EU Regulations for ‘Posted Workers’

A ‘posted worker’ is an employee who is sent by his employer to carry out a service in another EU Member State (including Switzerland) on a temporary basis.

EU has defined a set of regulations with rights and rules for posted workers (most recent version from 2014)

- overview: Posted workers

- full details: EU Regulation 883/2004
EU Regulations for ‘Posted Workers’

Q: Are Users, sent to CERN by their home institutes, ‘posted workers’ in the sense of these EU regulations?

- question was forwarded to CERN Legal Service
- Legal Service was in contact with Swiss Mission in Geneva and with Federal Social insurance Office (OFAS) in Berne

The Federal Social insurance Office (OFAS) in Berne indicated, at a first glance, that the Regulation could possibly not be applicable to CERN’s Users, given their special status as MPAs. However, OFAS will examine the matter further.

To recall: CERN is not responsible for Users’ social protection, which is of the responsibility of home institutions and it is the latter’s duty to check which is the best way to fulfill their obligations.

Updates will be given as soon as there is further information.
EU Regulations for ‘Posted Workers’

More information also on various EU webpages, e.g.

- Social security cover abroad

![Social security cover abroad](image)

- and therein

<table>
<thead>
<tr>
<th>A civil servant seconded abroad</th>
<th>Users can be considered equivalent to scientific civil servants</th>
<th>CERN</th>
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<tbody>
<tr>
<td>If you're a civil servant seconded to work in another EU country (at an embassy, consulate or other official institution abroad), you'll be covered by the social security system of your home country.</td>
<td>This means your benefits related to sickness, family, pensions, occupational accidents and diseases, early retirement and death will be determined according to your home country's laws.</td>
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<td>A different set of rules applies if you become unemployed while on secondment.</td>
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- in line with reply from OFAS