

Posting of workers: European small construction entrepreneurs welcome revision

Brussels, 8th March 2016 – Today the European Commission (EC) released a legislative proposal amending Directive 96/71/EC on the posting of workers in the framework of the provision of services. Taking on board calls for swift action from some Member States as well as from European construction SMEs, the EC recognised the need to publish this proposal earlier than the EU Mobility Package and even before the deadline for transposition of the 2014/67 Enforcement Directive.

EBC President Patrick Liébus said: “EBC warmly welcomes this approach as the issues faced by our construction SMEs are not tackled by the 2014 directive. Waiting would not have changed that. We underlined the necessity of reviewing immediately the Posting of Workers Directive in an [Open letter to Commissioner Marianne Thyssen](#) to ensure a level playing field for construction enterprises and to protect the rights of posted workers.”

Construction is by far leading on this: according to Commission data, this sector represents more than 40% of all posted workers in the EU, which were more than 1.9 million in 2014. In France and Belgium, two of the top three countries receiving posted workers, this puts the sector at risk. Between 2011 and 2014 in Belgium over 8% of construction workers, close to 15.000 people, lost their job in construction due to unfair competition showed by a constant increase of posted workers. Figures from the French construction sector are scarily similar.

Patrick Liébus added “This proposal is a welcomed concrete step forward. EBC appreciates the effort of addressing the fundamental issues of duration and remuneration of posting. When the effective duration of a posting situation exceeds 24 months, it should not be considered as “posting” anymore and the worker will be considered to be based in the country where the work is carried out. We welcome the proposal stating that this must be the case also in case of replacement of the posted worker by someone else performing the same task. We will of course campaign actively for a retroactive calculation of the effective duration of posting.”

“The principle of equal pay for equal job can only be applied if remuneration is calculated taken into consideration collective agreements and not only minimum wage, and through an effort of transparency by publishing the remuneration applicable to posted workers.”

He went on saying: “However more must be done! The proposals on temporary agencies and sub-contracting are too timid and fall short of addressing the issues. Finally, protection of fair competition and workers’ rights can only be achieved through additional resources for labour inspection, the creation of a common EU electronic database of A1 forms and improved collaboration among Member States to fight against social and fiscal fraud to our social security systems”.

EBC President Patrick Liébus concluded “After almost twenty years in force, it was high-time to recognise that the Posting of Workers Directive adopted in 1996 needs a serious adaptation to today’s work practices in the EU. In this sense, we need to do more to ensure that posting is not only performed on the basis of downwards salary competition and I think that the Commission proposal today goes in the right direction.”

- Ends -

Note to editors

Established in 1990, the European Builders Confederation - EBC - is a European professional organisation representing national associations of micro, small and medium-sized enterprises working in the construction sector. EBC is a member of UEAPME (the European association of micro-enterprises and SMEs), on behalf of which it chairs the UEAPME Construction Forum.

The construction sector is of vital importance to the European economy. With 3 million enterprises, an annual turnover of around € 1600 billion and a total direct workforce of 13 million, the construction sector contributes at around 10% to the GDP of the European Union.

99.9% of the European construction sector is composed of small and medium-sized companies, which produce 80% of the construction industry's output. Small enterprises (less than 50 employees) are responsible for 60% of the production and employ 70% of the sector's working population.

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