

3 April 2012

POSTING OF WORKERS

KEY MESSAGES

- 1 Employers are highly concerned about the Commission proposals adopted on 21 March 2012: (i) Directive on the enforcement of the Posting of Workers Directive and (ii) Regulation on the exercise of the right to take collective action in the context of economic freedoms.
- 2 Imposing an EU system of joint and several liability is not the right way to enforce the Posting of Workers Directive. Such a system will hamper development of the single market and undermine the competitiveness of European companies at a time when all EU policies should support economic growth.
- 3 Providing better information for companies and workers and improving administrative cooperation between Member States are the key to ensure better compliance with the Posting of Workers Directive in practice.

WHAT DOES BUSINESSEUROPE AIM FOR?

- BUSINESSEUROPE strongly supports proper enforcement of the Posting of Workers Directive. But measures to improve enforcement should not impose disproportionate burdens on companies, and should not create additional barriers in the single market.
- There is no need for an EU Regulation on the exercise of the right to take collective action, because ECJ rulings have provided legal clarity. Moreover, the proposed European mechanism for out-of-court settlement of disputes resulting from collective action in transnational situations is unnecessary. It would overlap with long-established national systems to settle industrial disputes.

KEY FACTS AND FIGURES

<p>In 2007, a total of approximately 1 million E101 certificates related to posting were recorded across the EU-27 and EFTA countries. Posting concerns less than 1% of the EU's active population</p>	<p>Around 50% of postings were issued for activities in the industry sector, particularly to the construction sector (26%). The other half were sent to the services sector, e.g. financial intermediation, hospitality, transport and business activities.</p>	<p>To date, the national legal systems of only eight Member States (AT, BE, DE, ES, FIN, FR, IT, NL) and Norway incorporate joint and several liability in subcontracting for wages and/or other labour conditions</p>
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