



Brussels, 10 November 2016

Re: Posting of workers Directive - EFFAT perspective

Dear Mrs Jongerius,
Dear Mrs Morin-Chartier,
Dear Mrs Reintke,
Dear Mrs Kari,
Dear Mrs Schaldemose,

The Posting of Workers Directive should ensure a minimum set of rights for posted workers. However, EFFAT affiliates have encountered in their fieldwork many instances of companies which strategically locate themselves and post employees inter alia through letter box companies or other sham arrangements involving temporary work agencies, so as to benefit from the differences between social systems in Europe and to avoid paying workers host country rates of pay. Blatant instances of abuse of workers' rights have been reported in the meat industry, whereby posted workers mainly from Eastern Europe still have to face arbitrary and unfair wage deductions for housing and transport for example (<http://www.effat.org/en/node/14457>).

EFFAT is therefore committed to ensure existing rules are strengthened and to secure high social and labour standards for all workers in Europe. We want to prevent social dumping and stop the downward spiral in wages and working conditions in Europe. Equal pay for workers is also the same thing as fair competition between companies. The right to free movement of citizens and of workers is a core value of EU citizenship and a fundamental right which goes hand-in-hand with the equal treatment of all workers. The golden rule of free movement should be: "equal pay for work of equal value in the same workplace".

EFFAT supports the amendments proposed by the European Confederation of Trade Union (attached). In particular we would like to stress the following priorities:

1. The legal base should be broadened from an internal market only perspective to encompass both internal market and social policy. The Posting of Workers Directive is to be interpreted not only as an internal market tool but also as an instrument for the protection of workers.
2. The concept of remuneration, for the purpose of the Directive, is fundamental and should be solely defined by the host Member State, with respect for the autonomy of the social partners and respect for national collective bargaining mechanisms. The improvements of rights for posted workers which came with the Sähköalojen judgment last year should be maintained in the new Directive.



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3. Posting shall be a temporary activity and it should not be possible for companies to use posting as a permanent activity to lower the cost of labour. Nevertheless, the Directive should be a “minimum Directive” in the sense that Member States shall be encouraged and can impose full equal treatment for posted workers from the first day if they choose to do so.
4. The revised Posting of Workers Directive should guarantee that the employers have to cover expenses relating to travels, board and lodging for the posted workers, and that these costs cannot be deducted from the 'remuneration' as defined by the respective social model.

We remain at your disposal should you wish any further information.

Yours sincerely

Harald Wiedenhofer
EFFAT General Secretary