

Targeted Revision of the Posting of Workers Directive

A company

**Gets a service contract in another
Member State**

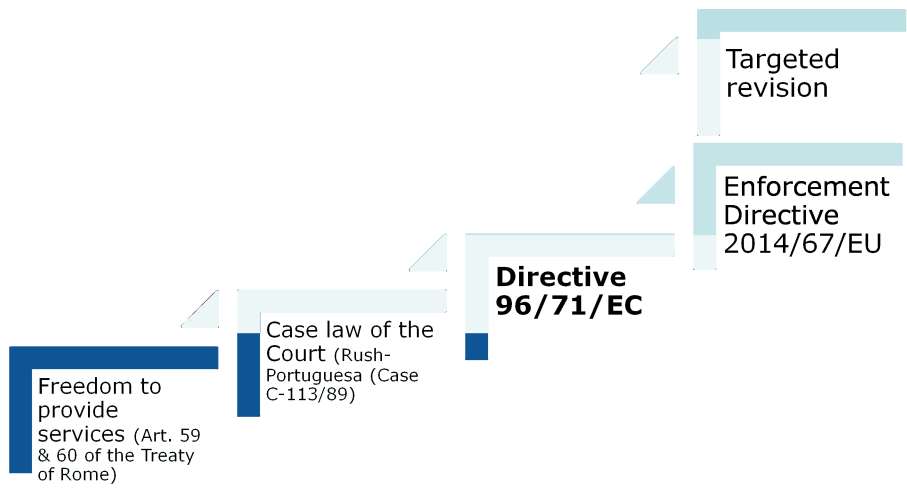
**Sends temporarily its workers to
perform the service**

What conditions of employment apply to the worker?

Key figures

How many posted workers?	2007 : 600.000 2014 : 1.900.000
What destinations? (first three countries)	Germany (414,000) – 1.1% of DE workforce France (190,000) – 0.7% of FR workforce Belgium (160,000)- 3.6% of BE workforce
Where from?	Poland (428 000) – 1.7% of PL workforce Germany (255 000) – 0.6% of DE workforce France (125 000) – 0.5% of FR workforce
What share of total EU employment?	0.7% of total EU employment
In which sectors?	43.7% construction - 21.8% industry 32.9% services - 1.6% agriculture
What are the main flows of posted workers? (2014 data, % on total)	
Where?	50% in neighbouring countries

Posting – Legal framework



What is new?

- Applicability of collective agreements
- Rules on remuneration
- Sub-contracting
- Long-term Postings
- Temporary agency work

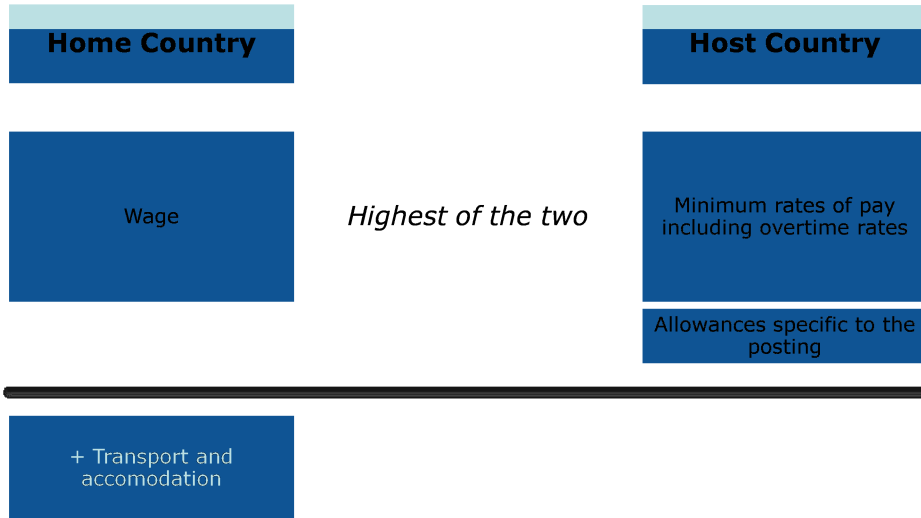
Applicability collective agreements

Directive 96/71/EC	Proposal
Posted workers should be guaranteed the terms and conditions of employment covering the following matters which are laid down by law and/or by collective agreements which have been declared universally applicable within the meaning of paragraph 8, insofar as they concern the activities referred to in the Annex:	Posted workers should be guaranteed the terms and conditions of employment covering the following matters which are laid down by law and/or by collective agreements which have been declared universally applicable within the meaning of paragraph 8, insofar as they concern the activities referred to in the Annex:

Long-term posting

Directive 96/71/EC	Proposal
<ul style="list-style-type: none">• Posting is temporary ("for a limited period")• No minimum or maximum duration• Derogations possible for short-term posting• No specific rule for long-term posting	<ul style="list-style-type: none">• Posting is temporary ("for a limited period")• No minimum or maximum duration• Derogations possible for short-term posting• Specific rule for long-term posting: if the posting is envisaged or effectively lasts for more than 24 months, the host MS is deemed to be the country in which the work is habitually carried out.

Remuneration Directive 96/71



Remuneration New proposal

Home country

Wage

Highest of the two

Host country

Remuneration (all the elements of remuneration rendered mandatory by national law, CA declared universally applicable)

+ Transport and accomodation

Subcontracting chains

Directive 96/71/EC	Proposal
Nothing	<p>MS have the option to impose that the conditions applied by the main contractor are also respected by all the undertakings in a subcontracting relationship with this company.</p> <p>Important condition: this needs to be done in a non-discriminatory way, i.e., it has to apply in the same way to both national and cross-border subcontractors.</p>

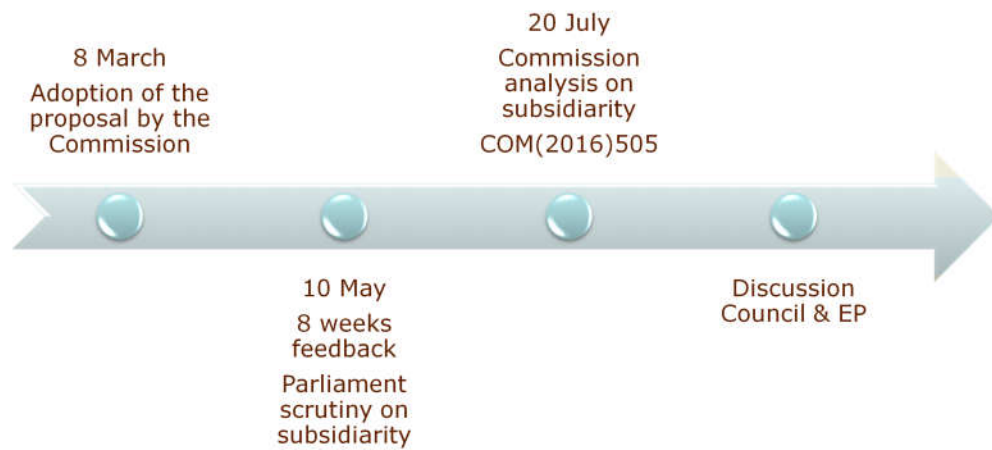
Temporary agency work

Directive 96/71/EC	Proposal
<p>Member States may provide that temporary agency workers are guaranteed the terms and conditions which apply to temporary workers at national level.</p> <p>Directive 2008/104/EC: Article 5 The basic working and employment conditions of temporary agency workers shall be, for the duration of the assignment, at least those which would apply if they had been recruited directly by the undertaking in which they are employed.</p>	<p>Member States shall provide that temporary agency workers are guaranteed the terms and conditions which apply pursuant to Art. 5 of Directive 2008/104/EC.</p>

A balanced approach

- Ensure and **promote freedom** of provision of services. Prevents risk of eroding support for the Internal Market
- Competition based on quality and fairness. **Non-discriminatory** approach for service providers
- **Respect of national rules** in term of taxes and social security in sending MS. Respect of national wage settings systems.

Discussion process



Thank you