

CALL FOR EXPERTS

Mapping of national law concerning reimbursement rules for posted workers

Expertise required

The ETUI is looking for experts with an academic background in law to conduct short research project on posting of workers. The experts should have the necessary skills to conduct legal research based in a specific national legal system. The experts may also be doctoral or advanced Master level students in law.

Background

On 28 June 2018 the European parliament and Council adopted Directive (EU) 2018/957 amending the Posted Workers Directive (96/71/EC). The amendments include changes to rules on reimbursement of accommodation, lodging and transport costs for posted workers.

At the same time, there is currently lack of clear information concerning the EU28 national rules regulating reimbursement. More precisely, there is some doubt whether such reimbursement obligations exist in all Member States and what exactly they entail for employers and workers.

In order to aid the implementation process of the amended directive, the ETUI intends to carry out a mapping exercise concerning the EU28 rules on reimbursement.

Task description

The object and purpose of the assignment is to collect information on national rules and provisions governing reimbursement of costs of accommodation, lodging, transport and similar for posted workers.

The ETUI seeks to obtain such information individually for each EU Member State in the form of a short country report.

Each country report should include the following information:

- 1) Does the Member State regulate reimbursement of accommodation, lodging and transport costs for posted workers? What do these rules entail?
- 2) Do these rules apply to both, in-coming and out-going posted workers (workers 'posted-in' on Member State's territory and 'posted-out' in other EU states)? Do the rules cover workers that are posted to a different place of work within the same Member State?
- 3) Do these costs constitute part of the minimum wage or should they be reimbursed in addition to (on top of) the minimum wage?
- 4) Is the employer allowed to deduct accommodation, lodging and transport costs from the salary paid to the worker?
- 5) Are there any other types of costs related to the posting (except accommodation, lodging and transport) the employer has to cover specifically for the posted workers? Can those other costs be deducted from the salary paid to the worker?

The country reports should focus on the national law currently in force, and on the case law only in so far as it determines the aspects of the four questions asked. Reports should be written in English.

This work shall be completed no later than **20 October 2018**.

For each national report, the ETUI will pay an all-inclusive fee of EUR 250,-.

We especially encourage applicants from experts who **can cover multiple Member States**. Each country report should include clear references to the sources throughout and should be **max 2 pages long!**

Award criteria

The contracts will be awarded on the basis of “best value for money”, and will take into account the quality of previous work or services rendered, experts skills and competences.

Deadline for the submission

Candidates can send enquiries and submit their application comprising a (short) CV to:

Zane Rasnača zrasnaca@etui.org, Research Department Unit 1, ETUI

By 28th September 2018