



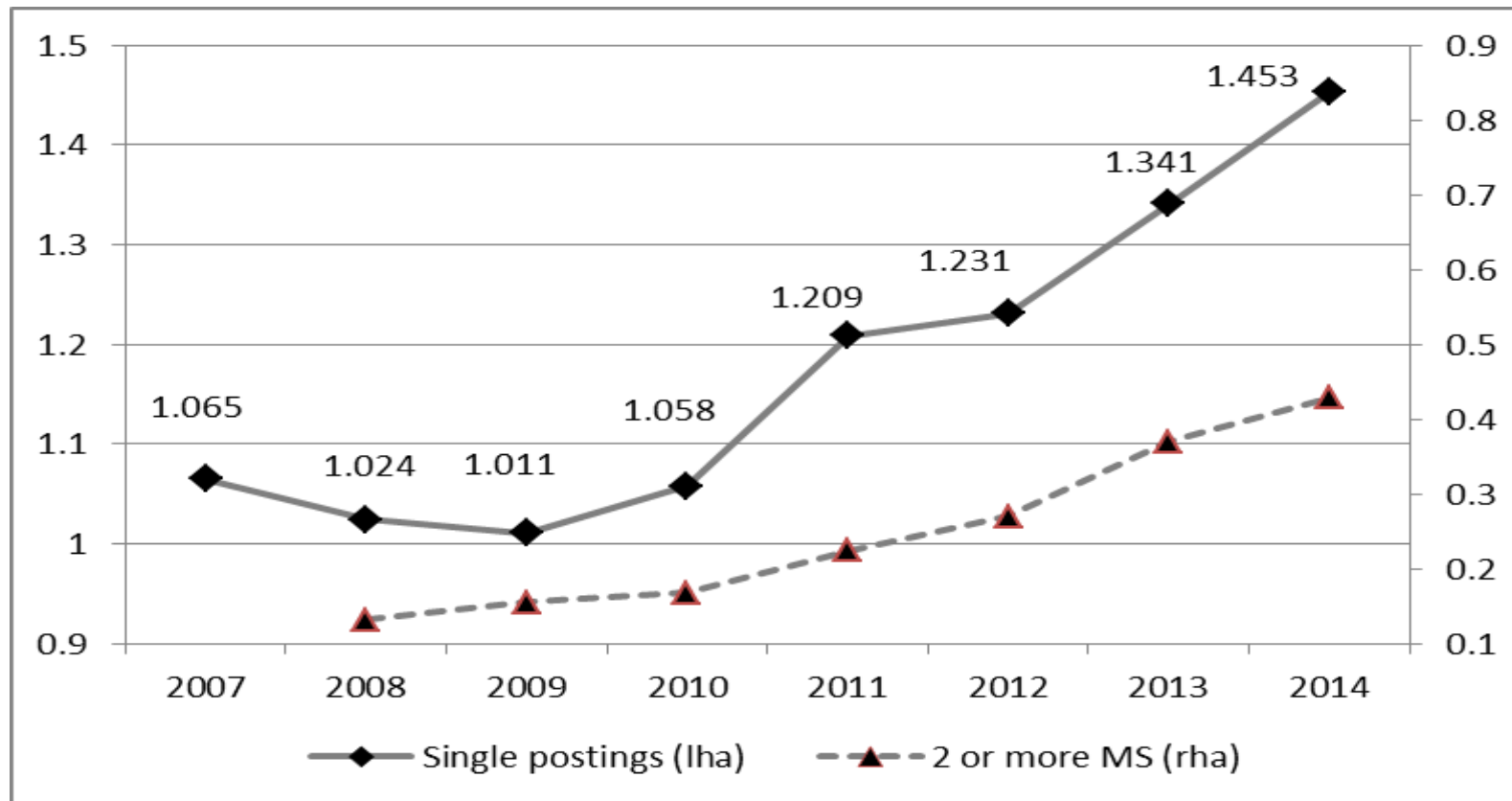
# Labour Mobility Package 2016

## Posting of workers

**SSDC Road transport**  
**19 November 2016**

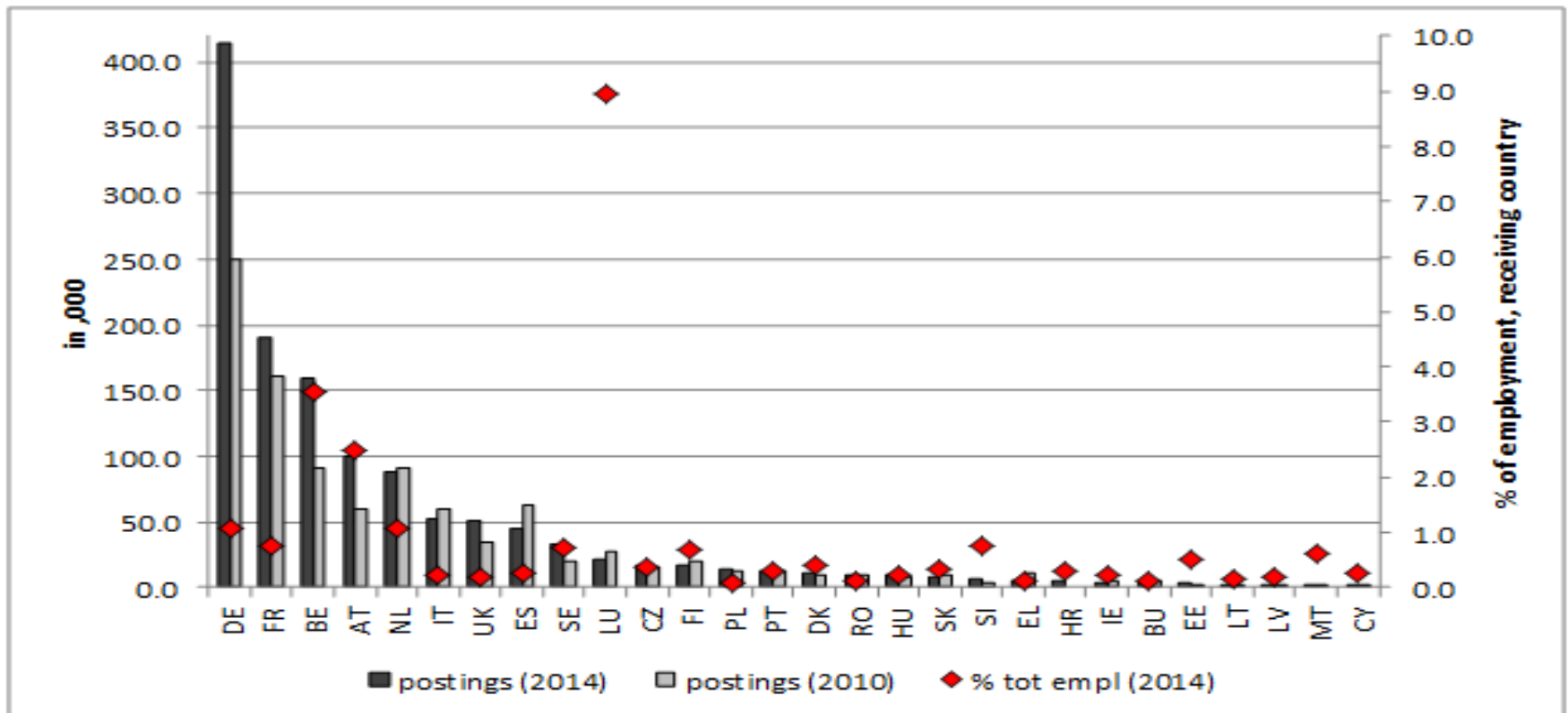
# Figures on posting

## Number of postings 2007-2014 (in ,000)



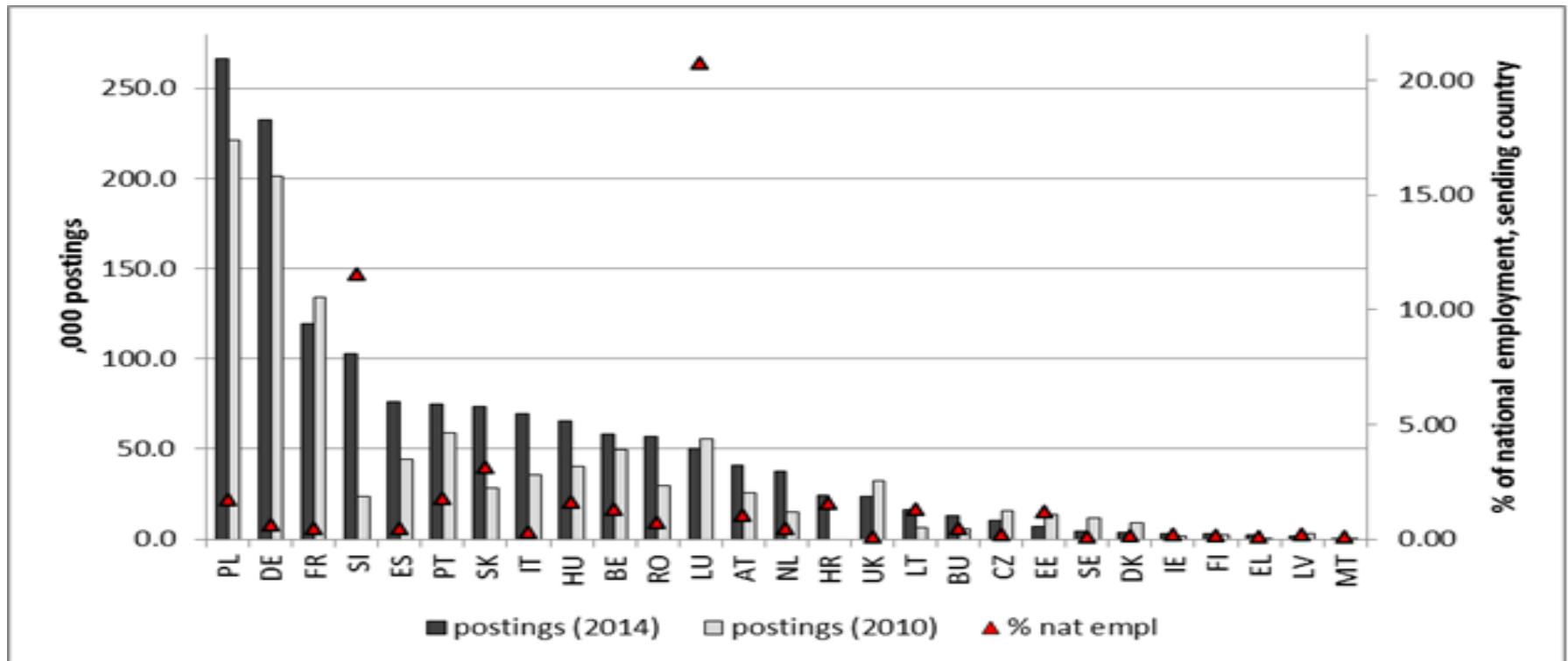
# Figures on posting

Posted workers *received* in 2010 and 2014 (,000) and % share on national employment



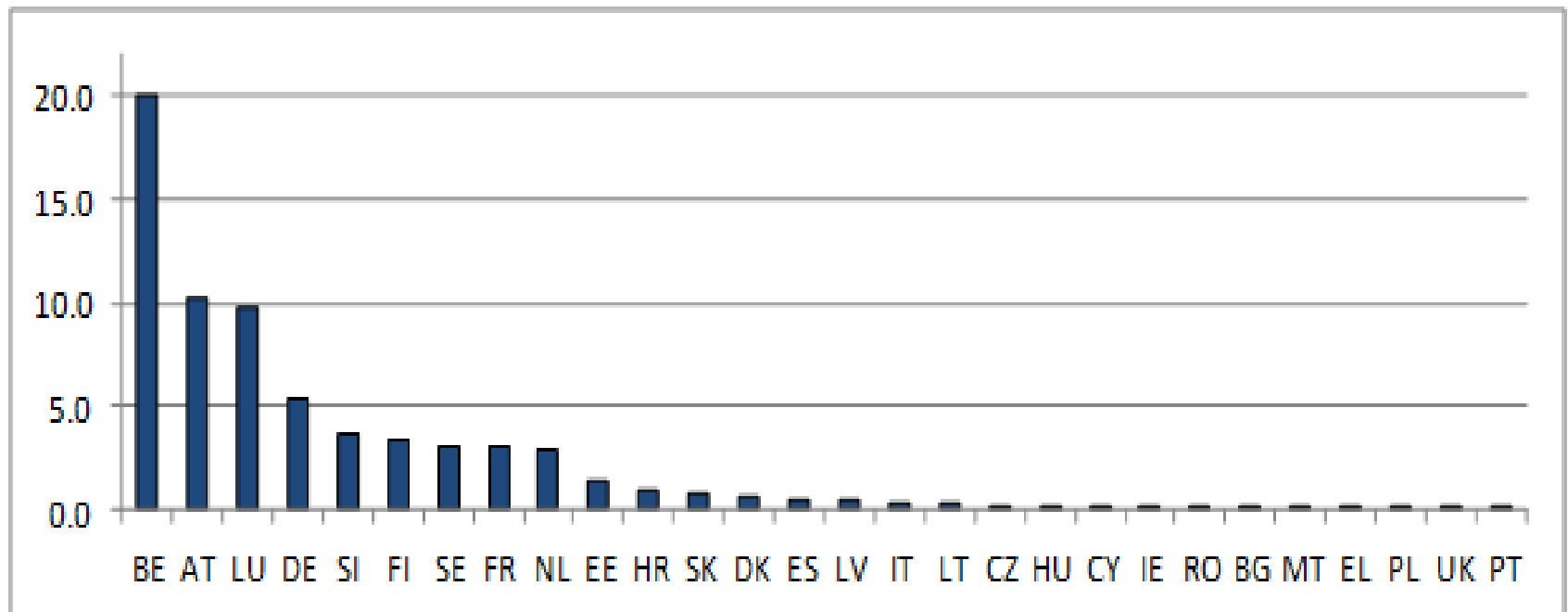
# Figures on posting

Posted workers sent in 2010 and 2014 (,000) and % share on national employment



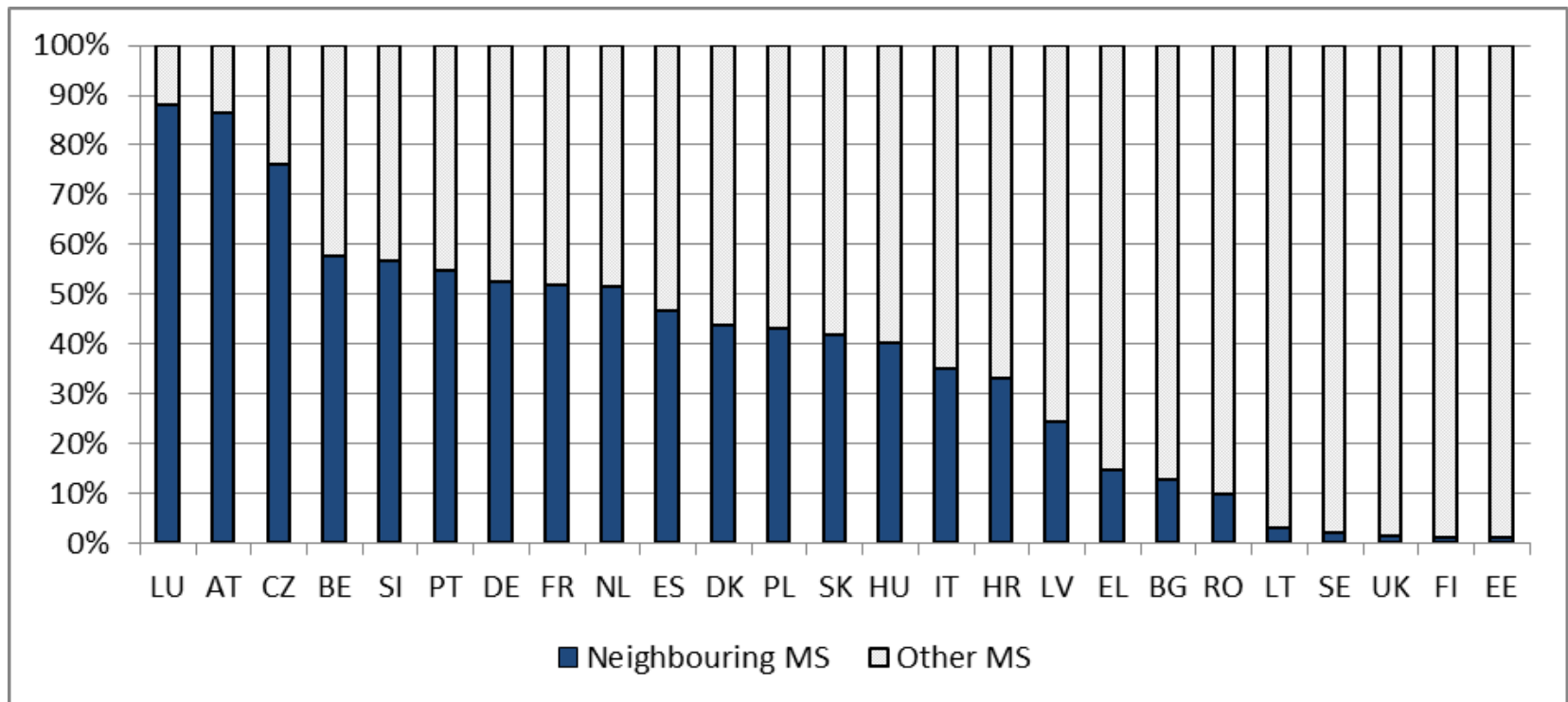
# Figures on posting

**% share of postings on total employment in the construction sector, by receiving country (2014)**



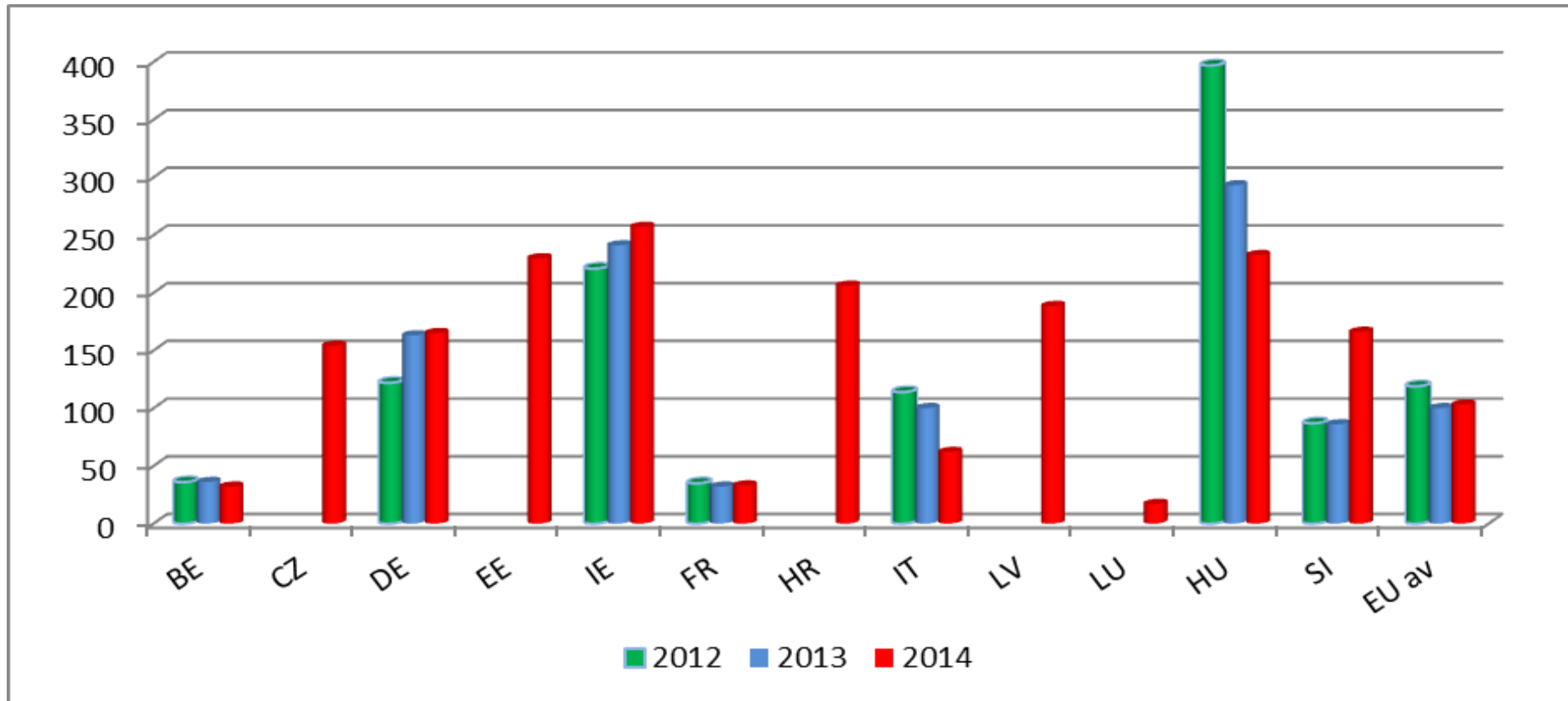
# Figures on posting

## Percentage of workers posted from neighbouring and non-neighbouring countries (2014)



# Figures on posting

## Duration of posting (in days)



# Facts and figures: conclusions

- **Number of posted workers continues to increase (increase of 8,5% in 2014, 8.3% since 2010)**
- **Percentage in total employment remains low, on average 0,7% of total employment**
- **Geographic proximity plays a big role: the percentage of workers coming from neighbouring countries is high (more than 80% in two cases).**



# Facts and figures: conclusions

- **In absolute terms, PL, DE and FR represent the largest senders of posted workers**
- **The share of posted workers on the total employment population is highest in LU (20.7%) and SI (11.5%)**
- **DE, FR and BE are the three largest receivers of posted workers in 2014**
- **Proportionally to domestic employment, figures are highest in Luxembourg (9%), Belgium (3.6%) and Austria (2.5%)**
- **Posting of workers has a strong concentration in the construction sector, where 43% of postings concentrated in 2014.**

# What are the problems?

- **Wage differentiation between posted and local workers**
  - **Notion of minimal rates of pay**
  - **Impact of different wage-setting mechanisms**
- **Temporary nature of posting**
  - **Mismatch with rules for social security**
- **Equal treatment for cross-border temporary agency workers**
- **Application of the Directive to the road transport sector**

# What are the options?

For all the problems, *status quo* is an option which is considered.

## Other options

- **Wage differentiation between posted and local workers**
  - **guidance on the elements of remuneration that fall within the notion of minimum rates of pay**
  - **modification of the Directive to codify the case law of the Court**
  - **modification of the Directive to introduce the principle of "equal pay".**

# What are the options?

- **Wage-setting mechanisms**
  - extension of the scope of application of Article 3(8)
  - extending the provisions for the construction sector to all sectors
- **Temporary nature of posting**
  - Full application of the law of the host Member State from day one for workers posted for longer than 24 months.

# What are the options?

- **Equal treatment for cross-border temporary agency workers**
  - **clarification of the respective scope of application of the TAWD and the Posting of Workers Directive**
  - **amendment of the Directive to establish equal treatment with national temporary agency workers**

# What are the options?

- **Decision on the preferred options and/or timing not taken yet.**