



Letter to Commissioner Marianne Thyssen on fair workers' mobility declaration

Dear Commissioner Thyssen,

Freedom of movement for workers and the freedom to provide services are founding principles of the European Union, acknowledged since the 1957 Rome Treaty. They are an integral part of European citizenship that has contributed positively to the European economic development at large and to the pursuit of happiness of millions of individuals over the last decades. And yet, freedom of movement is getting increasingly under attack by populists across Europe who want to restrict the right to free movement of people on grounds of alleged social dumping caused by mobile workers.

In a recent [declaration](#), the Party of European Socialists' Ministers for Employment and Social Affairs made clear that we strongly reject these notions. Limiting the freedom of movement is non-negotiable for us. It is not workers enjoying their fundamental right of movement, but non-obedience to and gaps in the laws regulating the free movement of workers and services that can result in deteriorating social and labour standards. Loopholes in the legal framework and fraudulent actions allow unscrupulous employers to employ foreign workers under worse conditions than would apply to locals concerning for instance working time, health and safety protection and pay.

We are convinced that actions against unequal working conditions and unequal pay for equal work of mobile workers and domestic workers must be taken urgently: It deprives the former of basic social and labour rights, creates unfair competition against local workers and gives competitive advantages to exploitive companies against those that abide by the rules. Many measures that can be taken in this regard will not only improve the legal situation of mobile workers, but will also affect domestic workers positively.

In this context, we welcome the Commission's commitment to a targeted review of the Posting of Workers Directive, as the PES has been calling for repeatedly. We hope that this targeted review will result in an ambitious revision of the Directive. A revision that puts an end to abuses and discrimination of mobile workers, a revision that prevents unfair competition between workers and between companies. In particular, we want the revision to address the following aspects:

- To tackle fake-postings and letter-box companies, core requirements and more precise factual elements characterising genuine activity of an undertaking are needed.
- National supervisory authorities must be given room for manoeuvre to adapt their control measures to the ever changing and creative methods of unfair employers to circumvent minimum social and labour standards
- The posting of workers must no longer undermine national systems of industrial relations and Member States' capacity to set up non-discriminatory social and labour standards that go beyond mandatory minimum requirements, including wage rates.
- All companies in a sub-contracting chain must be potentially liable for breaches of contracts. Supply chain liability therefore needs to be extended.

The PES Employment and Social Affairs Ministers also support the creation of an EU platform against undeclared work. Undeclared work leaves workers without protection and creates unfair competition. Mobile workers are particularly vulnerable to being pushed into this form of work. We aim at a platform with binding participation for all Member States and a platform that also covers bogus self-employment, letter box companies and posted workers.

Dear Commissioner Thyssen, these improvements would not only strengthen fundamental social rights, but they are also key in our common fight against the rise of populism in Europe. The PES has always been committed and will continue to work constructively with the European Commission. We thus look forward to your proposals for a fairer workers' mobility that improves mobile workers' rights and ensures fairness between all workers and between companies in Europe.

Sincerely yours,

Nicolas Schmit


*Minister of Labour, Employment and the Social and Solidarity Economy of Luxembourg,
Chairman of the PES Employment and Social Affairs Ministers' network*