

# Posted workers: "You always have to fight to get paid."

Poles form one of the largest contingents of European posted workers in the construction sector. What are their working, living and housing conditions? Why do they continue despite the insecurity and cheating? Testimony of Piotr, a Polish crane operator.

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**Under the combined effect of Europe's enlargement towards the east and the economic crisis in the south, the phenomenon of 'nomadic' workers in the construction sector has proliferated over the past few years.**  
Image: © Belga



Piotr is a crane operator. He lives in a medium-sized town in the northeast of Poland. But only for part of the year. Because Piotr only works abroad, always in the building sector. "In Poland, in my field, the wages are so low, they are not enough to survive", explains the 60-year-old. He was 26 when he started to work far from his home country. In 1982 he left for an Iraqi building site in Baghdad. Then, when the communist regime ended in Poland, the country opened up to the common market and the status of posted worker was created, it was in Western Europe that he offered his services. Until recently, he mainly operated his crane on German sites. He therefore worked in Frankfurt on the construction of the European Central Bank headquarters and on the emblematic Main Tower skyscraper.

Latterly, Piotr has worked in Sweden and Belgium. He has just returned from a four-month stint constructing a retirement home near Anvers. "Once again I was cheated", complains the crane operator. "At the end of each month, they tried to pay us for fewer hours than we had actually worked. There are always disputes over payment. You always have to fight. And at the end of it all, you always receive less than you expected." The abuse does not stop at the amount of the wages. "On a recent contract in Belgium, we were even paid in Polish zlotys, not in euros. So then we had to change our zlotys into euros in order to buy what we needed there."

Like always, Piotr works through a Polish subcontractor. His housing conditions often border on scandalous. "There were mice scurrying around and mushrooms on the walls. We filmed them." For this housing, the subcontractor demanded 250 euros in rent from Piotr and his colleagues. The workers also had to pay for their transport to site. "Most of the time we are housed two or three to a room, sometimes more", he explains.

"Once, on a Belgian site, we were housed in a residence that was not yet finished. We were breathing in all the chemical products on site." Piotr relates having experienced even worse housing conditions in Germany. And never having seen any checks of the housing of posted workers.

### From posted worker status to forced self-employed

Poland is the source of one of the largest contingents of European posted workers, with over 260 000 workers sent to the other Member States<sup>1</sup>. Poles therefore form one of the largest groups of migrant workers in the construction sector. There are estimated to be 200 000 working on German, Swedish, Belgian, French and other sites, with three-quarters having posted worker status<sup>2</sup>. In the leading economic power in Europe – Germany – the number of posted workers in the construction sector has constantly increased in recent years. The German social insurance fund for the building industry recorded around 57 000 in 2010, nearly 89 000 in 2013 and over 98 000 in 2014. Among these, 26 000 were Poles, over 10 000 Rumanians and 9 500 Hungarians<sup>3</sup>. Some 90% of these posted workers in the German construction sector are hired for postings of less than six months.

This is also true for Piotr. His postings generally last a few months. Most of the time he finds his employers through internet adverts. "Work also comes through colleagues. Sometimes they call me directly. In fact, yesterday, I received a call about a site in Sweden. You needed to speak English, so I refused. But for crane operators, there is always work." Although the conditions are becoming increasingly insecure: on one of his last Belgian building sites, Piotr was

**1.** European Commission (2015), Study on wage setting systems and minimum rates of pay applicable to posted workers in accordance with Directive 96/71/EC in a selected number of Member States and sectors.

**2.** Implementation Report Directive 96/71/EC, Poland, 2014, proposed by the social partners of the European Construction Industry: European Federation of Building and Woodworkers, European Construction Industry Federation.

**3.** 2014 and 2013 annual reports of the German social insurance fund for the building sector, Soka-Bau.

no longer even a posted worker, but treated as a self-employed worker. He had to set up his own company, of which he is the sole member and employee, and which is registered in Poland. "Here too in Germany, we are increasingly seeing this new model being used", complains Ilona Jocher, the Frankfurt adviser for the European Migrant Workers Union (Europäischer Verein für Wanderarbeitnehmerfragen) and the Faire Mobilität programme of the German trade union confederation DGB, which helps migrant workers from Eastern Europe.

"Employers are attracting people here through adverts promising a job. But once they arrive in Germany, they are told: 'in order to work for me, you have to set up your own company'. In this way, employers avoid having to pay any social security contributions ..." When Piotr sells his crane operating services under this imposed status of self-employed worker, he himself has to pay his social security contributions in Poland. A good part of the 16 euros an hour that he can earn on a site is therefore lost in the form of contributions. Once again, he always has to fight to get paid. "I have to send invoices, and reminders, always. It takes a lot of energy. So sometimes I let it go."

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the workers often win, the companies appeal. The delay in the workers receiving the money owed to them can be very long. It's counted in months, and even in years."

### No retirement in sight at the age of 60

For posted workers, the time spent away from their families is also very long. "Sometimes, when there are no public holidays, as I am the only crane operator on site, I have to work for three or four months without going home", says Piotr. The crane operator does not have much contact with the population in the host country, wherever it is. Even after more than 10 years spent on sites in Germany, he has never had the occasion to learn the language. "I have always worked for Polish firms. What I know of German, I have learnt by myself. I know a few everyday phrases and a bit of site vocabulary."

Why then does he continue with this migrant worker life, exposed to all the cheating and insecure working conditions? He refuses to say how much he earns on average in a month. But he confirms that, without his wife's salary, who is a laboratory technician in a Polish hospital, the couple could not make ends meet. That is also why he is going to have to wait a bit longer before retiring. In principle, he is eligible for retirement. But his pension would not be enough, because his career has been intersected by periods when he was regarded as not working: periods without a job in between two sites, or because certain employers simply did not pay him, or did not contribute to his pension. "So I continue", concludes the crane operator. ●

Image: © Martine Zunini

This type of nomadic and temporary work, with its increasingly insecure legal status, prevents any form of collective organisation of these migrant workers in the building sector. At each new site, Piotr finds himself with new colleagues. "They are never the same. Many come from remote villages. They do not always understand that they are being cheated. That's why they do not defend themselves. They take what they are given and don't argue", regrets the Pole. "For Rumanians or Bulgarians, for example, given the standard of living at home, amounts such as 500 euros are already huge. So they do not really complain, even if they should have been paid much more", confirms Ilo-na Jocher. "The problem is that they always convert everything into their own currency,

which is then a lot of money." Piotr, however, is fighting. He has brought legal proceedings in Poland against a former employer who should have paid him nine euros an hour, but only paid him four.

"The problem in the construction sector is this chain of subcontracts. The company managing the site subcontracts to another, which subcontracts to another, which subcontracts to another ..." assesses the adviser whose mother tongue is Polish. "There is plenty of money flowing at the top of the chain ... but the Poles, Bulgarians and Rumanians at the bottom don't see the colour of it. So they come to see us. Unfortunately, some of the subcontractors will have already disappeared to heavens knows where. When legal proceedings are brought, even though