



EU Posted Workers Directive Quarterly Review

2024-03 Autumn



PWD Registration
/Notifications -Top
Tips

Administration
News

Case Law
and Legislation

Key Contacts



PWD Registration / Notifications -Top Tips

Czech Republic

New Reporting Requirements for Employees Posted to the Czech Republic

August 1, 2024: The Czech Ministry of Labour and Social Affairs has introduced new rules for notifying the posting of workers in the Czech Republic.

Effective July 1, 2024, all worker posting notifications must be submitted exclusively through the new registration portal managed by the State Labour Inspection Office. The previous online and PDF forms have been permanently retired.

For postings notified before June 30, 2024, changes or terminations can be submitted either through the new portal or, until December 31, 2024, via the old PDF method. Additionally, employers must upload employment documentation in Czech or Slovak, or with a Czech translation, through the portal, ensuring streamlined and organized submissions.

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European Union

ELA Activities in the Construction Sector (2023-2024)

August 9, 2024: The European Labour Authority (ELA) published a booklet on its 2023-2024 work in the construction sector. The construction sector employs 13 million people and it is characterized by subcontracting and use of temporary work. Most widespread violations in the sector include fraudulent posting of non-EU nationals, fraudulent A1 certificates for social security coverage, false self-employed, and non-compliance with working conditions. To improve the working conditions in the construction sector, the ELA has launched several initiatives including information campaigns about working conditions, coordination of joint labour inspections between EU countries, and listing useful tools and practices to combat abuse of rules in the sector.

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European Union

Institute of Social Security of Portugal awarded for its innovative tool in preventing social security fraud

July 11, 2024: The European Labour Authority (ELA) awarded Portugal's Institute of Social Security for their 'Determination of Legislation Applicable Application' (DLA), for simplifying the process for issuing A1 certificates for social security coverage. This digital tool prevents errors and fraud with a set of authentication features.

Portugal is one of the countries posting the highest number of workers in the EU, a development triggered by two key reasons. The first was the introduction of "Macron-law" in France that mandated that truck drivers must possess A1-certificates for social security. The second was clarification by the European Commission that A1-certificates apply to teleworkers, incl. posted teleworkers.

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European Union

The Netherlands Labour Authority awarded for creating digital checklists to support employers in being compliant with the law

July 25, 2024: The European Labour Authority (ELA) awarded the Netherlands Labour Authority for their "checklists for employers". This digital tool enables Dutch employers to self-assess their compliance with national labour laws, focusing on decent work, health and safety, and hazardous substances.

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European Union

General Labour Inspectorate Executive Agency of Bulgaria awarded for its cross-border cooperation good practice in the construction sector

July 10, 2024: The European Labour Authority (ELA) awarded the "Transnational Cooperation supporting Bulgarian workers" practice, a Bulgaria-Germany collaboration protecting Bulgarian workers' rights in Germany. The cooperation prevents social dumping, exploitation, and other violations of the rights of Bulgarian migrants and posted workers in Germany, particularly in the construction sector through information dissemination, joint case work, and expertise exchange.

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European Union

Supply chain governance in construction: Addressing high rate of work-related accidents in construction projects

July 3, 2024: The European Agency for Safety and Health at Work discussed how clients can drive improvement in Occupational Safety and Health (OSH) and working conditions with government encouragement. This policy brief explores client-led regulation through two company practice examples, showcasing procedures, implications, and benefits.

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European Union

Restaurants and hotels inspected in Cyprus, Lithuania and Romania at the start of the summer season

July 1, 2024: The European Labour Authority (ELA) supported cross-border inspections in the Hotel, Restaurant, and Catering (HORECA) sector, targeting 50 companies across 7 Member States. Establishments with potentially higher risks violations in labour and tax area were selected, which is a new approach to labour inspections by authorities. So far 10 notices have been issued with fines expected to exceed EUR86,000.

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European Union

Fraudulent practices involving posted workers inspected in Spain

June 17, 2024: In June, a joint inspection was conducted in northwest Spain, targeting companies in the construction and metallurgy sectors, with a focus on compliance with posting rules and social security contributions. The operation, supported by the European Labour Authority (ELA), involved enforcement officers from Spain and Portugal, and inspected over 60 workers from Spain, Portugal, and non-EU countries. Preliminary findings included suspected fraudulent postings, fraudulent A1- certificates for social security, and infringements of working conditions and social security rules.

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European Union

[Dangerous vehicles on European roads - revealed by a joint inspection of buses in Slovenia](#)

June 13, 2024: In May 2024, a cross-border inspection of international passenger coach and bus transport was conducted in Slovenia, involving the Slovenian authorities, enforcement officers from Austria, Croatia, and Germany, and the European Labour Authority (ELA).

293 buses were inspected, out of which 97 buses were from domestic operators, 143 from the EU operators, and 53 from non-EU operators. The inspection revealed serious irregularities, including technical faults, driving infringements, and undeclared work.

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Case Law and Legislation

European Union

[European Union – Court Rules on Residence Permits in the Home and Host Countries for Posted Workers](#)

June 20, 2024: The Court of Justice of the European Union (CJEU) ruled that non-EU nationals posted from one European Union (EU) member state to another EU member state for more than three months can be required to obtain a residence permit in the host country.

The CJEU underlined, among other things, that although the EU rules for posted workers also apply to postings of non-EU nationals, these rules apply without prejudice to national laws relating to the entry, residence, and access to employment of workers who carry a nationality of a non-EU country.

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Austria

[Austrian Supreme Court upholds contribution obligation for posted workers in construction sector](#)

May 2024: The Austrian Supreme Court ruled that requiring service providers to pay contributions to the construction workers' annual leave and severance payment fund does not breach the freedom to provide services.

The Austrian Court referenced an earlier decision and the EU case law, noting that such obligations are justified by public interest and are necessary for protecting minimum employment standards under the posting of workers directive.

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Austria

[Austrian Supreme Administrative Court confirms application of posting of workers legislation](#)

May 2024: The Austrian Court ruled that a Polish transport company, fined for not providing required employment documentation, was subject to rules in the EU Directive for Posting of Workers.

The company had delivered two pallets from Germany and Austria, with the employee spending about eight hours in Austria. The Court upheld the fine, citing the EU case law that even brief activities can establish the necessary territorial links that trigger application of the EU Directive for posting of workers.

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Malta

[Malta introduces new temporary agency workers regulations for 2024](#)

May 2024: Malta has repealed the 2010 Temporary Agency Workers Regulations and introduced new Temporary Agency Workers Regulations, 2024, effective from January 1, 2025.

The new regulations align with the Employment Agencies Regulations, 2024. A key update is the introduction of the concept of “outsourcing agency”, which refers to entities that employ workers and assign them temporarily to user undertakings, either on-site or remotely, under the agency’s supervision.

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