



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 Ireland.

Important points to remember :

1. Notification to the Workplace Relations Commission (WRC)
2. Introduction of subcontracting liability

1

Notification to the Workplace Relations Commission (WRC)

Foreign service providers when posting workers to Ireland should notify the Workplace Relations Commission (WRC). The service provider must provide certain information (using the prescribed Form of Declaration) which will enable the WRC to monitor posting activity and ensure compliance with posting rules.

The Form of Declaration may be e-mailed to :
WRCpostedworkers@workplacelrelations.ie

The Form of Declaration must be submitted no later than the date on which the employee commences work in Ireland. Failure to submit a Form of Declaration is a criminal offence. A fine of up to €5,000 may be imposed upon summary conviction.

Changes to the posted workers original postings must also be communicated to the WRC on a timely basis. To date WRC has not confirmed a minimum threshold of days which will be applied and therefore in theory a notification must be made for any business trip or posting to Ireland no matter how short.

2

Declaration of Posting

This new regulation seeks to ensure that posted workers in the construction industry are paid the applicable statutory minimum rates of pay by their direct employer. If the applicable minimum statutory rates are not paid by the subcontractor, the main contractor can be held liable for any shortfalls despite not being the direct employer of the posted workers.

However, there is an option for contractors to remove any liability where any claims for non-payment of statutory rates of pay arise. The main contractor may claim this defense of due diligence if they can show that they have taken all reasonable steps to ensure that the subcontractors have complied with the Regulations by requesting a copy of the acknowledgement of the subcontractors declaration to the WRC, a list of all persons employed including details such as a PPSN, date of birth, details of posting and a written assurance from the subcontractor that the worker will be paid.

Source: <https://www.workplacelrelations.ie/en/>

For more information, please contact us
www.expatpartners.com
contact@expatpartners.com



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