

## SCHEDULE 1

### AMENDMENTS TO EMPLOYMENT RIGHTS LEGISLATION EXTENDING TO ENGLAND AND WALES, AND SCOTLAND

#### PART 2

#### SECONDARY LEGISLATION

##### **The Posted Workers (Enforcement of Employment Rights) Regulations 2016**

- 20.**—(1) Regulation 4 (scope of application of Part 2) is amended as follows.
- (2) In paragraph (2)—
- (a) for the definition of “employer” substitute—
- ““employer” means a service provider established in the United Kingdom or a Member State which posts or hires out workers in a manner described by paragraph 3 of Article 1 of [Directive 96/71/EC](#)(1);”;
- (b) in the definition of “posted worker in the construction sector”, in paragraph (a), omit “other than the United Kingdom”.
- (3) After paragraph (2) insert—
- “(3) For the purposes of the definition of “employer” in paragraph (2), paragraph 3 of Article 1 of [Directive 96/71/EC](#) is to be read as if—
- (a) in point (a)—
- (i) after “post workers to” there were inserted “the United Kingdom or”;
- (ii) after “operating in” there were inserted “the United Kingdom or”;
- (b) in point (b), after “by the group in” there were inserted “the United Kingdom or”;
- (c) in point (c), after “operating in” there were inserted “the United Kingdom or”.”

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(1) OJ No L 18, 21.1.1997, p. 1.