

# Secondment of employees in the European Union

Significant changes in regulations concerning **secondment of employees in the European Union** are to be implemented by EU member states in forthcoming days. Pursuant to Directive no. 2018/957/EU (the „**Directive**”), from **30 July 2020**, all of EU countries are obliged to implement its regulations and to provide compliance with provisions resulting from the Directive. In Poland it will occur on the basis of recently announced project of the act amending Act on the secondment of employees and certain other acts as of 24 July, 2020 (the “**Act**”).

According to the Directive, regulations concerning secondment of employees will be significantly “tightened” and a concept of “secondment” will be considered more broadly. Some European countries have already implemented new regulations and in case of some of them (for example France), new provisions are even much more restrictive than the minimum standards resulting from the Directive. Additionally, as a rule, **the period of secondment may not exceed 12 months** and only in exceptional cases may the secondment last up to a maximum of 18 months.

The most important assumption of the Directive (and consequently also of the Polish Act) is the **requirement to provide comparable employment conditions in the “host country” of seconded employee**. The Directive is intended to counteract “social dumping”, therefore visiting employees should be provided with working and remuneration conditions at a comparable level to those applicable to citizens of EU host countries.

Pursuant to the Directive seconded employees should be provided with **at least minimum employee standards present in the “host country”** in the following areas:

- a) maximum work periods and minimum rest periods;
- b) minimum paid annual leave;
- c) remuneration, including overtime rates – it also covers minimum standards resulting from collective labor agreements;
- d) conditions of hiring-out of employees, in particular the supply of workers by temporary employment agencies;
- e) requirements related to health, safety and hygiene at work (OHS);
- f) protective measures with regard to terms and conditions of employment of pregnant women or women who have recently given birth, children and minors;
- g) equality of treatment between men and women and other provisions on non-discrimination;
- h) conditions of employees’ accommodation;
- i) allowances or reimbursement of expenditure to cover travel, board and lodging expenses for employees.

Therefore, the Directive introduces the **requirement to compare minimum legal standards present in the above areas in both legal systems** – that is, of the country from which the employee is delegated and the host country. Moreover, EU member states have been obliged to publish such information on terms of secondment on specially dedicated websites, including English language version of such information.

Furthermore, the Directive introduces **the obligation to provide seconded employees with written information about basic conditions of secondment**, which must include at least the following features:

- a) the country or countries in which the work is to be performed;
- b) the anticipated duration of the secondment;
- c) the currency to be used for the payment of remuneration;
- d) where applicable – information on the other benefits in cash or kind related to the work assignment;
- e) the remuneration to which the employee is entitled in accordance with the applicable law of the host EU member state;

- f) where applicable - any allowances specific to secondment and any arrangements for reimbursing expenditure on travel, board and lodging;
- g) link to the official national website developed by the host member state dedicated to the secondment.

Pursuant to project of the Act, analogous regulations will apply to secondment of employees from other EU member states to Poland.

## CONTACT

We invite you to contact our experts in order to discuss possible solutions to meet your current needs.



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