



EU Posted Workers Directive Quarterly Review

2024-04 Winters



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Case Law
and Legislation

Key Contacts



Administration News

European Union

Coordinated labour inspection in several EU countries

November 18, 2024: The European Labour Authority (ELA) coordinated a large-scale inspection focusing on compliance with wage regulation in 21 EU countries. The initiative was aimed at protecting workers' rights and ensuring fair competition, with support from the ELA and several EU member states.

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European Union

European Commission proposes a single digital declaration portal for posted workers

November 13, 2024: The European Commission published a proposal on a European regulation for a common electronic form for the prior notification about posting of workers (e-Declaration). If adopted, the regulation will allow for a common registration system for posted workers across the European Union (EU). However, the regulation proposes that it be voluntary for the EU member states to participate.

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European Union

Number of posted workers in and to the EU on rise

November 12, 2024: The European Commission published its second report about posted workers based mainly on data collected from national systems for prior declaration of posted workers, (reference year, 2022).

Here, it is concluded, among other things, that the overall number of posted workers increased, and that every fourth posted worker held non-EU citizenship. The report also showed that some countries noted an increased in declared posted workers with almost 50 percent.

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European Union

In 2024, European Labour Authority trained 800 labour inspectors

October 16, 2024: The European Labour Authority (ELA) trained 800 labour inspectors in enforcement of rules in road transport, focusing on driving time, rest periods, and rules for workers posted in international road transport.

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European Union

Truck drivers' social security rights and road safety in focus in joint inspection in Austria

October 15, 2024: The European Labour Authority (ELA) led a joint inspection in Austria, wherein nearly 500 trucks and buses were examined, resulting in 1,451 identified offenses, including cases of tachograph manipulation. Additionally, the ELA provided information leaflets to drivers during the inspection, emphasizing rules for posting of workers in road transport, including working and resting times. The joint inspection involved 90 Austrian enforcement officers, 9 observers from five other Member States, and 3 ELA staff to bolster cooperation and identify offenses related to the social aspects of international road transport.

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European Union

Challenges related to labour mobility in hotel, restaurant and catering sector

October 3, 2024: The European Labour Authority (ELA) published a report on labour mobility issues within the Hotel, restaurant and catering (HORECA) sector, which employs over 10.4 million workers in the European Union (EU).

The report highlights the prevalence of mobile workers, especially young, female employees, and non-EU citizens and underscores the need to increase awareness of workers' rights and obligations. It also emphasizes the importance of cross-border cooperation and innovative monitoring strategies.

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Austria

[Supreme Administrative Court Rules on Sufficient Connection to Austria for Posting of Workers](#)

July 2024: The Supreme Administrative Court of Austria ruled that a Polish transportation employee's activity of unloading two pallets in an eight-hour stay does not meet the sufficient connection to apply local rules for posted workers stipulated in the Act to Combat Wage and Social Dumping.

It was stated in the ruling that to determine whether a posting occurs, the worker's activity should have a comprehensive connection to the host country. In this case, it was found that this minimum requirement was not fulfilled.

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Austria

[Supreme Court Ruling on Successive Fixed-Term Contracts during Pandemic](#)

July 2024: The Austrian Supreme Court has ruled that successive fixed-term employment contracts are only lawful if special social or economic reasons justify them. In a recent case, an employer cited economic uncertainty and the impact of the COVID-19 pandemic as reasons for forming such contracts.

However, the Court ruled this as unlawful, stating that it transferred the economic risk onto the employee. The Court argued that the legislator had not found it necessary to introduce special regulations for successive fixed-term contracts amidst the pandemic, implying that pandemic-related instability could not justify such contracts.

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Bulgaria

[Bulgarian Government proposes increase of minimum Wage for 2025](#)

August 2024: Bulgaria's government proposed a plan to raise the minimum monthly wage to BGN1,077 (~EUR551) from the current BGN933 (~EUR477), starting January 1, 2025. This proposal represents a 15.4 percent increase.

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Liechtenstein

[Liechtenstein adapts EU rules for posted workers in international road transport](#)

August 2024: Liechtenstein is not an EU member state, but plans to transpose European Directive (EU) 2020/1057 into its domestic law. This will lead to changes in the country's Posting of Workers Act by incorporating specific rules and definitions for posted workers in the road transport sector, and it also eases administrative burdens on transport companies. The government's adoption of the law is still pending.

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Netherlands

[Dutch Court Rules No Abuse of Temporary Agency Workers in Factory Case](#)

July 2024: The Court of Appeal in The Hague ruled there was no abuse of agency work, despite the long duration of X's posting. The Court found an objective explanation, as X filled gaps across multiple departments and production lines, without having responsibility for a fixed task. Therefore, the Court ruled this long-term use did not undermine the balance between flexibility for the company and security for the worker, thus, no employment contract of indefinite duration was deemed to exist between X and the company.

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