



Thematic meeting on the posting of workers of the European Labour Authority Working Group on Information

29 March 2022

- Summary of deliberations -

The thematic meeting on the posting of workers of the Working Group on Information took place in online format on 29 March 2022. The agenda included 10 items, the results of which are reported in the following.

1. ELA Introduction

In its introductory remarks, the Authority updated the experts on the upcoming Working Group meetings in 2022. The exact date for the June strategic meeting is yet to be confirmed and a short survey with two or three suggested dates will be sent to the WG members shortly. The Group was informed on the changes in the Information team responsible for the posting of workers topic.

2. Single national websites on posting of workers: peer review session

The established process of peer reviews of the national websites on posting of workers continued in this fourth review session. AT, CY and IE websites were reviewed by DE, EL and HU, the European Commission, Business Europe and ETUC. Reviewed MS found the given feedback useful and announced to use received suggestions for further website improvements.

3. Future organisation of the review of single national websites

Based on a good feedback to and lessons learnt from the peer review process, ELA proposed an annual exercise of a comprehensive horizontal review of all national websites on posting of workers. The horizontal review would (if implemented) serve as an additional input for MS for improving the information provision. In the meeting, the suggested methodology was presented. The discussion that followed the presentation proved that there are dissonant opinions regarding this proposal and that its introduction needs further consideration and clarification.

4. Providing information on national posting legislation: proposal of a toolkit

ELA presented a proposal for a potential toolkit which would gather information on applicable national legislation for posting of workers, since the practice shows the need for such material. The presentation was followed by a lively discussion related to the toolkit's aim and the operational challenges related to compiling relevant information and ensuring that it remains up-to-date. This proposed information tool will need to be further discussed in the next meeting.

5. Presentation of the ESSPASS initiative

The European Commission presented the idea and actual state of the piloting of the ESSPASS (European Social Security Pass) initiative, dealing with the digitalisation of procedures related to Portable Document A1. The presentation was appreciated by the meeting participants and some of the experts expressed the interest in following up the development of the pilot and possible participation in the testing exercise.

6. Provision of information on the social security coordination aspects of posting of workers

ELA presented its mapping of EU websites in terms of provision of social security information related to the posting of workers and showed some examples of single national websites which provide information on social security aspects of posting of workers. Discussion on the role of ELA in this context was limited, but it was suggested that the Authority could encourage MS to provide more information on the topic and assist them in making this information better visible.

7. Wage calculator: Swiss practice

Presentation of this practice example was given by ELA's contractor from ISS, who shortly presented the Swiss online wage calculator, explained its legal background and development phases. Feedback received from participants was positive and showed the interest of having a similar tool in the MSs. The possibility to have a similar tool on the EU level was mentioned as desirable but general recognition among participants was that this is an ambitious and very challenging task.

8. Results of COM consultation on eDeclaration form for the posting of workers

The European Commission presented the results of the consultation process related to the eDeclaration and the feedback gathered from the MS' experts on this topic. The eDeclaration aims to decrease administrative burden while also allowing better enforcement of posting rules and improving collection of data.

After the presentation, a discussion followed, mostly related to clarification of the future use of the tool, its advantages and possible obstacles it might encounter. Some MS raised their concerns as regards the process chosen for discussing the eDeclaration on EU level.

9. COP Unit: upcoming cooperation activities in the field of posting of workers

ELA informed the meeting participants about the upcoming activities to support cooperation between the Member States in the area of posting workers:

- development of a Mutual Learning and Understanding Programme (MLUP) for the national liaison offices in the area of posting of workers
- plan to organise a training programme for representatives of national authorities on the basics of EU labour mobility law
- the process of finalising a roadmap for future cooperation with National Training Centres for labour inspectors
- to launch a call to collect good practice across all areas under the Authority's remit

10. ENF Unit activities

ELA presented its Enforcement and Analysis Unit's activities in the scope of posting of workers:

- Joint cross-border inspections and cross-border concerted inspections
- Support for CJI with overview of already executed CJIs
- Training for labour inspectorates on genuine posting
- Activity plan for 2022