

FIND OUT MORE

Please find out provisions applicable in the EU Member States, national websites on posting, and relevant contacts at the following links.

Your Europe – Posted Workers

europa.eu/youreurope/citizens/work/work-abroad/posted-workers

Construction workers – Wages and rights in Europe

www.constructionworkers.eu

European Federation of Building and Woodworkers

www.efbwww.org

European Construction Industry Federation

www.fiec.eu



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Information contained in this brochure reflects only the author's view. The European Commission shall not be considered in any way responsible for any use that can be made of the information it contains.

POST-LAB: THE ORGANISATIONS INVOLVED

CNCE – Italy (Project coordinator)



CNCE is the paritarian body coordinating at national level the Italian sectoral funds 'Casse Edili'. Casse Edili guarantees construction workers the payment of many wage elements by means of contributions paid by employers, like the holiday pay and the thirteen month pay.

www.cnce.it

FGB – Italy



Fondazione Giacomo Brodolini is a private not for profit foundation active in the definition, evaluation and dissemination of policies concerning employment and social inclusion at local, national and European level.

www.fondazionebrodolini.it

Notus – Spain



Notus is a not for profit association implementing applied research in the fields of labour market, vocational training and social policies.

www.notus-asr.org

Asociatia Latina - Romania



Latina is a not for profit organisation aimed at providing information, advice and administrative support concerning employment and social security to Italian citizens in Romania and Romanian citizens in Italy.

IRShare - France



IRShare is a company providing information, advice and training about industrial relations and labour law. IRShare services target enterprises and unions at national and European level.

www.irshare.eu

Post-Lab

THE POST-LAB PROJECT

The **Post-Lab** project, co-funded by the European Commission, aims at strengthening **administrative cooperation** between public authorities and social partners in the field of **posting of workers**.

Administrative cooperation at national and transnational level is particularly relevant in case of posting insofar it is necessary for monitoring and easing compliance with rules by employers.

To this aim, the Post-Lab project entails the selection and analysis of **good practices** by means of research activities and three international workshops.

Findings are published in '**Guidelines**', suggesting possible pathways to improve use and sharing of administrative data in the field on posting.

This brochure provides some basic information on posting targeting workers and companies active in the construction sector.

Please, find out more on Post-Lab at:

www.fondazionebrodolini.it/en/projects/post-lab

ARE YOU A POSTED WORKER?

If you **normally work** in a EU country (home country) and you are sent by your employer for a **limited period** to perform work in another EU country (host country), you are a posted worker.

FOR INSTANCE, if the company you work for in France is assigned the construction of an edifice in Italy, and send you there for the time necessary to do masonry work, during the period you work in Italy you are a posted worker.

If you are posted from a country but your employer does not perform a substantial activity there, posting may be unlawful.

FOR INSTANCE, whether the company that posted you from France employs only administrative personnel there, and performs construction works only abroad, posting may be unlawful.

When posted abroad, you remain covered by the social security system of the home country. This means your employer keeps paying social security contributions (like pension contributions) in the country where you normally work, and you can ask for the related benefits there.

Instead, your **terms and conditions of employment** shall be aligned with those applicable to employees of the host country in some core matters.

Please note the provisions of the country you are posted to apply only insofar they are more favourable to you than those of the country where you normally work.

If you deem that you have been posted unlawfully or that your rights as posted worker are not respected, we suggest you to refer to a trade union or to the labour inspectorate to check if you have right to be employed according to the provisions of the country where you work and by the company you work for, or to be applied more favourable conditions of employment.



THE CORE MATTERS APPLICABLE IN CASE OF POSTING

Pursuant to the Directive 96/71/EC, provisions of the host country laid down by law and by universally applicable collective agreements apply in the following matters: **maximum work periods**, generally including a maximum 48 hour weekly working time; **minimum rest periods**, like the weekly rest and the duration of breaks; **minimum paid annual holidays**, not less than 4 weeks, **the minimum rates of pay**, including overtime rates, and the expenses for travel, meals and lodging due to posting; the **conditions of hiring-out of workers**, in particular the supply of workers by temporary employment undertakings; **measures on health, safety and hygiene at work**, as the employers' obligation to provide personal protection equipment (helmets, protective gloves...); **provisions protecting pregnant women or women who have recently given birth, of children and of young people; equality of treatment** between men and women and other provisions on **non-discrimination at work**.

ARE YOU A COMPANY POSTING WORKERS ABROAD?

If you are a company **established in a EU country** (home country) and you want to send employees that are normally employed in the same country to another company or to a company of your same group in another EU country (host country) for a **limited period**, European provisions on posting apply.

Terms and conditions of employment of the posted workers shall be aligned with those in force in the host country in some core matters, except whenever provisions of the home country are more favourable to workers.

Before sending your personnel abroad, remind to submit the **advance declaration** on-line to the competent authorities of the host country.

In some countries, you may have to register the posted worker in a **sectoral fund** and pay the related contributions during posting. These funds intermediate some wage elements part of the minimum rates of pay, like the holiday pay.

Sectoral funds active in Austria (BUAK), France (UCF CI BTP), Germany (ULAK – Soka Bau), and Italy (Casse Edili) are covered by bilateral agreements that allow you to require the **exemption** from the payment of contributions in the host country. For more information, please contact your sectoral fund.

As for **social security**, the posted worker remains covered by the social security institution of the home country, provided that: (i) the expected duration of posting does not exceed 24 months; and (ii) s/he does not replace another posted worker. To this aim, you shall require the A1 certificate to the social security institution where s/he is insured.

For more information, you can contact the national contact points indicated in the national websites on posting, your employers' organisation and your sectoral fund.