

Posting of workers: Council confirms the compromise text agreed with the European Parliament

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Equal pay for equal work – EU is ensuring fair wages and conditions for posted workers

On 11 April 2018, EU ambassadors approved the compromise text negotiated with the European Parliament on the revision of the posting of workers directive. The final adoption of the directive will come at a later stage, once the legislation has been voted in the Parliament.

With today's agreement, the EU delivers on the important principle of equal pay for equal work, ensuring that all workers are treated fairly across the Union. Local or posted workers doing the same job at the same place will have the same working and wage conditions. The agreement is also fair and balanced since it helps preserve the free provision of services.

Biser Petkov, Minister for Labour and Social Policy of Bulgaria and President of the Council

The aim of the revised directive is to facilitate the transnational provision of services whilst ensuring fair competition and respect for the rights of those workers who are employed in one member state and sent to work temporarily in another by their employer (posted workers).

More specifically, the directive aims at ensuring fair wages and a level playing field between posting and local companies in the host country whilst maintaining the principle of free movement of services.

In particular, the new directive provides for the following:

- **Remuneration** will apply from day 1 of posting, so that posted workers will benefit from the same rules on remuneration as local workers of the host member s The rules on **allowances** are also clarified.
- The concept of **long-term posting** is introduced. This means that a worker will be considered to be posted long-term after 12 months (with the possibility of a 6 months extension subject to a justified notification

by the service provider). After this period, the posted worker will be subject to nearly all aspects of the labour law of the host country.

- The number of potential **collective agreements** which may apply in member states having a system for declaring collective agreements or arbitration awards of universal application is increased. Collective agreements can be applied to posted workers not only in the construction sector, as it is so far, but in all sectors and branches.
- **Temporary work agencies** are to guarantee to posted workers the same terms and conditions which apply to temporary workers hired in the member state where the work is carried out.
- **Cooperation on fraud and abuse** in the context of posting is enhanced.
- For the **international road transport** sector, the rules would be stipulated in the forthcoming sector-specific legislation.
- The deadline for **transposition** and the date of **application** will be 2 years after the entry into force of the directive.

The revision of the 1996 directive was launched with the objective of adapting the legislation to new economic and labour market conditions. It focuses on those issues covered by the EU regulatory framework established by the original 1996 directive. The revised posting of workers directive and the enforcement directive therefore complement each other and are mutually reinforcing.

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