



The Swedish Posting of Workers System

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The SWEA's mandate and responsibility regarding posting

- Regulated in the Posting of Workers Act and the Posting of Workers Ordinance.
- We keep a national register of posted workers – employers have an obligation to report postings.
 - We exercise supervision of compliance with the regulations regarding reporting postings.
 - This is done by inspecting working sites – the inspectors fill in a form with relevant information.
- We inform about rights when working in Sweden.
 - But we do not act in respect of labour law, for example due to low wages.
- We involve other authorities when needed and if possible.
 - We are part of a special Regional Agency Collaboration (joint authority controls) between eight authorities to tackle irregularities in working places (i.e. undeclared work).

General challenges

- Communication with the workers – language barriers.
- The use of IMI – how and what to ask for from other countries.
- To fully understand the connection between the posting regulation and other legal areas.
 - In which situations are our findings of relevance when it comes to, for example, tax and social security?
 - How is our authority supposed to act in terms on migration issues, for example when it comes to working permits for third country nationals?

Specific challenges in Sweden

- Posting shall be reported from all countries world wide.
 - The Swedish register of posted workers contains workers and employers from third countries as well.
 - How to supervise if reported postings are genuine and how to prevent abuse and circumvention (art. 4 in the enforcement directive) in relation to third country workers.
 - Our mandate to act is still unclear when it comes to fraudulent posting – is the only thing we can do to remove them from the register? Can we impose a sanction fee for such abuse?
- We do not inspect labour law (wages). We therefore need a closer collaboration with the social partners.
- National secrecy legislation and the GDPR prevents optimal collaboration between the relevant authorities within the country.

Three most important factors for an effective process

1. To build up and maintain a good cross-border collaboration. .
 - Learn more about relevant questions to ask in the IMI and when to use the alert function.
 - Possible to share knowledge to overcome language barriers?
2. To build up and maintain a good collaboration with other authorities within the country and with the social partners, to ensure that all legal areas are covered.
 - This also includes to learn from good practice how this works in other countries.
3. To get a possibility to share information between authorities within the country, without secrecy regulations and/or GDPR preventing it.