

**Transposition Table for the implementation of amendments to Directive 96/71/EC made by Directive (EU) 2018/957 (The Posted Workers Directive)**

**The Posted Workers (Agency Workers) Regulations (Northern Ireland) 2020**

Directive 96/71/EC	Amendments made to Directive (EU) 2018/957 by Directive 96/71/EC	Implementation
Article 1(1)(a)	Changes the title of Article 1	Does not require a change to domestic legislation.
Article 1(1)(b)	Inserts new paragraphs in Article 1 to acknowledge that the Directive sets mandatory provisions for working conditions and does not affect the right to strike	Does not require a change to domestic legislation
Article 1(1)(c)(i)	Amends Article 1 (3 )(c) to correct a typographical error in the original Directive (omission of the word 'that')	Does not require a change to domestic legislation
Article 1(1)(c)(ii)	Inserts new subparagraphs under Article 1(3)(c ) requiring the hirer to inform the agency of terms and condition applied to the posted worker	Requires amendments to the Agency Workers Regulations (Northern Ireland) 2001 and to Article 20 of the Industrial Tribunals (Northern Ireland) Order 1996 to allow a temporary work agency (employment agency) to take a tribunal case against a hirer to recover costs incurred due to any breach by the temporary work agency of the provisions of national law as a result of the hirer's action/inaction.
Article 1(2)(a) Article 1(2)(B)	Replaces the text of Article 3(1) to provide guarantee posted workers equality of treatment on a range of issues such as remuneration, annual leave, health and safety and non-discrimination.  Agencies must guarantee posted workers terms and conditions in the location where work is carried out. If the hirer posts a worker, the agency is to be treated as if it posted the worker and be liable for Breaches of the Directive. The hirer should inform the agency of posting and the terms and conditions it applies to the posted worker.	Does not require a change to domestic legislation  Northern Ireland legislation already operates on a basis of equality of treatment and does not distinguish between UK and EU nationals.  The Posted Workers (Agency Workers) Regulations (Northern Ireland) 2020 will make provision which require a hirer that proposes to post an agency worker for a limited period to a member State to inform the temporary work agency (employment agency) of the location and proposed start date of the posting a reasonable time before the posting is due to commence.

	<p>It also imposes a requirement to publish information relating to terms and conditions on a national website</p>	<p>A temporary work agency may bring a claim that a hirer has failed to comply with this duty. Provision is also made to enable a temporary work agency (employment agency) to bring a claim in an Industrial Tribunal against the hirer to recover any losses the temporary work agency (employment agency) may suffer as a result of a penalty imposed by a member State for failure to comply with the provisions of the Posting of Workers Directive 2018/957.</p> <p>Agency workers are entitled to the same basic employment rights as employees after 12 weeks</p>
Article 1(2)(c)	<p>Replaces Article 3(7) so that allowances paid in connection with a post are considered remuneration unless paid in reimbursement of expenditure incurred, such as on travel, board and lodging. Reimbursement of allowances is to be made in line with national law</p>	<p>Does not require a change to domestic legislation.</p> <p>Provisions within the National Wage Act apply.</p>
Article 1(2)(d)	<p>Replaces the second and third subparagraphs of Article 3(8) to clarify that collective agreements can be used.</p>	<p>Does not require a change to domestic legislation.</p>
Article 1(2)(e)	<p>Replaces Article 3(9) to allow Member states to require agencies to apply other terms and conditions to those prescribed by the Directive in Member States where work is carried out; and</p>	<p>Does not require a change to domestic legislation.</p>
Article 1(2)(e)	<p>Replaces Article 3(10) to allow Member States discretion to extend equality of treatment in the case of public policy provision</p>	<p>Does not require a change to domestic legislation</p> <p>Northern Ireland legislation already operates on a basis of equality of treatment.</p>
Article 1(3)	<p>Replaces the first subparagraph in Article 4(2) to allow a competent authority (in the Member State from which the agency worker is posted) does not possess information requested (from the Member State to which the agency</p>	<p>Does not require a change to domestic legislation</p>

	worker is posted), it is required to proactively seek that information from other authorities or bodies. In the event of a delay the EU Commission can take appropriate measures.	
Article 1(4)	Replaces Article 5 to ensure adequate monitoring, control and enforcement procedures are in place.	Does not require a change to domestic legislation
Article 1(5)	Amends introductory wording of the annex from 'The activities referred to in Article 3(1)' to the 'The activities referred to Article 3(2)'. Set out the timescales for the Directive to be reviewed by the EU Commission (30 July 2023).	Does not require a change to domestic legislation
Article 2	Sets out the timescales for transposition (30 July 2020).	N.A.
Article 3	Sets out the timescales for coming into force.	N.A.
Article 4	Stipulates to whom the Directive is addressed.	N.A.
Article 5		N.A.