



## 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 Spain.

### Important points to remember :

1. Obligations of the employer posting his employees (e.g. obligation of notification)
2. Obligations of posted employees
3. Information about the provisions referring to minimum wage
4. Working hours and rest period

# 1

## Obligations of the employer posting his employees (e.g. obligation of notification)

The employer that post workers to Spain in the framework of the transnational provision of services must notify the posting, prior to commencement and irrespective of its duration, to the labour authority of the Autonomous Community where the services are to be provided.

If the services are to be provided in the Autonomous Cities of Ceuta and Melilla, the information on the posting must be addressed to the work and immigration departments of the respective Government Delegations. (art. 5 Law 45/1999, of 29 November).

# 2

## Obligations of posted employees

The citizens of a Member State of the EU or of another State party to the Agreement on the European Economic Area that are going to reside in Spain for a period of more than three months, are obliged to personally apply their registration in the Foreigners Office of the province where they intend to stay or fix their residence (or, in its defect, in the corresponding Police Station) in the Central Registry of Foreigners.

This request must be submitted within three months from the date of entry into Spain. The applicant will be immediately issued with a certificate of registration that will include the name, nationality and address of the registered person, their foreigner identity number, and the date of registration.

# 3

## Information about the provisions referring to minimum wage

As said before, unless the regulation in the country of origin of the company is more advantageous for the employee, the company must ensure that its employee will receive minimal wage according to Spanish law.

Current minimum wage in Spain is stated in Royal Decree 1077/2017, of 29 December, setting de minimum wage for 2018. The minimum wage for 2018 is set at 28.23 euros/day or 858.55 euros/month, depending on whether the wage is set by days or by months. In the annual calculation, the minimum wage rate for 2018 shall not be less than 10,302.60 euros for workers with full legal working hours.

# 4

## Working hours and rest period

Art. 34 Worker's Statute states that the maximum duration of the ordinary working day is 40 hours per week of effective work on average in annual computation. The performed works which exceed the 40 hours per week limit are deemed as overtime work.

However, the number of ordinary hours of effective work may not exceed 9 hours per day, except that by collective agreement or by agreement between the company and the workers' representatives, another distribution of daily work time is established, respecting in any case the minimum rest period of 12 consecutive hours between any two working days.

If the duration of the daily working day exceeds 6 hours, a rest period of at least 15 minutes must be established, which counts as working time if this is established in the collective agreement or in the work contract.

Source:

[http://www.mitramiss.gob.es/es/sec\\_trabajo/debes\\_saber/desplazamiento-trabajadores-eng/desplazamiento/index.htm](http://www.mitramiss.gob.es/es/sec_trabajo/debes_saber/desplazamiento-trabajadores-eng/desplazamiento/index.htm)

For more information, please contact us

[www.expatspartners.com](http://www.expatspartners.com)

[contact@expatspartners.com](mailto:contact@expatspartners.com)



EXPAT  
PARTNERS

