FACTS & FIGURES

▶ A posted worker is a worker who is sent by his / her employer to work temporarily in another country to provide a cross-border service.

▶ This is not the same as a long-term mobile worker, who lives and works for an indefinite period in another Member State, or a cross-border worker, who lives in Member State A but works in Member State B.

▶ In 2017, 2.8 million posting operations took place in the EU. The EU average duration for such operations is less than 4 months.

▶ Given the short duration of most postings, when converted into full-time jobs this amounts only to 0.2% of total EU employment.

POSTED WORKERS PER SECTOR, 2017

- Agriculture, hunting and fishing: 0.9%
- Industry: 25.9%
- Construction: 46.5%
- Services: 26.7%
  - of which education, health and social work, arts and other services: 9.5%
  - of which financial and insurance; real estate; professional, scientific and technical activities; administrative and support service activities: 9.6%
NUMBER OF POSTINGS FROM A RECEIVING PERSPECTIVE 2010, 2017 AND % OF NATIONAL EMPLOYMENT 2017

NUMBER OF POSTINGS FROM A SENDING PERSPECTIVE 2010, 2017 AND % OF NATIONAL EMPLOYMENT 2017
COMMISSION TAKES ACTION FOR FAIRER RULES...

Since the start of its mandate, the Juncker Commission has promoted fair labour mobility and fought social dumping throughout the EU. On 8 March 2016, following extensive consultation, the Commission proposed a reform of the current rules on posting of workers, which establishes the principle of equal pay for equal work at the same place. This principle goes significantly beyond the requirement of minimum pay under the existing Directive.


Other important elements of the agreement include:

- **Rules set by sectoral social partner agreements** become mandatory for posted workers in all economic sectors. Currently, this is only the case for the construction sector.

- **Better protection for several categories of workers**: the new rules will apply to temporary agency workers and workers in chain posting to ensure also for them the principle of equal pay for equal work at the same place. Workers in non-genuine posting will be protected too.

- Member States will have to comply with reinforced transparency obligations, such as the publication of all information on websites.

- **Long-term posting**: today, posted workers have the same rights irrespective of the duration of posting. Under the new rules, workers who are posted for more than 12 months will be subject to all aspects of the labour law of the host Member State. This could be extended to 18 months via a motivated notification.

- **Link with road transport**: the new EU rules on posting will apply to the road transport sector according to the Commission’s Road Transport Strategy for Europe, once it enters into force (the Strategy is currently under discussion in the Council and the Parliament). Depending on the development of this ‘lex specialis’, there will be an assessment to see whether further measures are required.

- **Transitional period**: Member States will have 2 years to transpose the new rules into their national legislation. They will then have to apply and start enforcing the rules.

... WHICH SHOULD BE BETTER ENFORCED

In addition to amending the rules, the Commission has facilitated the implementation of the so-called “Enforcement Directive”, which entered into force in June 2016. This Directive gives more powers to national authorities to combat cases of abuse, such as “letter box companies”, and to coordinate their activities.

Other recent Commission initiatives to ensure fair labour mobility include:

- Modernisation of EU rules for the coordination of social security systems, to facilitate labour mobility, ensure fairness for those who move and provide better tools for cooperation between Member State authorities.

- The launch of the Electronic System of Social Security Information, which allows for a quicker and easier exchange of mobile workers’ social security information between Member States.

- The political agreement to set up a European Labour Authority, to ensure that EU rules on labour mobility are enforced in a fair, simple and effective way.