



Global Employer Services Legal & Immigration

Impact of the EU Posted workers Enforcement Directive

Over the last months, several EU Member-States have taken specific legislative initiatives in relation to cross-border posting of employees. This accelerated implementation of new legal rules and formalities affecting posted workers is the result of the implementation of the Posted Workers Enforcement Directive (2014/67) into Member State national legislation.

This Directive was introduced back in 2014 to enhance the practical execution and application of the Posted Workers Directive (96/71), the main goal of which is to protect the social rights of posted workers and thus avoid social dumping within the framework of free movement of services within the EU. To that purpose, the Posted Workers Directive now requires employers, assigning employees, to comply with a nucleus of labour law obligations applicable in the host country (e.g. minimum wages, working time, rules regarding health and safety, etc.).

In practice however, effective compliance with the Posted Workers Directive's protective rules does not always appear straight forward, mainly by lack of efficient control and enforcement procedures in most Member States. Hence, the Enforcement Directive's introduction essentially provides a better framework for inspection services to control and monitor more efficiently, which should lead to increased compliance with the Posted Workers Directive. The due date for implementing the Directive into national legislation was set at June 2016. Some Member States have met the deadline,

while others are still working on the implementation of required legal measures and formalities.

One of the specific control measures already implemented in several Member States relates to the introduction of a notification obligation for assignments into the host country, whereby the host country administration needs to be informed (often in advance) of certain assignment details. Belgium already applies such notification procedure since 2007, through the Limosa Declaration. Several other EU Member States also introduced a similar notification system in the past. In this respect, it should be noted that sanctions for non-compliance are also foreseen for all countries already applying or having recently introduced such notification duty.

Moreover, although this notification duty has been established within an EU legislation framework, recent national implementation rules in some Member States clearly extend the notification obligation to employees being posted from non-EU countries. For these Member States, the notification procedure actually represents a new immigration formality. Hence, an EU Directive that was mainly designed to improve the protection of posted workers' social rights appears to also bring a noteworthy impact on immigration matters in certain EU Member States.

Contacts

If you have any questions concerning the items in this alert, please contact :

- Nicolaas Vermandel, nvermandel@deloitte.com, + 32 2 800 70 77
- Mathias Lommers, mlommers@deloitte.com, + 32 2 600 65 44
- Mieke Douchy, adouchy@deloitte.com, + 32 600 67 79

For general inquiries, please contact:
bedeloittetax@deloitte.com, + 32 2 600 60 00

Be sure to visit us at our website:
<http://www.deloitte.com/be/tax>



Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee ("DTTL"), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as "Deloitte Global") does not provide services to clients. Please see www.deloitte.com/about for a more detailed description of DTTL and its member firms.

Deloitte provides audit, tax and legal, consulting, and financial advisory services to public and private clients spanning multiple industries. With a globally connected network of member firms in more than 150 countries, Deloitte brings world-class capabilities and high-quality service to clients, delivering the insights they need to address their most complex business challenges. Deloitte has in the region of 225,000 professionals, all committed to becoming the standard of excellence.

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the "Deloitte Network") is, by means of this communication, rendering professional advice or services. No entity in the Deloitte network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.

[Subscribe](#) | [Unsubscribe](#)