

Posting of workers in the framework of the provision of services: implementation of Directive 96/71/EC

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The committee adopted the own-initiative report drawn up by Anne-Karin GLASE (EPP-ED, D) in response to the Commission communication. It pointed out that workers in the branches concerned were often exposed to particularly dangerous working conditions and that Member States needed to agree on a "common nucleus of mandatory minimum protection rules" for the posting of workers. Although the directive contained a catalogue of such rules, there had been problems in implementing it in the Member States. The committee said that some of these problems could be overcome by means of better information and administrative and operational cooperation between the bodies concerned in the Member States, and called on the Commission to submit practical proposals for strengthening such cooperation. With a view to the forthcoming enlargement, MEPs stressed the importance of ensuring not only the proper judicial transposition of the directive but also its application on the shop-floor and monitoring of its implementation. The Commission was asked to collect better and more concrete data on the effects of national implementation and make a fundamental assessment of the practical interpretation of certain concepts in the directive (such as the minimum wage inclusive of overtime, minimum number of paid holidays, work and rest periods, etc.), the directive's implementation through collective labour agreements and the effect of this on competition between undertakings and employees from different Member States. MEPs recommended that the Commission conduct more in-depth research in cooperation with the social partners and submit proposals to simplify and improve the directive. It should, for example, give consideration to problems resulting from the different options which are allowed by the directive, e.g. unfair competition, different social protection and clear definition of workers' status, and should also examine the possibility of drafting a European legislative framework or other forms of provision governing liability in the case of subcontracting. Lastly, the committee called on the Commission to submit a second report on the implementation of the directive to Council and Parliament by the end of 2004.