



28/02/2017

AMENDMENTS: 1

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Posting of workers in the framework of the provision of services

Proposal for a directive COM(2016)0128 - C8-0114/2016 – 2016/0070(COD)

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Amendments on Base Acts:

AM 1 - Danuta Jazłowiecka - Directive 96/71/EC / Article 1– Paragraph 2

Amendments per language:

EN: 1

Amendment 1
Danuta Jazłowiecka

Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 96/71/EC
Article 2

Text proposed by the Commission

- ~~The following Article 2a is added:~~

Article 2a

~~Posting exceeding twenty-four months~~

~~1. When the anticipated or the effective duration of posting exceeds twenty-four months, the Member State to whose territory a worker is posted shall be deemed to be the country in which his or her work is habitually carried out.~~

~~2. For the purpose of paragraph 1, in case of replacement of posted workers performing the same task at the same place, the cumulative duration of the posting periods of the workers concerned shall be taken into account, with regard to workers that are posted for an effective duration of at least six months.~~

Amendment

- The following Article 2a is added:

Article 2a

Habitual place of work

A Member State to whose territory a worker is posted shall be deemed to be a country in which his work is habitually carried out if he is subject to social security legislation of that country.

Justification:

The Commission in its proposal to revise the PWD wants to align the Directive with the Regulation on the coordination of social security rules (cf. Commission Staff Working Document Impact Assessment, SWD/2016/052 final, p. 16). However, the revision should not lead to situations where a habitual place of work of a posted worker is in a different Member State than a Member State whose social security law applies to such worker under the coordination principle of single legislation (one of the biggest achievement of coordination rules). If work in another Member State is truly temporary (which is a feature of genuine posting)

changing legislation which governs the rules of both labour law and social security should be limited to absolute minimum for the sake of clarity of law and for protection of workers. Such minimum is observed in Art. 3(1) of the PWD.

J. Anoniedus