



To the European Commission

Mr. Dombrowskis

Vice-President for the Euro and Social Dialogue

Ms. Thyssen

EU-Commissioner for Employment, Social Affairs, Skills and labour Mobility

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Labour mobility Package - Revision of the Posting of Workers Directive

According to the Commission work programme for 2016, the Commission is planning to present a Labour Mobility Package, including a targeted revision of the Posting of Workers Directive.

This has - from different starting points - raised concerns among both the Nordic employers' organisations and the Nordic trade unions and has resulted in separate letters from each side regarding the issue of Posting of workers.

With this joint letter, we the representatives for the employers' and the trade unions in Sweden, wish to express our common views on certain aspects of the issue of Posting of Workers.

The characteristics of the constitutive elements of wage formation, which especially during the last decades has been successful in Sweden is:

- a high degree of membership in both employers' organisations and trade unions
- a high coverage of collective agreements resulting in standard-setting effects regarding wages – both minimum wages and the wages that are actually paid - also among those employers and workers not formally bound by collective agreements.

The results from a structural point of view are that neither a statutory minimum wage, nor a system for making collective agreements universally binding, has been introduced. In other words, the social partners have a strong autonomous role regarding wage formation.

This industrial relations system can provide orderly conditions for workers irrespective if they are based in Sweden or are posted workers, as well as a level playing field for companies.

We fear that a revision of the Directive that does not fully take into account our industrial relations system, would put our well-functioning wage formation system in jeopardy. Not because of bad intentions, but out of lack of understanding of its benefits, both for employers and workers.

We also believe that the most problematic situations regarding posting of workers occur as a result of lack of application of the existing implementation in Member States of the present Directive of Posting of Workers.

In order to make proper consultation and evaluation possible, the European Commission should therefore reconsider the present work with the aim to present a proposal to revise the Posting of Workers Directive in March 2016.

This would make it possible to discuss the various possibilities and the concerns regarding the effects on national collective wage bargaining and the effects on different industrial relations systems.

In addition it should also be considered that the period for implementation of the Enforcement Directive is not over.

This measure would also be in line with the request by the European social partners, in a letter of the 29th of January 2016, for a proper consultation of the social partners before the Commission adopts a proposal.

Yours sincerely,



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