



IMI REPORT

Number: 26804.1

PW - Posting of workers - request for information concerning working conditions

Request for information concerning the posting of workers by a service provider

	Request for information concerning the posting of workers by a service provider
Motivation for sending the request	Contradictory information related to the legal establishment or activity of the posting company Contradictory information related to the posting Contradictory information related to the worker's legal employment in the posting country Lack of documents Lack of information about the legal sources applicable to posted workers Lack of information on cooperation and enforcement aspects Lack of information on the applicable derogations Lack of information on the applicable working conditions of the posted worker Doubts about documents Other
Reason for sending the request	(en) sample text

Dates

	Article 6 (6) (b) of Directive 2014/67/EU stipulates that requests shall be answered within a maximum of 25 working days (i.e. 35 calendar days), unless a shorter time limit is mutually agreed.
Number of calendar days in which a reply is required	1
Number of calendar days in which the recipient will reply	1
Date sent	21/05/2021
Date accepted	21/05/2021
Date due	22/05/2021

Service provider details

Type of service provider	Person
First name	sample text
Surname	sample text
Nationality	Austria
Place of birth	Known
Country of birth	Austria
Town	sample text
Date of birth	Known
Date	02/05/2021

Service sector

Service activities	Accounting, auditing and fiscal services Administration services Administration, defence and social security services Adult and other education services
NACE reference number(s) of the service sector(s)	sample text

Address

Address of the service provider	Known
Address type	Correspondence address
Street and number	sample text
Town	sample text
Postcode	sample text
Country	Austria
Region	Burgenland

Contact details

E-mail address	sample@text.imi
Telephone number	+12345678

Identification

TAX/VAT number	Known
Tax/VAT	sample text
Other type of identification	Available
Commercial/company registration	sample text
Professional registration number	sample text
Social security number	sample text
Other registration number	sample text

Legal representative

Legal representative details	Available
First name	sample text
Surname	sample text
Address	Known
Street and number	sample text
Town	sample text
Postcode	sample text
Country	Austria
Region	Burgenland
E-mail address	sample@text.imi
Telephone number	+123456789

Additional Information

Additional information about the service provider	(en) sample text
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Information about posted workers

Does the requested information concern specific posted workers?	Yes
Posted worker details are provided	in a grid

Details of the posted worker(s) - 1

First name	sample text
Surname	sample text
Country of birth	Austria
Place of birth (town)	sample text
Date of birth	Known
Date	02/05/2021
Nationality	Austrian
Social security number	sample text
Passport/ID card details	Available
ID type	Identity card
Number	sample text
Date issued	02/05/2021
Expiry date	22/08/2021
Profession	(en) sample text
Address of the posted worker	Available
Address type	Correspondence address
Country	Austria
Region/area	(en) sample text
Town	sample text
Postcode	sample text
Street and number	sample text
E-mail address of the posted worker	sample@text.imi

Questions and answers

Question categories	<p>[F1] General questions concerning core conditions (96/71 Article 3 (1))</p> <p>[F2] Maximum work periods and minimum rest periods (96/71 Article 3 (1)(a))</p> <p>[F3] Minimum paid annual holidays (96/71 Article 3 (1)(b))</p> <p>[F4] Remuneration, including overtime rates (96/71 Article 3 (1)(c))</p> <p>[F5] Protective measures, equal treatment and other non-discrimination provisions (96/71 Article 3 (1)(f) and (g))</p> <p>[F5A] Conditions of accommodation / Allowances or reimbursement of expenditure to cover posting expenses / Long term posting (96/71 Article 3 (1)(h)and (i), (Article 3 (1a))</p> <p>[F6] Other questions on the application of terms and conditions (96/71 Article 3 (2) - (10))</p> <p>[F7] Contact details for information, measures ensuring compliance and judicial remedies (96/71 Articles 4-6)</p>
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[F101] Are the terms and conditions of employment laid down by law?

	[F101] Are the terms and conditions of employment laid down by law?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F102] Are the terms and conditions of employment only regulated by law?

	[F102] Are the terms and conditions of employment only regulated by law?
Question details	(en) sample text
Answer	Yes

Detailed answer	(en) sample text
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[F103] Are the terms and conditions of employment laid down by universally applicable collective agreements?

	[F103] Are the terms and conditions of employment laid down by universally applicable collective agreements?
Question details	(en) sample text
Answer	Yes
	[F103.1] (if yes) Which agreements apply?
Detailed answer	(en) sample text

[F103a] Do you apply non-universally applicable collective agreements within the meaning of 96/71 Article 3 (8) 2nd indent?

	[F103a] Do you apply non-universally applicable collective agreements within the meaning of 96/71 Article 3 (8) 2nd indent?
Question details	(en) sample text
Answer	Yes, see details below
Detailed answer	(en) sample text

[F104] Are there special conditions for hired workers?

	[F104] Are there special conditions for hired workers?
Question details	(en) sample text
Answer	Yes
	[F104.1] (if yes) Please specify.
Detailed answer	(en) sample text

[F105] Where are the conditions for hiring-out workers available?

	[F105] Where are the conditions for hiring-out workers available?
Question details	(en) sample text
Answer	(en) sample text

[F106] Has the employer informed the posted workers about the terms and conditions of employment that apply during the posting?

	[F106] Has the employer informed the posted workers about the terms and conditions of employment that apply during the posting?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F201] Are there any rules on working hours per week in your Member State?

	[F201] Are there any rules on working hours per week in your Member State?
Question details	(en) sample text
Answer	Yes
	[F201.1] What are the applicable rules?
Answer	(en) sample text
	[F201.2] To which sectors do the rules apply?
Answer	(en) sample text

	[F201.3] To which professions do the rules apply?
Answer	
	[F201.4] Are these rules set out by law?
Answer	
	[F201.5] Are these rules set out by collective agreements?
Answer	
Detailed answer	

[F202] In your Member State how many hours is the worker supposed to or allowed to work per day?

	[F202] In your Member State how many hours is the worker supposed to or allowed to work per day?
Question details	(en) sample text
Answer	(en) sample text

[F203] In your Member State how many hours is the worker supposed to or allowed to work per week?

	[F203] In your Member State how many hours is the worker supposed to or allowed to work per week?
Question details	(en) sample text
Answer	(en) sample text

[F204] In your Member State how many hours is the worker supposed to or allowed to work per night?

	[F204] In your Member State how many hours is the worker supposed to or allowed to work per night?
Question details	(en) sample text
Answer	(en) sample text

[F205] If the working hours are not counted daily or weekly - how many hours is the worker supposed to or allowed to work in your Member State?

	[F205] If the working hours are not counted daily or weekly - how many hours is the worker supposed to or allowed to work in your Member State?
Question details	(en) sample text
Answer	(en) sample text

[F206] Is there a rule regarding daily working hours in your Member State?

	[F206] Is there a rule regarding daily working hours in your Member State?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F207] Are there any rules on breaks during working hours?

	[F207] Are there any rules on breaks during working hours?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F208] Does travelling time count towards working time in your Member State?

	[F208] Does travelling time count towards working time in your Member State?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F209] How long is the daily rest period in your Member State?

	[F209] How long is the daily rest period in your Member State?
Question details	(en) sample text
Answer	(en) sample text

[F210] How long is the weekly rest period in your Member State?

	[F210] How long is the weekly rest period in your Member State?
Question details	(en) sample text
Answer	(en) sample text

[F211] In the case of night work, how long is the rest period in your Member State?

	[F211] In the case of night work, how long is the rest period in your Member State?
Question details	(en) sample text
Answer	(en) sample text

[F212] How long is the rest period in your Member State in other cases?

	[F212] How long is the rest period in your Member State in other cases?
Question details	(en) sample text
Answer	(en) sample text

[F213] Is there a rule on the minimum rest period in your Member State?

	[F213] Is there a rule on the minimum rest period in your Member State?
Question details	(en) sample text
Answer	Yes
	[F213.1] If yes, how is the rest period calculated?
Answer	on a weekly basis - the minimum is specified in the comment box below
	[F213.2] What is the minimum rest period in hours?
Answer	sample text

[F214] In your Member State, are employers required to register daily, weekly or monthly working hours?

	[F214] In your Member State, are employers required to register daily, weekly or monthly working hours?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F301] How is paid annual holiday granted to the worker? (On the request of the worker or according to the employer needs?)

	[F301] How is paid annual holiday granted to the worker? (On the request of the worker or according to the employer needs?)
Question details	(en) sample text
Answer	on request of the worker
Detailed answer	(en) sample text

[F302] How is the reference period taken into account? (On a calendar year basis / 12 months period?)

	[F302] How is the reference period taken into account? (On a calendar year basis / 12 months period?)
Question details	(en) sample text
answer	on a calendar year basis
Detailed answer	(en) sample text

[F303] How many days is the paid annual leave in your Member State?

	[F303] How many days is the paid annual leave in your Member State?
Question details	(en) sample text
Answer	(en) sample text

[F304] Is there any paid leave fund in your Member State?

	[F304] Is there any paid leave fund in your Member State?
Question details	(en) sample text
Answer	Yes
	[F304.1] If yes, how does it work?
Answer	(en) sample text

[F305] How is the paid annual holiday calculated? What serves as the basis of the calculation?

	[F305] How is the paid annual holiday calculated? What serves as the basis of the calculation?
Question details	(en) sample text
Answer	(en) sample text

[F306] How is remuneration calculated for one day's leave?

	[F306] How is remuneration calculated for one day's leave?
Question details	(en) sample text
Answer	(en) sample text

[F307] How is remuneration calculated in case of sickness?

	[F307] How is remuneration calculated in case of sickness?
Question details	(en) sample text
Answer	(en) sample text

[F400] How is remuneration defined in your Member State?

	[F400] How is remuneration defined in your Member State?
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Question details	(en) sample text
Answer	(en) sample text

[F401] Is there a statutory minimum wage in your Member State?

	[F401] Is there a statutory minimum wage in your Member State?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F401a] What is the daily or hourly minimum rate of pay or remuneration applicable for the period of the posting?

	[F401a] What is the daily or hourly minimum rate of pay or remuneration applicable for the period of the posting?
Question details	(en) sample text
Answer	(en) sample text

[F402] Do universally applicable collective agreements set the level of minimum rates of pay?

	[F402] Do universally applicable collective agreements set the level of minimum rates of pay?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F403] On what basis is the remuneration calculated?

	[F403] On what basis is the remuneration calculated?
Question details	(en) sample text
Answer	on a daily basis
Detailed answer	(en) sample text

[F404] How much is the worker's declared and/or paid remuneration in your Member State?

	[F404] How much is the worker's declared and/or paid remuneration in your Member State?
Question details	(en) sample text
Answer	(en) sample text

[F405] Is there any overtime pay?

	[F405] Is there any overtime pay?
Question details	(en) sample text
Answer	Yes
	[F405.1] If yes, what are the rates for the overtime pay?
Answer	(en) sample text

[F406] How is the basic pay calculated?

	[F406] How is the basic pay calculated?
Question details	(en) sample text
Answer	per hour

Detailed answer	(en) sample text
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[F407a] Which elements are included under the definition of remuneration your Member State? (overtime rates, classification into pay groups, daily allowances, 13th month bonus/end of the year allowance, ...)

	[F407a] Which elements are included under the definition of remuneration your Member State? (overtime rates, classification into pay groups, daily allowances, 13th month bonus/end of the year allowance, ...)
Question details	(en) sample text
Answer	<p>Minimum gross wage Minimum gross wage according to pay groups Pay for evening work Pay for hourly work and/or piecework according to pay groups Pay for night work Pay for shift work Standby pay Overtime rates Holiday remuneration Extra holiday allowances Allowances for working on Sundays, public holidays Daily allowances, board and lodging allowances (assignments within the host MS) Posting allowance Seniority allowances Compensation for daily travel time 13th month bonuses, end of the year bonuses Bonuses for dirty, heavy or dangerous work Other bonuses for particular working conditions Other</p>
Details of other elements included under the definition of remuneration	(en) sample text

[F408] Is there any special allowance related to the posting in your Member State?

	[F408] Is there any special allowance related to the posting in your Member State?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F409] Do the temporary agency workers receive remuneration in accordance with collective agreements of the user undertaking?

	[F409] Do the temporary agency workers receive remuneration in accordance with collective agreements of the user undertaking?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F501] What are the maternity leave provisions when employing pregnant women?

	[F501] What are the maternity leave provisions when employing pregnant women?
Question details	(en) sample text
Answer	(en) sample text

[F502] What are the measures concerning the protection of pregnant women?

	[F502] What are the measures concerning the protection of pregnant women?
Question details	(en) sample text
Answer	(en) sample text

[F503] What are the measures concerning the protection of women who have recently given birth?

	[F503] What are the measures concerning the protection of women who have recently given birth?
Question details	(en) sample text
Answer	(en) sample text

[F504] What are the measures concerning the protection of young people?

	[F504] What are the measures concerning the protection of young people?
Question details	(en) sample text
Answer	(en) sample text

[F505] Is there any derogation from the equal treatment principle with respect to posted workers?

	[F505] Is there any derogation from the equal treatment principle with respect to posted workers?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F506] What is the consequence if equal treatment is not respected?

	[F506] What is the consequence if equal treatment is not respected?
Question details	(en) sample text
Answer	(en) sample text

[F507] Whom can the posted worker turn to if there is discrimination?

	[F507] Whom can the posted worker turn to if there is discrimination?
Question details	(en) sample text
Answer	(en) sample text

[F5A01] Are there any rules regulating the conditions of workers' accommodation in your Member State? (96/71 Article 3(1)(h))

	[F5A01] Are there any rules regulating the conditions of workers' accommodation in your Member State? (96/71 Article 3(1)(h))
Question details	(en) sample text
Answer	Yes, see details below
Detailed answer	(en) sample text

[F5A02] Are allowances or reimbursements provided to cover travel, board and lodging expenses for workers travelling to and from their work place within your Member State? (96/71 Article 3(1)(i))

	[F5A02] Are allowances or reimbursements provided to cover travel, board and lodging expenses for workers travelling to and from their work place within your Member State? (96/71 Article 3(1)(i))
Question details	(en) sample text
Answer	Yes, see details below
Detailed answer	(en) sample text

[F5A03] Are allowances or reimbursements provided to cover travel, board and lodging expenses for workers who are sent to work in another place of work (in your Member State or in another Member State)? (96/71 Article 3(1)(i))

	[F5A03] Are allowances or reimbursements provided to cover travel, board and lodging expenses for workers who are sent to work in another place of work (in your Member State or in another Member State)? (96/71 Article 3(1)(i))
Question details	(en) sample text
Answer	Yes, see details below
Detailed answer	(en) sample text

[F5A04] Is there national legislation and/or practice in place for the employer to reimburse the posted worker for the travel, board and lodging?

	[F5A04] Is there national legislation and/or practice in place for the employer to reimburse the posted worker for the travel, board and lodging?
Question details	(en) sample text
Answer	Yes, see details below
Detailed answer	(en) sample text

[F5A05] In the case of long term posting, what other terms and conditions of employment are laid down in national legislation or by collective agreement that are applicable in your Member State? (2018/957 Article 1(2)(b), 96/71 new para 1a in Art 3)

	[F5A05] In the case of long term posting, what other terms and conditions of employment are laid down in national legislation or by collective agreement that are applicable in your Member State? (2018/957 Article 1(2)(b), 96/71 new para 1a in Art 3)
Question details	(en) sample text
Answer	(en) sample text

[F601] Does your Member State apply the derogation for the initial assembly and/or first installation of goods (Article 3 (2))?

	[F601] Does your Member State apply the derogation for the initial assembly and/or first installation of goods (Article 3 (2))?
Question details	(en) sample text
Answer	Yes, see details below
Detailed answer	(en) sample text

[F602] Can you confirm that the posted worker has the skill or specialisation needed for the initial assembly and/or first installation work?

	[F602] Can you confirm that the posted worker has the skill or specialisation needed for the initial assembly and/or first installation work?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F603] Does your Member State apply the derogation for postings not exceeding one month (Article 3 (3) and (4))?

	[F603] Does your Member State apply the derogation for postings not exceeding one month (Article 3 (3) and (4))?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F604] Is there a universally applicable collective agreement providing for this derogation?

	[F604] Is there a universally applicable collective agreement providing for this derogation?
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Question details	(en) sample text
Answer	Yes
	[F604.1] What sectors are covered by the derogation?
Sectors covered by the derogation	Accounting, auditing and fiscal services Administration services Administration, defence and social security services Adult and other education services
Detailed answer	(en) sample text

[F605] Can you provide the start date of the posting?

	[F605] Can you provide the start date of the posting?
Question details	(en) sample text
Answer	Yes
Start date	19/05/2021
Detailed answer	(en) sample text

[F606] Can you provide the end date of the posting?

	[F606] Can you provide the end date of the posting?
Question details	(en) sample text
Answer	Yes
End date	18/05/2021
Detailed answer	(en) sample text

[F607] Does your Member State apply the derogation related to non significant work (Article 3 (5)) ?

	[F607] Does your Member State apply the derogation related to non significant work (Article 3 (5)) ?
Question details	(en) sample text
Answer	Yes
	[F607.1] What is the definition of "non-significant work" in your Member State.
Answer	(en) sample text
Detailed answer	(en) sample text

[F608a] Are equal working conditions ensured to temporary agency workers (Article 3 (1b))?

	[F608a] Are equal working conditions ensured to temporary agency workers (Article 3 (1b))?
Question details	(en) sample text
Answer	Yes, see details below
Detailed answer	(en) sample text

[F608b] Are other terms and conditions of employment ensured to temporary agency workers? (Article 3 (9))

	[F608b] Are other terms and conditions of employment ensured to temporary agency workers? (Article 3 (9))
Question details	(en) sample text
Answer	Yes, see details below
Detailed answer	(en) sample text

[F611a] Are there terms and conditions of employment other than those specified in Article 3.1. applicable in your Member State (Article 3 (10) 1st indent)?

	[F611a] Are there terms and conditions of employment other than those specified in Article 3.1. applicable in your Member State (Article 3 (10) 1st indent)?
Question details	(en) sample text
Answer	Yes
	[F611a.1] If yes, do they qualify under public policy provision?
Answer	Yes
	[F611a.2] In the case of public policy provision what other terms and conditions have to be respected by the foreign service provider in your Member State?
Detailed answer	(en) sample text

[F613] In the case of public policy provision what other terms and conditions have to be respected by the foreign service provider in your Member State?

	[F613] In the case of public policy provision what other terms and conditions have to be respected by the foreign service provider in your Member State?
Question details	(en) sample text
Answer	(en) sample text

[F701] What are the contact details of the liaison office in your Member State (Article 4-6) ?

	[F701] What are the contact details of the liaison office in your Member State (Article 4-6) ?
Question details	(en) sample text
Answer	(en) sample text

[F702] What are the contact details of the labour inspectorate(s) in your Member State (Article 4-6) ?

	[F702] What are the contact details of the labour inspectorate(s) in your Member State (Article 4-6) ?
Question details	(en) sample text
Answer	(en) sample text

[F703] Who is the competent authority the worker or the service provider can turn to in order to obtain the information needed in this case (Article 4-6) ?

	[F703] Who is the competent authority the worker or the service provider can turn to in order to obtain the information needed in this case (Article 4-6) ?
Question details	(en) sample text
Answer	(en) sample text

[F704] Is the information requested available online?

	[F704] Is the information requested available online?
Question details	(en) sample text
Answer	Yes, see details below
Website:	sample text
Detailed answer	(en) sample text

[F705] How is compliance with the national legislation guaranteed (Article 5) ?

	[F705] How is compliance with the national legislation guaranteed (Article 5) ?
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Question details	(en) sample text
Answer	(en) sample text

[F706] Are there administrative sanctions for non-compliance (Article 5) ?

	[F706] Are there administrative sanctions for non-compliance (Article 5) ?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F707] Are there penal sanctions for non-compliance (Article 5) ?

	[F707] Are there penal sanctions for non-compliance (Article 5) ?
Question details	(en) sample text
Answer	Yes
Detailed answer	(en) sample text

[F708] What are the penalties in cases of non-respect of the posting rules (Article 5) ?

	[F708] What are the penalties in cases of non-respect of the posting rules (Article 5) ?
Question details	(en) sample text
Answer	(en) sample text

[F709] Are there any liability provisions regarding subcontracting and to whom are they applicable (Article 5) ?

	[F709] Are there any liability provisions regarding subcontracting and to whom are they applicable (Article 5) ?
Question details	(en) sample text
Answer	Yes, see details below
Detailed answer	(en) sample text

[F710] To whom are the liability provisions applicable? (to all contractors / only to the main contractor / only to the subcontractor / to the client?)

	[F710] To whom are the liability provisions applicable? (to all contractors / only to the main contractor / only to the subcontractor / to the client?)
Question details	(en) sample text
Answer	The liability provisions are applicable to all contractors.
Detailed answer	(en) sample text

[F711] What are the possible judicial remedies (Article 6) ?

	[F711] What are the possible judicial remedies (Article 6) ?
Question details	(en) sample text
Answer	(en) sample text

[F712] What procedures are available for claiming infringements of workers rights (Article 6) ?

	[F712] What procedures are available for claiming infringements of workers rights (Article 6) ?
Question details	(en) sample text
Answer	(en) sample text

[F713] What is the address of your single official national website?

	[F713] What is the address of your single official national website?
Question details	(en) sample text
Answer	sample text

Management Information

Form	PW - Posting of workers - request for information concerning working conditions
Management type	Request
Number	26804
Status	Accepted
Version	1
Last update	21/05/2021 13:15 CEST

History

History Item	Version: 1 Action: Request edited Old status: Accepted New status: Accepted Modified by: USER training Date: 21/05/2021 13:15 CEST
History Item	Version: 1 Action: Request accepted Old status: Awaiting acceptance New status: Accepted Modified by: USER training Date: 21/05/2021 13:09 CEST
History Item	Version: 1 Action: Request sent Old status: Draft New status: Awaiting acceptance Modified by: HELPDESK EC IMI Date: 21/05/2021 13:08 CEST
History Item	Version: 1 Action: Request saved Old status: Initial status New status: Draft Modified by: HELPDESK EC IMI Date: 21/05/2021 13:07 CEST

Link

Link Item	Repository Name: PW - Posting of workers - request for information concerning working conditions Entry Number: 26781 Link Type: Copied from Linked By: IMI System Date: 21/05/2021 13:07 CEST
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Requesting Authority

Authority name	European Commission Commission européenne Europäische Kommission
Authority informal title	IMI System
Country	EU
Address	Rue de Spa, 2 1000 Bruxelles
Telephone	+ +32 229 55470

Fax	+ +32 229 68867
E-mail	IMI-Helpdesk@ec.europa.eu

Requesting Coordinator

Authority name	European Commission Commission européenne Europäische Kommission
Authority informal title	IMI System
Country	EU
Address	Rue de Spa, 2 1000 Bruxelles
Telephone	+ +32 229 55470
Fax	+ +32 229 68867
E-mail	IMI-Helpdesk@ec.europa.eu

Responding Authority

Authority name	Training authority Training authority Training authority
Authority informal title	Training authority
Country	EU
Address	street and number 1234 town
Telephone	+3212345678
Fax	
E-mail	training@ec.imi