

- Over 500 pages containing 21 years of experience in advising on cross border employment in Europe
- Practical examples, check-lists, commentaries, jurisprudence and law on posting of workers in Europe
- A must-read for anyone who intends to post workers abroad
- Mandatory reading for legal and tax advisors as well for consultants on cross border employment in Europe
- An experienced lawyer explains in simple language the intricacies of posting
- Administrative requirements and labour law – aspects on cross border employment in one handbook

On 09 July 2018, Directive EU 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services was published in the Official Journal of the European Union. The adaptation period has been set until 30 July 2020 for Member States to adopt and publish the relevant laws and administrative provisions to comply with the Directive. The new Directive protects and strengthens the guarantees of workers who are posted in Member States of the European Union and the European Economic Area. Undertakings must ensure favourable conditions for workers, including remuneration and allowances or reimbursements for subsistence, travel or accommodation costs caused by occupational reasons. In addition, the Directive compels Member States to ensure that undertakings guarantee posted workers who are posted for more than 12 months all favourable conditions applicable in the State of destination. A new era of cross-border employment in Europe begins...

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Most of the things worth doing in the world had been declared impossible before they were done.

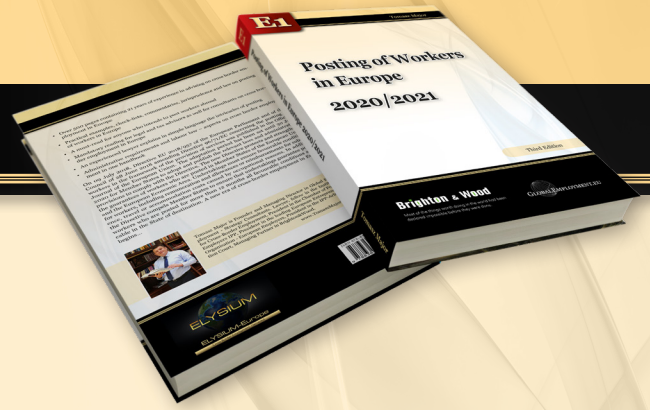
Posting of Workers in Europe 2020/2021

Planning of cross-border employment activities: cross-border employment concepts

- Direct employment by a company in the host country
- Posting
- Posting: choice of the approach
- Planning for posting: check list
- Authorisations in the host country

Labour law and administrative requirements

- The freedom to provide services versus the free movement of workers
- Directive 96/71 and the interests in issue
- Restrictions on freedom to provide services and their justification
- The paradox in Directive 96/71
- Legislative purpose of Directive 96/71
- Legislative purpose of Directive 2018/957/EU: . . . Improving worker protection and strengthening . . . collective bargaining
- Key contents of Directive 96/71/EC . (amended in 2018/2020)
- The interpretation of Directive 96/71: The 'nucleus' of protective rules
- The concept of public policy contained in Article 3(10) of Directive 96/71
- Key Contents of the Directive 2018/957/EU
- Enforcement Directive 2014/67/EU
- Directive EU/2019/1152 on Transparent and Predictable Working Conditions
 - Purpose of the directive
 - Key contents of the directive
 - Special rules for posted workers
- Temporary employment versus subcontracting
- The application of the Directive 96/7 and the Enforcement Directive 2014/67/EU to temporary employment agencies
 - Special terms and conditions for posted temporary workers
- Posting of non-EU-citizens
- Posted worker – definition
- The right to post: who has the right to post workers abroad?
- The right to be posted: who has the right to be posted abroad?
- Temporarily character of posting in the jurisprudence of the Court of Justice of the European Union
- Legal status of workers recently recruited to be posted
- The core terms and conditions of work
 - Matters which may be covered by the terms and conditions of work applicable to posted workers
 - The concept of public policy contained in Article 3(10) of Directive 96/71



- Comparable protection in the State in which the employer is established
- Definition of „remuneration”
- Model payslip
- Travel costs
- The employer must reimburse the posted worker for travel, board and lodging expenditure
- Open definition of net remuneration in the Enforcement Directive
- Minimum wage in collective agreements
- Working time
- Foreign holiday fund
- Other duties and payments, not specified in the Directive 96/71
- Chain posting
- Long term posting
 - Motivated Notification: extension of posting to 18 months
 - Rotation
- National control measures in the Enforcement Directive and in the jurisprudence
 - Notification of posting
 - Obligation to keep or make available the documents – Obligation to keep or make available the documents in the jurisprudence
 - Form and content of HR and payroll documents
 - Obligation to translate documents
 - The obligation to indicate the representative
 - Complaint mechanisms
 - Joint and several liability
 - Joint liability in the jurisprudence
 - Joint liability in the Enforcement Directive 2014/67/EU
 - National control measures and administrative cooperation
 - Penalties
 - Cross-border enforcement of administrative fines and penalties

The determination of the law applicable to the employment contract by Regulation Rome I

Jurisdiction over individual contracts of cross-border employment

Non-EU nationals in the EU

- Visa requirements for non-EU nationals
- Work permits for non-EU- citizens

European Court of Justice – Jurisprudence



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European Employment Lawyers & Advisors

- ✓ legal and profitable models of posting of workers in Europe
- ✓ optimization of costs related to posting of workers
- ✓ documentation for employees and temporary workers posted abroad approved in many control and court proceedings across Europe
- ✓ contract documentation
- ✓ consultations on the legal and profitable postings of workers
- ✓ access to knowledge about regulations in all European countries
- ✓ access to host country regulations regarding minimum remuneration, working time, supplements & allowances and other provisions
- ✓ audits for posting companies regarding the legality and cost-effectiveness of posting
- ✓ audits for contractors regarding the correctness and legality of posting by foreign companies
- ✓ certification (compliance with the Standard CBE-2020 [CROSS-BORDER EMPLOYMENT] Construction, Infrastructure & Energy)



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Posting of Workers in Europe
Cross-Border Employment in Europe

HR and payroll outsourcing

optimization of employment-related costs
modern and optimal legal forms of employment
employment of foreigners

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OUR SERVICES

BASIC SERVICES

- HR Administration
- Payroll Services
- Cost optimization
- A1 Forms
- Notifications in host countries

ADDITIONAL SERVICES

- Bookkeeping
- Service for workers posted abroad
- Transport abroad and in a foreign country
- Accommodation/housing for Employees in host countries (B, NL, GER)
- Vocational training and certification

Elysium-Europe

Elysium-Europe is the only payroll office in Europe that officially cooperates with Brighton&Wood and benefits from legal, tax and social security knowledge of this leading European law firm in the field of cross-border employment.

The Documentation and Representation in control procedures for Elysium-Europe-Premium Customers are provided by Brighton&Wood.