

POSTING OF WORKERS. PRACTICAL CASE

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ORGANISATION OF WORKS (employer's version)



Investigation

- State Border Guard Service inspected companies on the seaport
- 4 citizens of the Republic of Ukraine were detected
- According to their explanations, they were posted from Estonian company
- Having doubts about legality of Ukrainians work State Border Guard Service transmitted relevant documents to SLI

Investigation

Using Internal Market
System SLI applied to
Estonian authorities for the
provision of information
about legality of Estonian
labour contracts



The answer from Estonian
authority: all third country
nationals were not
employees of Estonian
company nor they had been
issued E-101 form

CONCLUSIONS

- work of third country national, even he has permission to stay in the country but without work permission is illegal
- Having the information that third country citizens were not employed in sending company nor they had work permissions SLI wrote a protocol of administrative law violations
- This case was examined in 2 instances of courts and the Higher court recognized Ukrainian citizens work in Lithuanian enterprise as illegal work. The head of Lithuanian company was fined for 12000 litas (3500 Eur).

Difficulties of implementing Directive 96/71/EC

- Companies-post boxes
- Absence of information about working conditions

Thank you for your attention