



EU Posted Workers Directive Quarterly Review

2022-01



European Union

[e-Declaration for Posted Workers](#)

April 2022: EU Commission has conducted interviews with selected users and the EU authorities to collect information and experiences about the registration of posted workers in each member state. This information will be used to devise a common e-Declaration for posted workers and the member states will be able to opt in to using the e-Declaration on voluntary basis. e-Declaration is expected to be ready for use by mid- 2023

Norway

[Norway removes general access to temporary employment from 1 July 2022](#)

April 2022: Access to general temporary employment in Norway will become significantly reduced from 1 July 2022. Temporary employment up to 12 months will no longer be possible. Employers will be allowed to employ temporarily only under extraordinary circumstances, such as during an employee's absence. [Read more](#)

Ireland

[Paid sick leave extended to all employees](#)

March 30, 2022: Irish government has announced approval is given to the introduction of Sick Leave Bill 2022, under which the right to paid sick leave will be extended to all employees over a period of 4 years. Employees will have a statutory entitlement to sick pay for 3 days per year, rising to 5 days in 2024, to 7 days in 2025 and to 10 days in 2026. Statutory sick pay will be paid at a rate of 70 per cent of an employee's wage subject to daily cap of EUR 110. [Read more](#)

European Union

[European Labour Authority \(ELA\) publishes Main Actions in Road Transport for 2022](#)

March 29, 2022: ELA issued new framework for implementation and enforcement of the EU legislation in the road transport area. The actions planned by ELA for 2022 include review of information about posting in road transport on national websites, hosting information sessions for authorities to support their cross-border cooperation, and continued focus on joint cross-border labour inspections. [Read more](#)

Czech Republic

[Compensation of rates for travel increases](#)

March 11, 2022: From 12 March 2022 rate of basic compensation for the use of motor vehicles, per diems, is raised from CZK 4.10 to CZK 6.00 (i.e. approx. EUR 0.24) per km.



Administration
News



Case Law and Legislation

Lithuania

[Unlawful Dismissal: Ryanair Must Pay Ex-Employees €600,000 Compensation](#)

April 17, 2022: Court in Lithuania ruled that transfer of employees to a base in London was illegal. Employees did not consent to moving to London base and Ryanair did not take account of employees' personal circumstances when they moved them to London base. The court awarded 10 ex-employees of Ryanair compensation for unlawful dismissal. [Read more](#)

Netherlands

[Case: Transfer of undertaking means termination of employment.](#)

March 31, 2022: A Dutch court ruled that it constitutes irregular termination when an undertaking changes working conditions significantly and an employee refuses to accept the change in working conditions. In such case, an employee is eligible for a compensation for irregular termination. In this case, the undertaking moved their location over 400 km to Germany and an employee refused to commute. [Read more](#)

Spain

[Spain amends rules for professional drivers and artists](#)

March 31, 2022: Spain has amended the rules for posting of professional drivers in the commercial road transport. Spain has also reformed the working conditions for artists. [Read more](#)

Sweden

[Sweden to fine and clamp lorries with no posted worker documents](#)

March 28, 2022: Sweden will introduce a new legislation that will fine lorry drivers without the necessary documentation under the EU Mobility Package rules. The measure intends to ensure that foreign drivers working in the country are benefiting from the Swedish salaries and conditions as stated in the EU Mobility Package. [Read more](#)

Italy

[Discrimination on grounds of pregnancy](#)

March 23, 2022: An Italian court ruled an Italian airline was discriminating when they excluded pregnant women in their selection of flight attendants. An Italian airline excluded workers on maternity leave which was confirmed by some employees and statistical data. [Read more.](#)

European Court of Justice

[Posting of workers by temp agencies must be temporary in duration and content](#)

March 17, 2022: The Court ruled that a posting of a worker by a temp agency to a production company for 55 months constitutes abuse of the EU rules for the protection of temporary workers. The posted temp worker was not replacing an employee. Even though a worker cannot be considered working temporarily, the worker cannot assume that his extensive duration of a posting to a production company can be accepted as a de-facto employment with that company. [Read more](#)

European Court of Justice

[ECJ calls for fines on companies for non-compliance with documentation rules](#)

March 8, 2022: The Court of Justice of the European Union (Grand Chamber) issued a statement calling for a proportionate fine on companies that send workers from low-pay EU states to richer member states and fail to comply with the latter's laws. CJEU called for a proportionate fine on a Slovakian company that failed to retain wage and social security documents of posted workers in Austria. [Read more](#)

Luxembourg

[Commuting between work locations is not working time](#)

February 24, 2022: A court in Luxembourg ruled that a domestic worker who was travelling between location of work during a day could not claim working time during transport. The court made a point that the worker was not at the employer's disposal during transport. Case CSJ. 8e, CAL-2021-00816.



PWD Registration /Notifications -Top Tips

Luxembourg

Additional documents for posted workers

For each posting to Luxembourg, in addition to the notification, certain documents must be provided each month to the Inspection Du Travail Et Des Mines (ITM). This applies for the month of first arrival, and for each month that the posting continues.

European Free Trade Association

Postings to EFTA Countries

Postings to member countries of the European Free Trade Association (EFTA) may also require notifications to the authorities that are equivalent to the EU Posted Worker Directive. For example, postings to Switzerland must be notified on the Meldeverfahren (reporting procedure) web portal of the Federal Department of Justice and Police (EJPD).

European Union

Sending entity accounts

Certain posting destination countries, such as Sweden and France, require that every sending entity (home employer) create a separate account to register their posted employees. This can be distinguished from the more common practice of having one account for all postings by group entities (e.g. Denmark, Germany). Of course, many countries enable posting notification without entity accounts (e.g. Austria, Ireland).

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