



EUROPEAN COMMISSION

PRESS RELEASE

Brussels, 13 May 2014

Employment: Commission welcomes Council adoption of Posting of Workers Enforcement Directive

The European Commission has welcomed today's definitive adoption by the EU's Council of Ministers of new measures to better enforce EU rules on the posting of workers. The new Posting of Workers Enforcement Directive will safeguard respect for posted workers' rights in practice and strengthen the legal framework for service providers. Member States have to implement the new Enforcement Directive in their national legislation no later than two years and twenty days after its publication in the EU's Official Journal.

"The adoption of the Directive to enforce EU rules on posted workers sends a clear signal on the eve of the European elections that Europe does not accept fraud or abuse at the expense of posted workers or other forms of 'social dumping', said European Commissioner for Employment, Social Affairs and Inclusion László Andor. "I urge Member States to implement these rules as soon as possible and welcome steps to take such measures already announced by France".

Strong safeguards to protect the rights of posted workers and to prevent 'social dumping' are laid down in the 1996 [Posted Workers Directive](#) (96/71/EC) that presents a core of mandatory rules regarding the terms and conditions of employment to be applied to an employee posted to work in another Member State. The new Enforcement Directive will help to ensure that these rules are better applied in practice, especially in some sectors such as construction and road haulage, where for example so-called 'letter box' companies (without any real economic activity in their 'home' country) have been using false 'posting' to circumvent national rules on social security and labour conditions. It will also improve the protection of posted workers' rights by preventing fraud, especially in subcontracting chains where posted workers' rights are sometimes not respected.

In particular, the Enforcement Directive:

- increases the awareness of workers and companies about their rights and obligations as regards the terms and conditions of employment
- **improves cooperation between national authorities** in charge of posting (obligation to respond to requests for assistance from competent authorities of other Member States - a two working day time limit to respond to urgent requests for information and a 25 working day time limit for non-urgent requests)
- clarifies the **definition of posting** so as to increase legal certainty for posted workers and service providers, while at the same time tackling 'letter-box' companies that use posting to circumvent the law
- defines Member States responsibilities to **verify compliance** with the rules laid down in the 1996 Directive (Member States designate specific enforcement authorities responsible for verifying compliance; and Member States where service providers are established need to take necessary supervisory and enforcement measures)

- requires posting companies to:
 - designate a contact person for liaison with the enforcement authorities
 - declare their identity, the number of workers to be posted, the starting and ending dates of the posting, the address of the workplace and the nature of the services
 - keep basic documents available such as employment contracts, payslips and time sheets of posted workers
- improves the **enforcement of rights, and the handling of complaints**, by requiring both host and home Member States to ensure posted workers, with the support of trade unions and other interested third parties, can lodge complaints and take legal and/or administrative action against their employers if their rights are not respected
- ensures that **administrative penalties and fines** imposed on service providers by one Member State for failure to respect the requirements of the 1996 Directive can be enforced and recovered in another Member State. Sanctions for failure to respect the Directive must be **effective, proportionate and dissuasive**.

Background

The right of companies to offer services in another EU Member State, and to temporarily post workers to supply those services, is based on Article 56 of the Treaty on the Functioning of the European Union (TFEU).

The existing [Posting of Workers Directive \(Directive 96/71/EC\)](#) put in place safeguards to protect the social rights of posted workers and to prevent social dumping requiring Member States to ensure that posted workers are subject to the host country's laws, regulations or administrative provisions concerning:

- maximum work periods and minimum rest periods
- minimum paid annual holidays
- minimum rates of pay, including overtime rates
- conditions of hiring out workers, in particular the supply of workers by temporary employment undertakings
- health, safety and hygiene at work
- protective measures in the terms and conditions of employment of pregnant women or those who have recently given birth, of children and of young people
- equal treatment between men and women and other provisions on non-discrimination.

For more information

See also [MEMO/14/344](#)

[News item on DG EMPL website](#)

[László Andor's website](#)

[Follow László Andor on Twitter](#)

Contacts :

[Jonathan Todd](#) (+32 2 299 41 07)

[Cécile Dubois](#) (+32 2 295 18 83)

For the public: **Europe Direct** by phone **00 800 6 7 8 9 10 11** or by [e-mail](#)