

**Question for written answer E-003378/2019  
to the Commission**

Rule 138

**Marc Botenga** (GUE/NGL)

Subject: Unequal treatment of posted workers with regard to social rights

The answer to written question E-002472/2019 states that ‘the Commission does not consider that Articles 12 and 13 of Regulation (EC) No 883/2004 are in conflict with Article 6 of Convention No 97 concerning Migration for Employment (revised)’. The answer suggests that the inequalities suffered by posted workers in terms of social security benefits are indeed consistent with the principle of equal treatment. However, in the 2014 publication ‘Analysis – in the light of the European Union acquis – of the ILO Conventions that have been classified by the International Labour Organisation as up to date’<sup>1</sup> the Commission refers to inconsistencies, particularly those between Article 56 of the Treaty on the Functioning of the European Union and Convention No 97.

Can the Commission explain this contradiction?

In view of the unequal treatment suffered by posted workers when it comes to their social rights, why not make it possible to apply the social security system that is most beneficial for the workers?

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<sup>1</sup> <https://publications.europa.eu/en/publication-detail/-/publication/ac9e4e2a-f158-4607-8149-9f11e66633b5/language-en>