

# Posted Workers in the **Construction Sector**

Know your Rights  
and Obligations



- Are you working for a limited period in a different EU Member State than the one where you were hired?
- Are you being sent to another Member State by your employer for a limited period of time?
- Once your task is completed, do you plan to return to the Member State where your employer is based?

If you replied **yes** to these questions, you are probably a **posted worker**.

If you are a **posted worker**, you have specific rights.

The following terms and conditions of employment of the host Member State apply to posted workers:

- remuneration, including overtime rates;
- maximum working hours and minimum rest periods;
- minimum paid annual leave;
- health, safety and hygiene at work;
- conditions on hiring out workers, (e.g. hiring-out temporary staff through agencies);
- conditions for pregnant women, women who have recently given birth, children and young people (under the age of 18);
- equal treatment of men and women and other rules preventing discrimination;
- conditions on accommodation, if provided by your employer;
- allowances and reimbursement of expenses to cover travel, board and lodging costs in the host Member State. This applies if you are required to travel during the assignment or to travel to and from your regular place of work in the host Member State and if this is the regular treatment for workers in your host Member State.

The terms of your host Member State **only apply if they are more advantageous than those of your home Member State.**

### As a posted worker, here is what **YOU HAVE TO DO:**

- Get your 'portable document A1' (PD A1): your employer has to apply for the PD A1 on your behalf from the social security institution in the home Member State. The PD A1 certifies that you remain covered by the social security system in your home Member State.
- If your posting is for longer than 3 months, you must register your residence with the host Member State authorities. The time spent in the posting will not accumulate the right to permanent residence. Different rules may apply to third country nationals.
- Inform yourself about collective agreements: depending on your host Member State and your employer's Member State, you may be entitled to rights through collective agreements.

### As a posted worker, here is what you **DO NOT** have to do:

- If you are a citizen of the EU, the European Economic Area (from Iceland, Liechtenstein and Norway) or Switzerland, you do not need a work permit.
- You do not need to have your professional qualifications recognised. However, you may need to make a written declaration for some professional skills, for example to operate cranes, special elevators or drilling machines.
- You do not need to register with the social security authorities in the host Member State. You remain insured in your home Member State. During your posting you do not accumulate any additional social security rights such as pension rights or the right to unemployment benefits in your host Member State.

If you are a third country national, before being posted, you need a work permit for the Member State where your employer is based. Then, the same conditions apply to you as to other posted workers who are EU citizens.

## What to do in case of a problem?

In case you have not received your salary or have been underpaid, you can:

- Try to settle the matter, both with your employer in your home Member State and with the contractor in your host Member State, as **both can be held liable** to respect these obligations.
- Contact the labour inspectorate of your host or home Member State and **lodge a complaint or initiate judicial proceedings**. This can be done even after the end of your posting and from your home Member State.

**For more information visit Your Europe webpage, and for help, consult the list of national administrations available there.**

<https://europa.eu/!pbjb3x>



### Host Member State:

The country where you are completing your work.

This is different than:

### Home Member State:

The country where you normally work and where your employer is based.



### Long-term posting:

If you are posted for more than 12 months, almost all terms and conditions of employment of the host Member State apply. However, your employer can issue a notification to extend the duration of your regular-term posting from 12 to 18 months, maintaining the same terms and conditions of employment. This extension is at the discretion of the competent authorities.

### Health and safety at work:

You must be trained and informed about occupational safety and health risks in a language you understand. You must also be provided with appropriate personal protective equipment, etc.

For more information  
visit the EU-OSHA website





## European Labour Authority

Landererova 12,  
811 09 Bratislava,  
Slovakia



info@**ela**.europa.eu



www.**ela**.europa.eu



https://www.facebook.com/  
**europeanlabourauthority**



@**EU\_ELA**



https://www.linkedin.com/company/  
**european-labour-authority**



## EURES



**eures**.ec.europa.eu



facebook.com/**EURESjobs**



@**EURESjob**



youtube.com/user/**EURESjob**



linkedin.com/company/**eures**



instagram.com/**euresjobs**

**EN**



Publications Office  
of the European Union

Luxembourg: Publications Office of the European Union, 2023

© European Labour Authority, 2023

Images: Cover, © Siberian Art/stock.adobe.com; © Boyko.Pictures/stock.adobe.com

Print: ISBN 978-92-9401-097-1 | doi:10.2883/083582 | HP-05-23-046-EN-C

PDF: ISBN 978-92-9401-085-8 | doi:10.2883/71002 | HP-05-23-046-EN-N