University of Gdańsk

Subject card

Subject name and code	WPiA - Posting of workers and Freedom to provide services in EU, PG_00179141		
Field of study	History		
Date of commencement of studies	October 2025	Academic year of realisation of subject	2025/2026
Education level	Bachelor's studies	Subject group	
Mode of study	full-time studies	Mode of delivery	e-learning
Year of study	1	Language of instruction	English English
Semester of study	2	ECTS credits	2.0
Learning profile	academic	Assessment form	credit
Conducting unit	Faculty of Law and Administration -> Rector		
Name and surname of lecturer (lecturers)	Subject supervisor	dr Marek Benio	
	Teachers		

Lesson types

Lesson type	Lecture	Tutorial	Laboratory	Project	Seminar	SUM
Number of study hours	30.0	0.0	0.0	0.0	0.0	30

E-learning hours included: 30.0

Learning activity and number of study hours

Learning activity	Participation in didactic classes included in study plan	Participation in consultation hours	Self-study	SUM
Number of study hours	30	0.0	20.0	50

Subject objectives

The aim of the course *Labour Mobility and Posting of Workers within the Framework of the Freedom to Provide Services in the European Union* is to deepen students understandingwithin the field of Public Administrationof the legal, institutional and practical dimensions of labour mobility and the posting of workers in the context of the intra-EU freedom to provide services. The course provides insight into how the European Unions single market operates, with particular focus on the mechanism of posting workers, the coordination of social security systems, administrative obligations, and current regulatory and policy challenges. Students will acquire the competences necessary to analyse EU and national legislation on posting and to assess its implications for public administration, employers, and workers rights.

Learning outcomes	Course outcome	Subject outcome	Method of verification
		1. The student is able to critically apply expert knowledge—including case law and legal doctrine—to interpret and address complex problems related to the posting of workers under the intra-EU freedom to provide services. 2. The student understands current legal and administrative dilemmas concerning the functioning of the posting of workers mechanism, and is able to relate them to economic practice and the operation of the EU internal market. 3. The student demonstrates advanced use of legal and administrative terminology, methods, and theories in the analysis of labour mobility and service provision regulations within the EU internal market 4. The student can identify and analyse legal and administrative conditions related to the posting of workers, including the rights and obligations of entities involved in the provision of services within the EU.	[SW1] oral statement/ conversation/discussion [SU8] observation of student's independent or team work [SK1] oral statement/conversation/ discussion [SK2] presentation/project/paper/ report

Subject contents	1. **Introduction to labour mobility in the European Union** the four freedoms of the EU internal market distinction between mobility of workers and mobility of labour legal foundations and key concepts 2. **Freedom to provide services and the posting of workers** the concept of services and their intra-EU provision origins and evolution of the legal framework on posting 3. **Directive 96/71/EC and Enforcement Directive 2014/67/EU** core principles employer obligations and workers rights tools for administrative cooperation 4. **Revision of posting rules Directive 2018/957/EU (the "posting reform")** the equal treatment principle duration of posting and long-term posting impact on administrative practice 5. **Posting and the coordination of social security systems** Regulations 883/2004 and 987/2009 the A1 certificate and determination of applicable legislation conflicts of jurisdiction and abuse control 6. **Public administration and labour mobility** roles of national and EU-level institutions (IMI, ELA, labour inspectorates) notification and information obligations challenges in enforcement 7. **Legal framework vs. practice: fictitious posting and circumvention of rules** authentic vs. artificial posting examples of rule circumvention legislative and judicial responses 8. **The role of the Court of Justice of the EU (CJEU)** key rulings (e.g. *Laval*, *Viking*, *Sähköalojen*, *Dobersberger*) impact of CJEU case law on EU and national legislation 9. **Posting and the domestic labour market and entrepreneurship** economic effects of posting role of service providers and local administration trade unions and social dialogue in the context of labour mobility 10. **Current and future challenges of intra-EU posting** digitalisation and posting control (platforms, IT tools) Brexit, the pandemic, the war in Ukraine their impact on service flows institutional reforms and EU policy directions
Prerequisites and co-requisites	
Assessment methods and criteria	

Subject passing criteria	Passing threshold	Percentage of the final grade
essay / other written work	50.0%	30.0%
discussion / speech	50.0%	70.0%

Recommended reading	Basic literature	1. Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, OJ L 018, 21.01.1997, pp. 16. 2. Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 to strengthen the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services, OJ L 159, 28.05.2014, pp. 1126. 3. Directive 2018/957/EU of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services, OJ L 173, 09.07.2018, pp. 1626. 4. Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, OJ L 166, 30.04.2004, pp. 1123. 5. Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the implementing provisions for Regulation (EC) No 883/2004 on the coordination of social security systems, OJ L 284, 30.10.2009, pp. 1143. 6. Michał Szypniewski, *Protection of the Interests of Posted Workers within the Framework of the Provision of Services in the European Union*, Wolters Kluwer, 2019.
	Supplementary literature	1. Benio, Marek. *Labour Mobility. Service Mobility*. Labour Mobility Initiative, Krakow, vol. 1, 2015; vol. 2, 2017. 2. Administrative Commission. *Practical Guide: Legislation Applicable to Social Security*. 2014. 3. POSTING.STAT - Enhancing the collection and analysis of national data on intra-EU posting. hiva.kuleuven.be
	eResources addresses	

Example issues/ example questions/ tasks being completed	1. What is the difference between a business trip (delegation) and the posting of a worker within the meaning of EU law? Why is this distinction legally and administratively important? 2. Discuss the core principles laid down in Directive 96/71/EC and the changes introduced by Directive 2018/957/EU. What were the objectives of the reform, and have they been achieved? 3. What is meant by fictitious posting of workers? How do Member States and EU institutions prevent abuse and circumvention of the posting rules? 4. Explain the rules for determining the applicable social security legislation for posted workers. What is the function of the A1 certificate? 5. Discuss the significance of the *Laval* judgment (C-341/05) for the balance between the freedom to provide services and the protection of workers rights. Has the case law of the Court of Justice favoured the market or the worker? 6. What are the information and administrative obligations of a company posting workers to another EU Member State? What challenges do public administrations face in supervising this process? 7. Propose solutions to improve the monitoring and enforcement of worker posting within the European Union, taking into account digital tools, administrative cooperation, and the role of the European Labour Authority (ELA). 8. What rules apply to the posting of third-country nationals (non-EU/EEA/Swiss citizens) by companies established in an EU Member State? What are the main restrictions and controversies in this area?
Work placement	Not applicable

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