



EU Posted Workers Directive Quarterly Review

2024-01 Spring



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PWD Registration / Notifications -Top Tips

Austria

[Hiring out of employees](#)

Employers posting workers to Austria must distinguish between posting (*Entsendung*) and hiring out of workers (*Arbeitskräfteüberlassung*) since different legal provisions and obligations apply depending on the type of the posting. In addition, different notification forms apply to postings (ZKO 3) and hiring out of workers (ZKO 4).

European Union

[Notification of shortening of a posting](#)

Most countries in the EU require that a change in posting, resulting in a shortening of the posting duration, be notified to the authorities. Exceptions to this requirement include Estonia, Germany, Greece, Latvia, Netherlands, and Slovakia.

Denmark

[Multilingual portal available](#)

The Danish Register of Foreign Service Providers (RTU-registry) is an online system available in Danish, English, German and Polish. Foreign employers must set up an account before they can register. Posted workers must be registered on the system before they arrive, or no later than the day of arrival. Changes to postings must be notified in the system no later than the first working day after the change enters into force.



European Union

[Labour Authority Tech conference explores AI impact on labour markets and social security](#)

February 21, 2024: The European Labour Authority (ELA) TECH Conference, held in Madrid (Hybrid) on February 1, 2024, explored Artificial Intelligence's (AI) impact on labour markets and social security. Discussions focused on AI's role in understanding workforce dynamics and protecting workers' rights. One of main topics was innovative digital solutions utilizing AI and machine learning to address labour mobility rules.

[Read More](#)

European Union

[Strategy for capacity building in 2024-2030 in EU member states – focus on enforcement of rules and information exchange](#)

February 2, 2024: ELA published a document outlining a strategy that focuses on knowledge-sharing, networking, and technical advancements to facilitate information exchange between member states. It aims to prepare national authorities and social partners for cross-border labour mobility challenges, fostering a common understanding of rules and enhancing skills through tailored training programs, staff exchanges, sharing best practices, and collaborating with various stakeholders.

The strategy will be implemented gradually over the next seven years.

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European Union

[Inspection in Road Transport halts truck driver's 17-hour drive marathon](#)

December 14, 2023: In November 2023, ELA and the European Roads Policing Network (ROADPOL) collaborated for a Truck and Bus Operation in Belgium, France, and Romania. The operation identified 92 infringements out of 192 vehicles inspected. Violations included driving and resting time infractions, with one extreme case involving a driver with three cards allowing for over 17-hour driving period without breaks. Fines issued for violations exceeded EUR50,000.

The inspection was conducted with a team of 86 enforcement officers, including 18 observers from the 8 Member States.

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European Union

Over 60 inspectors from 21 EU member states complete training

December 7, 2023: ELA conducted a week-long training for labour and social security inspectors with over 60 participants. The training aimed to improve inspectors' knowledge and skills in cross-border inspections, covering topics like joint inspections, international cooperation, social security systems coordination, and posted workers.

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Case Law and Legislation

European Union

European Union – Advocate General Opines on Posting of Third-Country Nationals

December 20, 2023: Advocate General delivered his opinion in a case concerning posting of third-country nationals from an undertaking in Slovakia to the Netherlands and concluded, among other things, that a host member state (in this case, the Netherlands) can require individual applications for residence permits for posted third-country employees when employees stay there more than 90 days in any 180-day period. Such residence permits may be limited to maximum of two years, irrespective of the duration of the provision of services in the host country. The limitation to residence permits to posted third-country employees in the Netherlands is aligned to the duration allowed in posting provision in European regulation for social security

The Court of Justice of European Union (CJEU) is not obliged to follow the opinion of Advocate General and is expected to deliver their ruling later in 2024.

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France

The minimum wage is increased by 1.13% as of January 1, 2024

December 21, 2023: The French authorities announced changes in the minimum wages from the beginning of the year 2024. Effective January 1, 2024, the minimum wage will be EUR1,766.92 gross monthly or EUR1,398.69 net for a 35-hour work week, representing a 1.13 percent rise in minimum wage.

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European Union Child-raising periods abroad must count in pension calculations

February 22, 2024: The Court of Justice of the European Union (CJEU) ruled that when calculating a pension for total incapacity for work, the Member State responsible for payment must consider child-raising periods completed in another Member state, in accordance with the EU citizens' right to free movement.

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Ireland

National Minimum Wage increase on January 1, 2024

December 7, 2023: The Irish authorities announced that the national minimum hourly rate increased to EUR12.70 effective January 1, 2024, with varying rates for different age groups. Gross wage considerations for the National Minimum Wage include basic salary and additional components. Certain categories of employees are excluded from the National Minimum Wage, such as close relatives of the employer and specific apprentice types.

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European Union

Fixed-term workers entitled to reason for termination

February 20, 2024: CJEU has ruled that employers must state reasons for termination of fixed-term contracts, even if that is not required in the national legislation.

CJEU introduces new approach to interpretation and implementation of European directives in this ruling. The Court demonstrates that directives can be invoked in a litigation between two private parties. Furthermore, CJEU interprets directive for fixed-term employment contracts in conjunction with European Charter for fundamental rights, which means that such approach can now be used in principle on any European directive.

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European Union

Denying social assistance to dependents of Union citizens violates the EU law

December 21, 2023: CJEU has ruled that the EU law prohibits national legislation that allows the refusal of social assistance benefits to direct relatives in the ascending line who are dependent on Union citizen workers. The ruling asserts that denying such benefits undermines the equal treatment of migrant workers and violates their right to social advantages enjoyed by national workers. The objective of avoiding financial burden on the host Member State cannot justify unequal treatment between migrant and national workers, as migrant workers contribute to the financing of social policies through taxes and should benefit from them under the same conditions as national workers.

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Key Contacts



Thomas Wolf

Head of KPMG's Global
Immigration Network
T: +49 30 530 199-300
E: twolf@kpmg-law.com



Michelle Berners-Price

EMA Head of Business
Travel Services for Global Mobility
T: +44 79 205 908 36, +44 20 731 121 10
E: Michelle.Berners-Price@KPMG.co.uk



Dan Foster

Head of Posted Worker Directive
Services for Global Mobility
T: +61 3 9288 5352, +61 480 531 828
E: dfoster3@kpmg.com.au



Daida Hadzic

EMA Head of Quality for Global Mobility
T: +31 65 324 45 99, +31 88 909 18 54
E: hadzic.daida@kpmg.com

social.kpmg



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