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Press release | 21.03.2012

Posted workers

Commission proposals fail to clear-up loopholes with existing legislation

The European Commission today presented a legislative proposal aimed at overcoming some of the problems with existing EU rules on posted workers by providing for better enforcement. The Greens gave a mixed response to the proposal but underlined that it does not close some of the major loopholes in the posting of workers directive. Commenting on the enforcement directive, Green employment and social affairs spokesperson **Emilie Turunen** (Denmark) said:

"The proposed 'enforcement directive' is a step towards addressing some of the major problems with EU rules on posted workers.

"Tougher sanctions, controls and better administrative cooperation will help to ensure the rights of posted workers can be better enforced, while the proposals on joint and several liability are also welcome. Some aspects of the Commission's proposals will have to be strengthened, for example to ensure effective inspection of undertakings in host states is not hampered. The Greens will look to ensure the proposed legislation is tightened up in Parliament.

"However, this proposal in itself will not address the more fundamental problems with the posting of workers directive. The Greens believe the existing legislation also needs to be revised to close the loopholes, ensuring that it does not just set out bare minimum standards for posted workers, but - rather - ensures posted workers are guaranteed equal pay for equal work at the workplace for example."

The European Commission also presented a legislative proposal on the relationship of economic freedoms and the right to collective actions. The Greens believe the proposals are unhelpful at best, with Green employment and social affairs spokesperson **Elisabeth Schroedter** (Germany) stating:

"The right to strike is an inviolable fundamental right that should be upheld, but this regulation does not advance this goal at all, and limits this fundamental right. This is the wrong way to solve the problems which the ECJ created with its Laval, Viking decisions. In order to prevent social dumping and ensure that employees can benefit from the fundamental right to strike without restrictions within the EU, the Commission should not be setting obstacles to that right.

"The Greens are also critical of the legislative procedure chosen by the Commission for this legislation - the consent procedure - which would exclude the Parliament from any substantive input and only allow MEPs to give or withhold their consent. The choice of this legal basis breaks the commitment made by Commission

president Barroso to fully involve the EP as a co-legislator in any changes to EU rules on posting of workers. If the Commission fails to withdraw its proposal, the Greens will push for the European Parliament to reject it."

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