



Better enforcing posted workers' rights

Committees Committee on Employment and Social Affairs
Plenary sessions [16-04-2014 - 12:57]

Workers posted abroad temporarily to provide services would be better protected by a draft law already informally agreed with the Council, and endorsed by Parliament on Wednesday. Parliament's negotiators strengthened the draft by clarifying the rules to distinguish genuine posting from attempts to circumvent the law but also gave EU member states some flexibility to carry out checks. Building industry contractors and subcontractors would be jointly and severally liable for abuses of labour law.

The draft text aims to improve arrangements for enforcing the rules laid down in a 1996 directive on working conditions of workers posted abroad to provide services for a limited time, so as to prevent abuses.

"The final text strikes a balance between freedom to provide services and protection of posted workers. Legal certainty is greater and will improve the position of the more than one million posted workers in the EU", said rapporteur Danuta Jazłowiecka (EPP, PL).

"This directive is step forward towards a better protection of posted workers. It improves cooperation among member states and tackles abuses such as false self-employment and letter-box companies", said Employment and Social Affairs Committee Chair Pervenche Berès (S&D, FR).

Identifying genuine posting and preventing abuses

To improve legal clarity, Parliament inserted a non-exhaustive list of criteria to help member states to assess whether a posting is genuine or an attempt to circumvent the law, e.g. through so-called "letter-box" companies set up in countries that require a lower level of employment and social protection than those elsewhere in the EU.

Parliament also introduced a definition of "false self-employment" a type of abuse which exploits the fact that many regulations on working conditions which should be guaranteed under the directive, are not systematically applied to self-employed workers.

Stepping up inspections

To ensure that the 1996 directive is properly enforced, the deal includes a list of national control measures, to which member states could nonetheless add further ones. As proposed by Parliament, member states would have to communicate new control measures to the European Commission, but this does not constitute a prior authorisation requirement, and allows member states some flexibility in carrying out checks.

Joint and several liability

In cases where work is contracted out, both the main contractor and the direct subcontractor would be held jointly and severally liable for any failure to pay posted workers. For the building sector, these measures are mandatory. Member states may also introduce stricter provisions and include other sectors.

Better information

The implementing directive also improves access to information, both for companies and posted workers. Parliament inserted clauses to ensure that this information is transparent, and provided free of charge, in an accessible format on a single official website, in various languages, taking account of demand in the host member state's labour market. The information on the website will describe labour and social conditions applicable to posted workers, and procedures for making complaints.

Press release

Next steps

The agreement still needs to be formally approved by the Council of Ministers.

Procedure: Co-decision, first reading agreement

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