

## Topic title: Revision of the Posting of Workers Directive

### Brief description and main aims:

The "Posting" Directive defines the rules that apply when a company provides services, for a limited period, in a country other than the one where it usually operates. As the provision of services is temporary, some of the rules that apply are the ones of the "host" country (minimum wage, working time, health and safety,...), whilst others (for example "Social security") remain the ones of the "home" country.

The European Commission presented a proposal for revising the original "Posting of Workers" Directive (96/71/EC) with the aim to address the problem of unfair practices and to promote the principle that the same work at the same place should be remunerated in the same manner.

### Why FIEC is dealing with this issue/topic and their objective(s):

Amongst the main changes proposed by the Commission we can highlight : the reference to "remuneration" instead of "minimum wage"; a limitation in time (max 12 months, plus 6 possible additional months) beyond which the terms and conditions of employment that are mandatorily applicable to workers will be the ones of the Member State where the work is carried out; a clarification of the rules applicable to the reimbursement by the employer of the expenditures incurred on account of the posting, such as on travel, board and lodging.

Approximately half of the postings within the Internal Market are in construction activities and therefore these new rules can have a significant impact for construction companies.

### Actions and key dates:

**8/3/2016** – Initial proposal of the European Commission

**20/9/2016** – First FIEC position paper

**5/12/2017** – Second FIEC position paper

**28/6/2018** – Adoption of the new "Posting" Directive 2018/957/EC

**30/7/2020** – Deadline for implementation by the Member States

## DIRECTIVES

DIRECTIVE (EU) 2018/957 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 28 June 2018

amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services