



## Commission presents reform of the Posting of Workers Directive – towards a deeper and fairer European labour market

Strasbourg, 8 March 2016

### **Today the European Commission is presenting a targeted revision of the rules on the posting of workers.**

This revision translates a commitment of the Political Guidelines for this Commission to promote the principle that the same work at the same place should be remunerated in the same manner. It was announced in the 2016 Commission Work Programme. The aim of this proposal is to facilitate the posting of workers within a climate of fair competition and respect for the rights of workers, who are employed in one Member State and sent to work temporarily in another by their employer. More specifically, the initiative aims at ensuring fair wage conditions and a level playing field between posting and local companies in the host country.

The Commissioner for Employment, Social Affairs, Skills and Labour Mobility, Marianne **Thyssen**, said: *"I have said from day one of my mandate that we need to facilitate labour mobility, but that it needs to happen in a fair way. Today's proposal will create a legal framework for posting that is clear, fair and easy to enforce."*

The targeted revision will introduce changes in three main areas: remuneration of posted workers, including in situations of subcontracting, rules on temporary agency workers, and long-term posting.

The proposal sets out that posted workers will generally benefit from the same rules governing pay and working conditions as local workers. This will be done in full respect of the principle of subsidiarity and the way these conditions are set by the public authorities and/or social partners in the Member State in question. Currently, posted workers are already subject to the same rules as host Member State employees in certain fields, such as health and safety. However, the employer is not obliged to pay a posted worker more than the minimum rate of pay set by the host country. This can create wage differences between posted and local workers and potentially lead to unfair competition between companies. This means that posted workers are often remunerated less than other workers for the same job.

From now on, all the rules on remuneration that are applied generally to local workers will also have to be granted to posted workers. Remuneration will not only include the minimum rates of pay, but also other elements such as bonuses or allowances where applicable. Member States will be required to specify in a transparent way the different elements of how remuneration is composed on their territory. Rules set by law or universally applicable collective agreements become mandatory for posted workers in all economic sectors. The proposal also gives the possibility to Member States to provide that subcontractors need to grant their workers the same pay as the main contractor. Nevertheless this can only be done in a non-discriminatory way: the same rule must apply to national and cross-border subcontractors.

The proposal will also ensure that national rules on temporary agency work apply when agencies established abroad post workers.

Finally, if the duration of posting exceeds 24 months, the labour law conditions of the host Member States will have to be applied, where this is favourable to the posted worker.

These changes will provide better protection for workers, more transparency and legal certainty and ensure a level playing field between domestic and posting firms while in full respect of Member States' wage-bargaining systems.

### **Background**

Posting of workers occurs when services are provided across borders within the Single Market. A posted worker is employed in one EU Member State, but sent by his employer on a temporary basis to carry out work in another Member State.

Between 2010 and 2014 the number of postings has increased by almost 45%. In 2014, around 1.9 million European workers were posted to other Member States.

Posting of workers is particularly frequent in the construction sector, in the manufacturing industry and in service sectors such as personal services (education, health and social work) and business services (administrative, professional, and financial services).

This reform of the 1996 Posted Workers Directive will complement the 2014 Enforcement Directive on Posted Workers, which is to be transposed in national law by June 2016 (see [IP-14-542](#)). The Enforcement Directive provides for new instruments to fight fraud and abuse and to improve administrative cooperation between national authorities in charge of posting.

#### **For more information**

##### **[MEMO/16/467](#)**

[Factsheet on posted workers in the EU](#)

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#### Photos & Videos

 [Message by Marianne Thyssen, Member of the EC, on Posted workers](#)