

Document CGIL CISL and UIL on POSTING DIRECTIVE 96/71

Given that we share some suggestions and observations contained in the communication issued from 2003 to 2006:

- Confirms the need not to discriminate in the procedures of posting, as a business than the national (or vice versa), especially through national procedural rules that restrict and prohibit the penalties applicable to firms of other member state.
- Improvement of administrative cooperation through the information system of the internal market,
- Strengthening of the group of high level experts including the social partners set up in December 2008,
- Possibility of collective action procedures of Justice

We consider possible and desirable to any amendment by negotiation of Directive 96/71, which should be framed in a few key elements that lead to clarify its scope by providing for:

a) the centrality of the objective of reconciling the needs of businesses with employees' rights in light of the formal and substantive equality and non-discrimination between workers and native workers, including domestic firms and firms that provide services through temporary secondment workers in another country than where they are located;

b) the need not to leave a narrow margin to Article 3 which, however, represent only a minimum protection of working conditions and wages of workers and garrison against social dumping when missing or are lacking appropriate contractual reference, which must be explicitly specified by Member States in implementing legislation;

c) the need to change the legislation that applies to companies established in one EU member state, as the performance takes place within the territory where they must be respected the basic principles (equality of treatment and not discrimination) and social standards defined in the various directives.

Should also be better since some of the terms of companies posting their workers in a country other than out of a contract / contract with limited duration in time, which is one out of workers.

A "worker" means a worker usually employed in a Member State other than the recipient country that, for a specified period, carries out his work in a country other than their origin.

The term "specified period" means when the duration of the worker is predetermined from the outset or at predetermined with reference to working on / committed.

To the employment of workers of the subcontractor are applied by the contractor during the period of secondment and the only period of the same, the same working conditions apply in the contracting (or defined in contracts reference listed by the rules of implementation). This involves the enforcement of legislative requirements and provisions of CCNL force in contracting, as, for example. from salary, vacation, holidays, overtime and regular hours, applicable to employees performing similar services subordinate to the place where workers operate in compliance for all businesses and workers, the principle of non discrimination.

These provisions are necessary in order not to create contrasts of workers by wage differentials between the supply and host country workers, under the equal treatment of working people.

The criteria for competition and free market should focus on other grounds, relating to the professionalism of the work, time taken, quality of work produced.

E 'also requires a strengthening of administrative cooperation in complete transparency and accessibility to the documentation produced by the companies involved - contractors who are contracting.

The rights accruing to employees by the transfer may be exercised against the contractor contracting during the execution of the contract and normally up to one year after the date of termination thereof, in any event

within the time limit (if above) are required under national rules on employment law and in relation to joint and several liability of companies in compliance with requirements for better support.

We believe that the approach should be strengthened negotiating is through collaboration and through transnational union between the social partners and, therefore, CES and Business Europe should promote a joint group of experts and operators to track the phenomenon of postings in both terms of quantity and quality and that this working group will produce on an even relationships in order to prevent possible conflicts and not judicial.

CGIL

Susanna Camusso

CISL

Giorgio Santini

UIL

Paolo Pirani

Roma 18/06/2009