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New Law regarding the posting of workers and its implications for posting companies



Title: New Law regarding the posting of workers and its implications for posting companies

Jurisdiction: Luxembourg

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Subject:

The Luxembourg Parliament has adopted a new law on the posting of workers that implements into domestic law Directive 2014/67/UE dated May 15, 2014 (the "Enforcement Directive") on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (the "Posting Directive").

The revision of the Posting Directive became necessary after it proved that the Posting Directive contained

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numerous pitfalls in the past. In some cases it turned out that companies posting employees were only “letterbox companies” without any substance. In other cases, situations where concerned employees’ rights were being circumvented were unveiled.

The new Enforcement Directive was introduced in order to enforce the Posting Directive by supporting the abolition of potential obstacles to the free movement of services within the European Union and the promotion of cross border provision of services by creating a climate of fair competition while at the same time guaranteeing an appropriate level of protection of the rights of posted workers.

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