

Revising the Posting of Workers Directive

Posting of workers plays an increasing role in the internal market, particularly in the cross-border provision of services. The Parliament and Council reached agreement in trilogue negotiations on the targeted revision of the Posting of Workers Directive (96/71/EC) proposed by the European Commission. The agreement reached in March is scheduled to be voted by Parliament at first reading during the May II plenary session.

Background

A [posted worker](#) is legally employed in a given Member State and sent by their employer to work temporarily in another Member State (where the employer is providing a service). While posted workers benefit from the same health and safety rules as host Member State employees, in other areas, their situation is more problematic (they are often less well remunerated than other workers doing the same job, or suffer from a lack of transparency and legal protection, in particular in specific situations such as subcontracting). Their situation is currently regulated by the [Posting of Workers Directive](#) (96/71/EC), and the [Enforcement Directive](#) on Posted Workers (2014/67/EU). However, the changing situation on the labour market and increasing labour mobility require a targeted revision of the existing rules.

Proposal from the European Commission

In March 2016, the European Commission proposed [a revision of the rules on posting of workers](#) within the European Union (EU) to ensure they remain fit for purpose. The revision of the Posting of Workers Directive is in line with the Commission's fourth priority (a deeper and fairer internal market), contributes to the implementation of the [Social Pillar](#) and is also part of the [Labour Mobility Package](#). The proposal sought to introduce changes in three main [areas](#): remuneration of posted workers (making it equal to that of local workers, even in the case of subcontracting), more coherent rules on temporary agency workers, as well as long-term posting (after 24 months of posting, host country rules would apply to posted workers).

European Parliament position

The Committee on Employment and Social Affairs (EMPL) adopted its [report](#) on 16 October 2017, which aimed to establish a balance between ensuring a level playing field for undertakings and granting social protection for workers. It endorsed the possibility of applying sectoral collective agreements on posted workers, the widening of the legal basis by adding a social protection clause, and transparency concerning the components of remuneration. Trilogue negotiations with the Council were finalised on 19 March 2018, and the resulting [agreement](#) was approved by the EMPL committee on 25 April.

Important new points are the following: the maximum duration a posted worker can work before all provisions of the labour law of the host country apply is 12 months, with a possible extension of 6 months. Member States will be able to ensure that posted workers are covered by representative collective agreements in all sectors. According to the principle of the 'same pay for the same work at the same workplace', posted workers can benefit from the same rules as local workers from day 1, and the overall amount of remuneration (excepted reimbursements) received by a posted worker must meet the level of remuneration laid down in the host Member State. The mandatory components of remuneration in a Member State must be available for workers and employers to consult on a single national website.

First-reading report: [2016/0070\(COD\)](#); Committee responsible: EMPL; Rapporteur: Elisabeth Morin-Chartier (EPP, France), Agnes Jongerius (S&D, The Netherlands). For further information see our 'EU Legislation in progress' [briefing](#).

