The revised Posted Workers Directive
The revised Posted Workers Directive: Equal pay for equal work!

By replacing the 1996 Posted Workers Directive, this revision aims to further improve the position of the posted worker.

HOW?

• Promote an equal playing field between companies;
• More protection & equality for workers regarding employment conditions.

When entering into force in the Netherlands, the potential impact may be:

Revised Posted Workers Directive - amendments

• Extended hard core employment provisions applicable after 12 months of posting;
• Two consecutive posting periods, whereby a posted worker is replaced by another posted worker who carries out the same work at the same place, are considered as one posting;
• Duration of posting period can be extended until 18 months.

Revised Posted Workers Directive - exceptions

After a period of posting of 12 months the following employment conditions and circumstances are excepted:

- Dismissal law;
- Non-competition clauses;
- Additional company pensions.

Minimum Wage Act

- Incurred costs related to the posting will have to be paid separately (travel, meals, accommodation);
- The Act of Allocation of workers by intermediaries;
- Posted (temporary agency) workers are entitled to same employment conditions and circumstances as local (temporary agency) workers as of day one.

Transitory Law

Implementation

- The revised PWD should be implemented into Dutch law by July 30, 2020 at the latest;
- Depending on the start of the posting the extended hard core employment provisions will be (directly) applicable to a posted worker;
- At this moment the Revised PWD has not yet transposed into national law and the Dutch legislative proposal is subject to change.
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