



EU Posted Worker Directive

A new EU Posted Worker Directive came into effect on **30th July 2020**. All EU countries had until that date to transpose this directive in their national law. Here is a brief overview of the Posted Workers Notification in Bulgaria.

Important points to remember :

1. Rights and rules for posted workers
2. Rules on social security for posted workers
3. Fine's if found non-compliant

1

Rights and rules for posted workers

The EU law defines a set of mandatory rules regarding the terms and conditions of employment to be applied to posted workers :

- to guarantee that these rights and working conditions are protected throughout the EU
- to ensure a level-playing field and avoid “social dumping” where foreign service providers can undercut local service providers because their labour standards are lower.

These rules establish that, even though workers posted to another Member State are still employed by the sending company and subject to the law of that Member State, they are entitled to a set of core rights in force in the host Member State.

This set of rights consists of :

- minimum rates of pay;
- maximum work periods and minimum rest periods;
- minimum paid annual leave;
- the conditions of hiring out workers through temporary work agencies;
- health, safety and hygiene at work;
- equal treatment between men and women.

However, the Directive does not apply whenever the working conditions applicable to the worker in accordance with the rules of the sending Member State are more favourable than would result from the application of the Directive. The EU law thus provides a clear framework to guarantee fair competition and respect for the posted workers' rights so that both businesses and workers can take full advantage of the internal market opportunities.

The social security of posted workers is regulated through Regulation no 883/2004 on the coordination of social security systems.

2

Rules on social security for posted workers

As a posted worker, to continue to be covered by the social security system in your home country, you or your employer have to request a PD A1 form from the social security institution in your home country.

As your PD A1 form is valid for only 24 months, if your posting to another EU country lasts longer, you can either :

- switch to the social security system of the country where you are posted
- or apply for the extension of the validity of your social security form posting period to remain covered in your home country.

A social security cover extension is granted if a mutual agreement between the authorities in the countries involved in your posting is reached and it is in your interest. Find out more about your social security cover while on a posting to another EU country.

3

Fines if found non-compliant

Failure to comply with these requirements may bring fines of up to EUR 7,500 for a first offence, and EUR 15,000 for repeated offences, to employers; and, EUR 5,000 (first offence) and EUR 10,000 (repeated offence), to an individual involved.

SOURCE:

<https://matrixrelo.com/immigration/eu-posted-workers-compliance-notifications-a1-certificates/>

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