

Conditions of employment during posting:

21. What are my minimum working conditions that my employer must respect?

The company will guarantee the working conditions provided for by the labor legislation of the host country (*), both those of the legislation and those of the applicable collective agreements, relating to:

- Maximum work periods and minimum rest periods.
- Minimum duration of paid annual leave.
- Remuneration, including the increase for overtime, but not retirement benefits.
- The conditions of movement of workers; in particular, through ETTs.
- Health and Safety and Hygiene at work.
- The protection measures applicable to the working conditions of pregnant women, those who have recently given birth, children and young people.
- Equal treatment between men and women and other provisions on non-discrimination.
- The accommodation conditions of the workers, when provided by the employer.
- Complements or reimbursements for travel, accommodation and maintenance for displaced workers

These working conditions will respect other more favorable ones derived from the provisions of the legislation applicable to your employment contract, collective agreements or individual employment contracts.

(*).- When the posting is considered “short duration” (does not exceed eight days), the directive on posting of workers also applies, but not all its provisions, which would be subject to the regulations of the Member States. host.

The rules on supplementary retirement schemes do not apply to “long-term” postings.

In terms of Social Security, the coverage of the Member State of origin, of sending, does not extend beyond 24 months.

22. What are my minimum working conditions if I am a worker assigned by a Temporary Employment Agency?

The ETT must guarantee the worker, at least, the same basic working and employment conditions as if the worker had been hired directly by the user company (including the company's collective agreement, if applicable).

To do this, the user company will inform the ETT of these employment and salary conditions.

23. Can the collective agreement of the Sector existing in the host country be applied to me?

Yes, this way displaced workers will benefit from all the conditions that local workers already enjoy.

Furthermore, the Posted Workers Directive establishes the possibility for trade unions in the host Member State to approach the service provider to initiate collective bargaining on the matters set out in Article 3 of the Directive.

In any case, it is up to the host Member State to identify the collective agreements that meet two criteria: those that are universally applicable and those that are applicable to a sectoral or geographical area within the national space of the country in question. Furthermore, and regardless of the existence of agreements, Member States have the obligation to publish information on the employment conditions applicable to posted workers.