.885	4.680	5.454	5.864	6.044	6.306
Posted workers in total	75.304	88.923	98.214	106.964	102.154	102.106
Posting companies that fall under the collective agreements of the construction industry						
Posting companies	2.922	3.614	4.095	4.362	4.507	4.469
Posted workers	58.174	67.962	73.341	77.187	80.713	85.272
Contribution to holiday leave scheme	69,9 Mio. €	74,4 Mio. €	92,8 Mio. €	90,8 Mio. €	93,4 Mio. €	102 Mio. €
Compensations to employers/workers	55,6 Mio. €	63,0 Mio. €	69,3 Mio. €	73,8 Mio. €	76,0 Mio. €	80,2 Mio. €
Working hours	33.418.060	35.146.137	39.097.571	39.630.004	41.668.329	44.490.750
Most relevant sending states	PL, RO, AT	PL, HU, AT	PL, RO, AT	PL, RO, AT	PL, RO, AT	PL, RO, AT

### Posting companies and their workers in the years 2016 - 2017

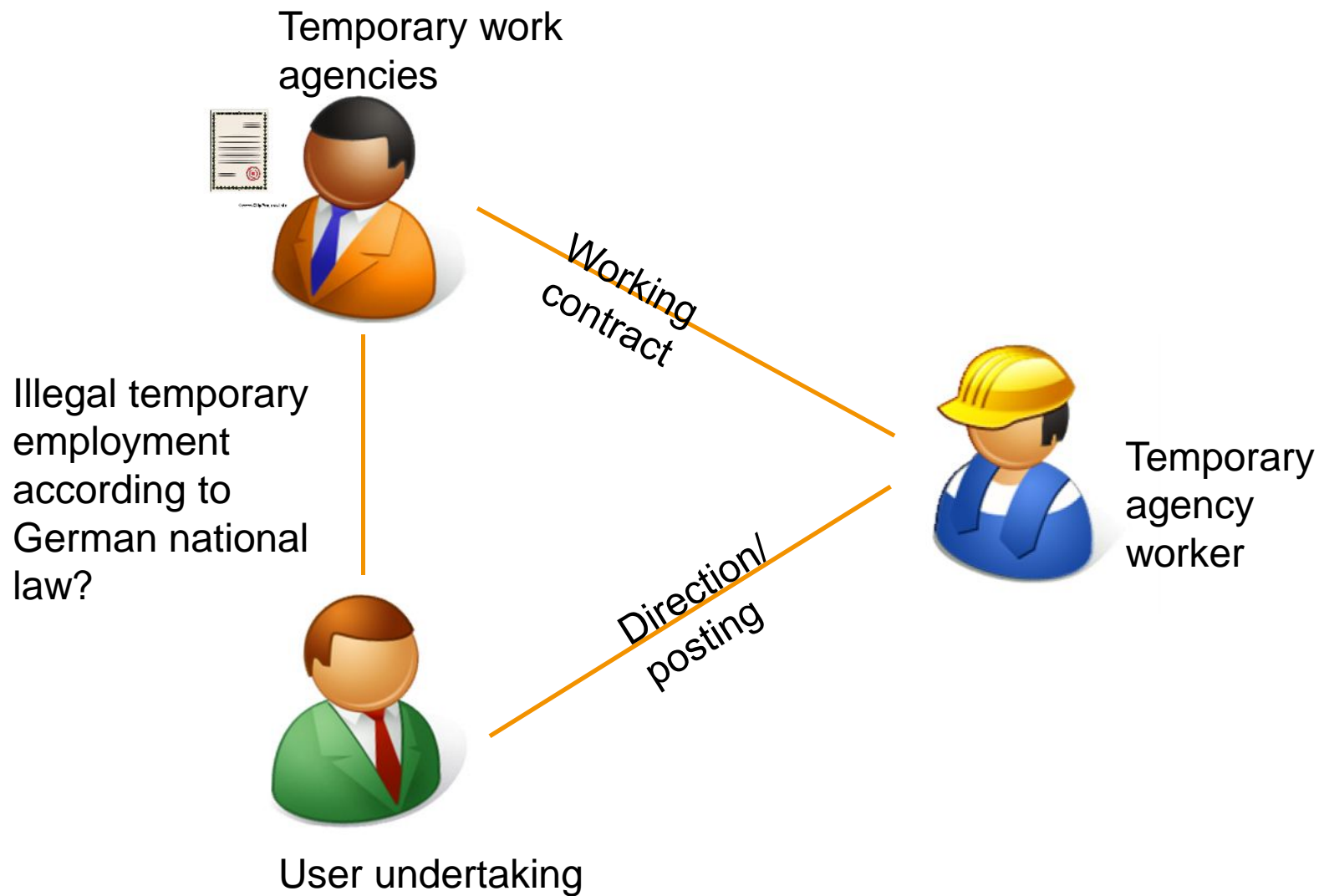
	2016		2017	
Country	employer	worker	employer	worker
Poland	823	21.188	901	22.857
Romania	158	11.631	159	12.254
Austria	670	8.185	692	9.563
Slowenia	401	4.465	372	4.449
Portugal	104	3.733	100	4.015
Hungary	248	5.141	175	3.970
The Netherland	612	4.262	521	3.705
Croatia	153	3.708	132	3.539
Bulgaria	108	2.383	122	2.751
Serbia	63	2.300	68	2.711
Slovakia	131	2.438	139	2.683
Czech Republic	205	2.381	186	2.146
BosniaHerz.	55	1.781	46	1.710
Belgium	122	968	139	1.594
Italy	185	1.136	190	1.354
Turkey	10	842	15	1.114
Luxemburg	100	1.067	106	1.087
Lithunia	35	336	55	785
Denmark	62	742	58	710
Latvia	27	404	40	596
France	60	271	79	504
Switzerland	53	453	63	440
Spain	85	620	67	401
Greek	10	69	9	117
United Kingdom	12	71	22	73
Macedonia	2	51	2	64
Ireland	7	45	5	47
Liechtenstein	3	37	2	14
Sweden	2	2	1	11
Estonia	1	3	2	7
Ukraine	0	0	1	1
<b>total sum</b>	<b>4.507</b>	<b>80.713</b>	<b>4.469</b>	<b>85.272</b>

# Practical cases: A1-certificate



Employer-employee-relationship?

# Practical case: temporary agency work



## Works contract or temporary agency work?

### Construction company

- Mainly construction activities?
  - Works contract: employer is responsible for the result



Legal temporary agency work of a construction company with licence of labour authority

### Temporary agency work

- Mainly temporary employment ?



Illegal temporary agency work

# Practical case: bogus self employed

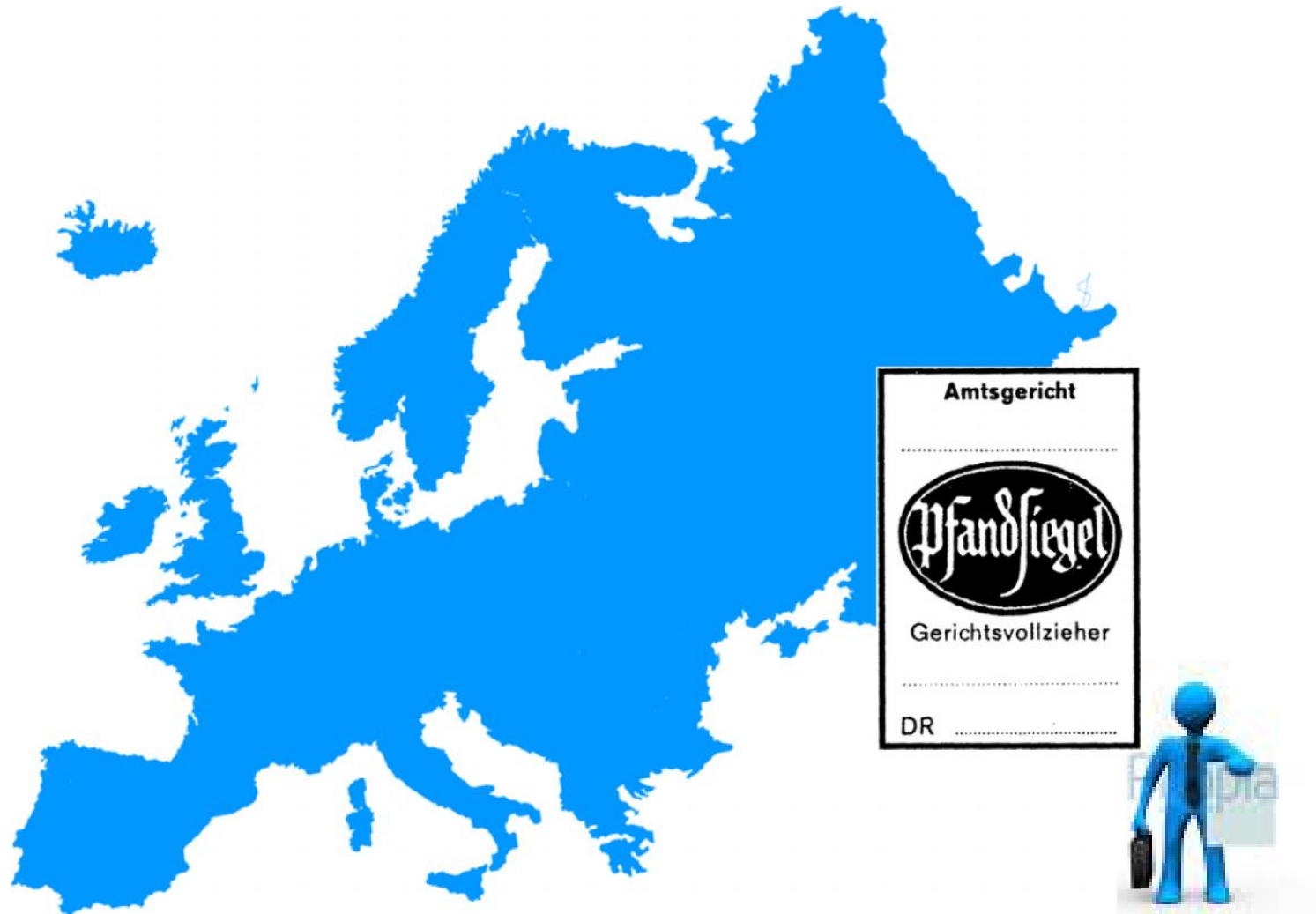


Vander-Elst Visa





# Practical case: enforcement abroad





**Thank you for your attention**

**Contact details: Dana Schäfer**

Head of Department fundamental issues and external coordination posting scheme

Urlaubs- und Lohnausgleichskasse der Bauwirtschaft

Wettinerstraße 7

65189 Wiesbaden

tel +49 611 707-2207

fax +49 611 707-4553

[dschaefer@soka-bau.de](mailto:dschaefer@soka-bau.de)

[www.soka-bau.de](http://www.soka-bau.de)

# Bilateral agreements



Participation in the German social fund scheme may not be mandatory if...

- a foreign employer originates from Austria, Belgium, France, Denmark, Italy



- and contributes to a comparable scheme in his home country

# Leave scheme

