

Displacement of workers by Temporary Work Agency:

12. Can a user company transfer a posted worker who has been seconded by a Temporary Work Agency to another Member State?

Yes. In this case, it is considered that the worker has been displaced by the temporary employment company and not by the user company (this is called “displacement chain”).

The temporary employment company must comply, in this case, with all the regulations of the Directives on posted workers, including the administrative requirements for the publication of postings. To comply with these requirements, the user company must inform the temporary employment agency sufficiently in advance that the transfer of the worker assigned by it is going to occur.