



EU Posted Workers Directive Quarterly Review

2022-02 Autumn



European Union

[Standardized minimum data form proposal](#)

September 26, 2022: KPMG has inquired with the EU Commission regarding the proposed standardized Posted Worker notification form to collect the minimum data required in terms of the Directive. The EU is expected to publish their proposal on the Single Market For Services portal during Q4 of 2022. [Read more](#)

European Union

[First road transport information leaflets are now available in multilingual versions](#)

August 18, 2022: European Labor Authority (ELA) published two information leaflets in multilingual versions for drivers and operators in the road transport sector. The first leaflet titled 'posted drivers – know your rights and obligations' provides information on posting of workers and the other titled 'driving and resting time rules' which provides information about relevant legislations. [Read more](#)

European Union

[ELA and Italy promote a discussion on the transnational aspects of platform work, together with Spain](#)

July 12, 2022: Discussions of the participants on the transnational aspect of [platform work](#) focused on a close cross-border cooperation in the exchange of data, expectations for the role of ELA in supporting fair working conditions for platform workers and strengthening bilateral cooperation especially for labor inspections. [Read more.](#)



Administration
News

European Union

[ELA launches the first Training Programme on EU Labor Mobility](#)

July 6, 2022: ELA hosted a training session for staff in administrations across the EU with an aim to develop knowledge and understanding of key issues relating to labor mobility in the EU. ELA's mandate includes supporting member states in the enforcement of labor mobility law which is why ELA will continue to organize training sessions for staff in the administrations across the EU. [Read more.](#)

European Union

["Truck & Bus" action week: inspections on European roads](#)

July 5, 2022: ELA conducted a 'Truck and Bus' action week from 13 June 2022 to 17 June 2022. Inspectorates from 17 member states jointly carried out 8 inspections in 7 member states. Inspections were done on 260 vehicles and more than 100 irregularities were discovered. [Read more.](#)

European Union

[ELA and European Commission \(EC\) promote exchange of data on posted workers](#)

June 30, 2022: Administrations in member states exchange information about posted workers through the Internal Market Information (IMI) system. To improve the cooperation between member states participating in IMI, ELA and EC will introduce IMI-PROVE Programme 2022 that is designed to assist member states in sharing their experiences with IMI, among other things. [Read more.](#)

Germany

[Govt. reports no increase in business admin workload related to directive on posting of workers](#)

July 31, 2022: In their answer to the German Bundestag, the German Federal Government stated that the directive on posting of workers has not led to more bureaucracy and workload for small and medium-sized enterprises and the skilled crafts sectors based in Germany. However, foreign employers employing in (and posting to) Germany have a cost in relation to familiarization with the German laws. [Read more](#)

Austria/Belgium/ Ireland/Netherlands

[Directive on the posting of drivers in the road transport sector transposed into national law in Austria, Belgium, Ireland, and the Netherlands](#)

July 31, 2022: Austria transposed new articles regarding clarification of cross-border transport that does not constitute posting of a worker. The amendments were passed in both the National and Federal Assembly and will enter into force on 2 February 2023. In Belgium, a new law requires that a Belgian employer who posts one or more drivers from Belgium to another member state must in advance provide the drivers with the web address of the official national website for posting of that member state. Similarly, Ireland transposed new rules for posting in road transport sector by clarifying when a driver is not posted, among other things. While in the Netherlands, on 7 July 2022, a draft bill was published intending to implement the Directive 2020/1057 pertaining to the posting of workers in the road transport sector, including a clarification when drivers are not posted. [Read more](#)



Case Law and Legislation

Czech Republic

[Proposal to increase travel compensation](#)

July 31, 2022: The Ministry of Labor and Social Affairs proposed raising the catering fee for employees on business trips and increasing the average fuel prices set for the purpose of reimbursing expenses incurred by employees. [Read more](#)

Ireland

[Working time for workers employed in inland waterway transport](#)

July 31, 2022: Directive for certain aspects of organization of working time in inland waterways is transposed in national law. In general, employees in inland waterway transport have 8-hour working days and a maximum 48-hours working week. [Read more](#)

Malta

[Directive on work-life balance of parents and carers has been transposed into Maltese legislation](#)

July 31, 2022: The legislation allows, among others, a paid paternity leave during ten working days following birth/adoption of a child and a four-month parental leave per child. [Read more](#)

Netherlands

[Recipient of service must also confirm details of posting registration](#)

The Netherlands is unusual in that not only must the foreign employer of the posted worker (or self-employed worker) notify the posting to the authorities, but the recipient of the service in the Netherlands must also confirm that the registration is correct. The Netherlands company will receive an email request after the registration, asking them to log into the Meldloket system, under their own account, to review and confirm the details submitted in the registration, which must be done within five days. If the recipient does not agree with any of the details, the sending entity must make the necessary amendment. Failure to complete the entire process can incur a fine. [Read more.](#)



PWD Registration /Notifications -Top Tips

Switzerland

Calculating customary and mandatory minimum wages of posted workers

Switzerland's Posted Workers Act requires that foreign employers that post workers to Switzerland comply with prescribed working and pay conditions. Consequently, wage data must be provided when a posting is notified. The posted worker's wages will be compared against collective agreements for sectors where this applies, and against the customary wage range in other cases. Fortunately, it is possible to first check these values using tools on the Federal Administration website: [Posting - Which wage applies? \(admin.ch\)](#)

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