

Freedom to supply services and workers' rights: posting of workers

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After a first debate in plenary in May 1992, the report by Mihail Papayannakis (NI, G) had been referred back to committee, in particular because the Commission and Parliament held differing positions on the minimum length of posting for the directive to be applicable. In its second report, the Committee on Social Affairs supported the extension and reinforcement of the guarantees offered to workers (non-discrimination, freedom of association, equal minimum working hours and equal pay, repatriation guarantees, supervision by the national authorities of the application of the directive etc). As regards the minimum length of posting for the directive to be applicable, the disagreement between the Commission and Parliament seemed to be abating: the Commission had expressed its willingness to revise downwards the period initially proposed (3 months); the Committee on Social Affairs, whilst insisting on a 'zero period', declared that it was willing to be flexible once the Commission had defined a 'binding position'. With regard to the conditions governing the activities of the undertaking of posting, the Committee on Social Affairs considered that they must be laid down by laws, regulations and administrative provisions, collective agreements, arbitration awards or other negotiated rules and take account of the habits and customs traditionally respected at the place where the services were provided. The final wording of the amendment on the inclusion of local habits and customs could not be adopted. A working group consisting of several Members of Parliament was given the task of finalising this text.