

Brussels, 25 May 2020

Open letter to the EU Member States on the transposition of the Posting of Workers Directive

Dear Friends of Ceemet,

In accordance with Directive 2018/957 amending Directive 96/71/EC concerning the posting of workers, Member States are to adopt and publish, by 30 July 2020, the laws, regulations and administrative provisions necessary to comply with the Directive.

This implies that, in the midst of the COVID-19 crisis, both Member States and companies need to prepare themselves in order to be able to adhere to the rules as laid down by the Directive by the transposition deadline of 30 July 2020.

Due to the complexity of the revised Directive and the fact that it poses a significant amount of additional administrative burden on companies, it will be challenging for employers to correctly apply the rules laid down by the revised Posting Directive. Therefore, it is of vital importance that the Member States have clear rules in place which can be effectively implemented by national administrations and companies. This is important for companies, workers and inspectors in order to create a level playing field and to ensure and enforce the proper functioning of the EU single market.

The applicable rules on employment conditions, the constituent elements of remuneration and the applicable collective agreements differ greatly from one Member State to another. Therefore, the possibility for companies to properly apply the rules deriving from the Directive heavily depends on whether all Member States will have the information on the applicable rules available on their single official national websites by the end of July 2020, both in their national languages and in English. This information is of crucial importance to companies. Without correct, clear and up-to-date information, it will for example be impossible for companies to determine which collective agreements will be applicable to their posted workers, which remuneration elements the worker is entitled to during the posting period and which terms and conditions of employment cover the worker when being posted to different Member States.

We are strongly in favour for all Member States to use the same template for their single official national website, which would allow companies, workers and inspectors to find the required information in a structured and efficient way. The European Labour Authority should support and urge Member States to streamline their websites as regards structure and necessary content to guarantee easy access to all necessary information

If the single official national website of a country is not ready prior to 30 July 2020 or does not provide accurate and qualitative information on the applicable employment conditions, it is not sufficient that circumstances are taken into account when determining penalties on undertakings, as stated in the Directive. **When companies are not in the position to easily find the accurate and up-to-date information on the websites, they should not be sanctioned for the involuntary non-compliance with the applicable legislation.**

For the abovementioned reasons, we call on **the Member States to help companies so they can continue to provide services and do business in the Single Market by providing all the necessary information in an accurate, comprehensive and easily accessible way**, preferably well in advance of the deadline of 30 July 2020 to give the companies the much needed time to prepare themselves and their workers for these substantial changes.

Yours sincerely,

Diego Andreis
Ceemet PRESIDENT

About Ceemet

- Ceemet represents the metal, engineering and technology-based industry employers in Europe.
- Member organisations represent 200,000 companies in Europe, providing over 17 million direct and 35 million indirect jobs.
- Ceemet is a recognised European social partner at the industrial sector level, promoting global competitiveness for European industry through consultation and social dialogue.

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