

PRESS RELEASE – 09/04/2018

Travelling abroad for work? Think twice!

On 11 April representatives of the Member States will discuss the final text of the revised Posting of Workers Directive which aimed to end social dumping. Ceemet foresees that the current proposal will instead create a challenge for businesses, due to unclear concepts and diverging interpretations between Member States.

Brussels, 9 April 2018 – In the current revision text of the Posting of Workers Directive, a posted worker is defined as “*a worker, who for a limited period carries out his work in the territory of a Member State other than the State in which he normally works.*”¹

Good intentions but objectives not achieved

European Commissioner for Employment and Labour Mobility, Marianne Thyssen, is right to fight against illegal employment and thus put illegal competition high on her agenda. As the European employer organisation and social partner for the biggest industrial sector, Ceemet stands for respecting the rules and the workforce. However, with the text that is currently up for approval, we are a long way from the initial intention to improve legislation and create the legal clarity needed to fight misuse.

Business travels, running workshops, manning a stand at a fair have no impact on the remuneration of the worker: better double check!

Commissioner Thyssen herself already declared that business meetings are not to be considered as posting². **Ceemet welcomes this clarification and is looking forward to seeing this confirmed in the final text.** By consequence, the same must apply to other situations, such as running workshops. And why would building a stand at a fair such as the CEBIT at Hannover Messe be considered as posting, while manning the same stand is not?

Workability: a challenge

Member States are provided the possibility to exclude certain situations for practical reasons. Some countries do, others don't. All companies that post their employees, have to find out about 27 different national systems. France for example considers a worker being posted as soon as work is carried out on French soil, regardless of nature and duration.

This is not workable, especially not for SME's. If the list of exceptions were the same across the EU, this would enhance legal certainty, and reduce the administrative burden.

For the same reason, Ceemet suggests that the Commission develops, at EU level, a 'comparison calculator', allowing companies to easily compare the applicable remuneration between two countries.

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EU Transparency Register
[61370904700-45](https://ec.europa.eu/transparency/regexp1/index.html)

About Ceemet

Ceemet represents the metal, engineering and technology-based industry employers in Europe, covering sectors such as metal goods, mechanical engineering, electronics, ICT, vehicle and transport manufacturing.

Member organisations represent 200,000 companies in Europe, providing over 17 million direct and 35 million indirect jobs.

Ceemet is a recognised European social partner at the industrial sector level, promoting global competitiveness for European industry through consultation and social dialogue.

References

1. [Art.2.1 Directive 96/71/EC](#)
2. [“Vergadering over de grens? Geen detachering” \(“Business meetings accross the border? No posting”\) De Standaard, p. 31, 6 March 2018](#)
3. [Art.3.5 Directive 96/71/EC](#)