



EUROPEAN COMMISSION
EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES DG

Social dialogue, Social Rights, Working conditions, Adaptation to change
Social dialogue – Industrial relations

Brussels, 26.2.2007

**MINUTES OF THE WORKING GROUP MEETING
TEMPORARY AGENCY WORK, 17.1.2007**

Chair: P. Maršálová (European Commission)

In attendance:

Eurociett

A. Muntz (NL)
M. Freytag (BE)
D. Pennel (BE)
T. d'Avezac (FR)
K. Hartmann (UK)
F. Aranda (ES)
A. Fairweather (UK)
J. Tzanidaki (NL)
Y. Van Dijck (NL)
S. De Leeuw (NL)

Uni-Europa

H. Westerhof (NL)
F. Warneck (BE)
M. Oorsprong (BE)
W. Hartig (DE)
L. Bruun (FI)
I. McArdle (IE)
S. Bridge (UK)
S. Toth (HU)
W. Springer (AT)
M. Nuyten (NL)
L. Jenal (LU)
A. Pohjola (FI)

1. Introduction, approval of the agenda and minutes from the last meeting

The chair welcomed the participants who shortly introduced themselves. The agenda of the meeting was adopted and it was noted that a point on Promotion of the ILO Convention N.181 on Private Employment Agencies will be postponed to another meeting when a responsible Commission official could participate in the debate. The minutes from the plenary meeting held on 20.10. were adopted.

2. Change of the name of the Committee

The chair informed that the Commission approved the request by the social partners to change the name of the committee from "temporary work" to "temporary agency work" and that the official letter has been sent to the secretariats. Regarding the French version of the committee's name, the social partners will consult their members to decide whether a French term (travail temporaire) or a Belgian/Luxembourgish term (travail interimaire) shall appear in the official name of the committee.

3. Update from the Commission on recent developments in the social policy area

The chair gave a brief overview of the recent developments in the social dialogue policy and drew the attention of the social partners to the following issues:

- publication of the calls for proposal for projects dealing with social dialogue and industrial relations or with information and training measures for workers' organisations.
- Liason Forum that was held in November and the resources available on the internet.
- Negotiation of an autonomous agreement on Violence and harassment at work concluded by the interprofessional social partner organisations.
- Requests for creation of new committees in the sectors of Catering, Automobile and Non-ferrous metals.
- Flexicurity – the December European Council encouraged the social partners to contribute to the debate. The progress in preparation of a joint contribution at the interprofessional level social dialogue was limited. The communication on Flexicurity is scheduled for June 2007. The chair encouraged the social partners to work on their declaration on flexicurity so that it can be presented before the spring summit in March.
- Green Paper on the Labour law – reminder of the public consultation opened until the end of March 2007.

4. Flexicurity

A draft joint declaration has been prepared by the secretariats. The trade union representatives considered the text to be a good starting point for the discussion, despite the fact that they did find it unbalanced to the detriment of the trade unions. They also emphasised that they are ready to participate in the debate to which they were invited by the Commission, but they do not want to contribute to flexicurity as such. The employers estimated that there was scope to reach an agreement, but some important negotiation and clarification of the text would be necessary. Eurociett also suggested strictly limiting the examples to the temporary work sector excluding subcontracting etc. Uni-Europa insisted on a clear definition of the borders of the discussion. The chair expressed Commission's appreciation of the work accomplished so far and encouraged the social partners to continue. Both sides then presented their comments and proposal for amendments to the existing draft text. The non-recognition by the trade unions of the stepping stone function of the temporary work agencies in providing jobs to the outsiders of the labour market proved to be a particularly sensitive issue. The two sides then worked separately to prepare their reactions to comments and proposals made so far.

Both sides came back with believe that there was a potential to negotiate a joint text and that it is worth working on it together. After presenting the first set of reactions to the comments and issues raised during the morning session, it was decided that in depth work on the text would continue at the enlarged secretariat meeting scheduled for the following week.

5. Research

Mr. Christian Welz from the Dublin Foundation presented briefly the Report on temporary agency work that the Foundation published in 2006 and informed the social partners that hard copies were still available. Since the publication of the report new development of the legal framework has happened in Portugal and Spain. The Foundation has taken into consideration the request of the social partners to update the report, but the actual follow-up will depend on the work load development during the year. The social partners insisted on the necessity to have more and up-to-date data on the sector. Eurociett also suggested including in the research more information on collective labour agreements at the sectoral level.

Mr. Welz also provided feedback from a seminar on industrial relations trend held in Berlin in October 2006. The meeting specifically focused on temporary agency work and provided interesting comparison of the situation in the U.S., Japan and Europe. The social partners appreciated the amount of information (although not all of it was totally reliable) presented during the seminar and also enquired about the follow-up. The Foundation has not yet decided what follow-up would be given to the Berlin seminar.

Mr. Welz also presented to the social partners Mrs. Silvia Arzilli who is working for Brussels liaison office and is in charge of sectoral social dialogue. These are her contact details:

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6. Decent work, non discrimination, equal treatment

Ms. Sally Bridge representing the UK trade union organisation CWU gave a presentation on situation in the UK and a campaign for justice for agency workers that CWU has been leading (the presentation is annexed). She also informed about a recent bad practice case of a JJB Sports company who attempted to replace workers on strike by temporary agency workers. The employers gave their opinion on the issues raised in the presentation – the general view being that the story was not fully based on hard facts - and it was agreed that the UK case would be discussed again and more information will be given by the REC representative.

Mr. Han Westerhof representing the Dutch trade union organisation FNV Bondgenoten presented another bad practice example. The problem concerned working conditions of workers posted abroad and their rights and the responsibility of agency versus the user company to provide adequate protection in cases of injury. (Case of a Polish worker employed by a Dutch agency to work in Belgium). The employers consider the enforcement of law to be a serious problem which allows some companies to behave illegally and believe that there is need for the government to take action for stricter enforcement. The social partners should support it by all means and put this item high on their common agenda. Uni-Europa agreed and also pointed out the problem of skills control missing to avoid health and safety accidents of migrant workers. The UK employer representative pointed out that there is also scope for awareness raising and developing contacts between the responsible organisations in different countries (for example a cooperation between the UK employer and a Polish Chamber of commerce – trade unions were interested in receiving more information during the next meeting).

The social partners agreed to continue collecting the existing good practices. Eurociett suggested discussing health and safety checklists and guidelines existing in the Netherlands.

7. Promotion of national social dialogue

The social partners would check with Taiex whether any funds would still be available for the new Member States (EU-10), in that case the preferred choice would be the Czech Republic or Hungary. If no funds for the "old" new Member States are available, Eurociett proposed to

organise a capacity building seminar in Romania, as this country does have a regulation in place. However, there is not yet a national federation of employers or organised trade union for temporary work. Uni-Europa would in case of Romania like to extend the discussion to include undeclared work. The first step will be finding out with Taiex about the availability of funds.

8. A.O.B.

The chair informed briefly about the reasons for refusal of a project on Workers mobility research submitted by the social partners for funding under the social dialogue budget line. The social partners informed that they did not consider submitting any proposal for the March deadline of the social dialogue call for proposal.

The next meeting will be held on 28.3. It was agreed that the interpretation will be provided in English, French and German.