



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change
Social Dialogue, Industrial Relations

Brussels, 13 February 2009

MINUTES OF THE PLENARY MEETING TEMPORARY AGENCY WORK (TAW), 5 NOVEMBER 2008

1. Adoption of the agenda and approval of the minutes from the last meeting

The meeting was chaired by the Commission. The agenda of the meeting and the minutes of the meeting held on 27 May 2008 were adopted.

2. Joint project on vocational training (VS/2007/0571)

Eurociett presented the context of the project. Ms Peeters (IDEA Consult) presented the first outcomes of the survey. The report would be presented more in detail at the conference on 4 December.

During the Q&A session, both sides of industry agreed to solve the difference of views deriving from the answers received from UK. In general, it was agreed to assess the situation of TAW in relation to the general context of a given country. The intention was to come to a credible joint report. Last details of the conference were also discussed.

3. Comparative study: TAW and collective bargaining in the EU

Mr Welz (Eurofound) presented the updated version and conclusions of the comparative study¹ which was more focussed on collective bargaining than the first study. The Q&A session addressed the role of TAW for flexicurity, the definition of employers' organisations/social partners, the quality of TAW regulation, and the lack of collective bargaining in a number of member states (namely the new member states).

4. Update of information by the Commission

Ms Durst (DG EMPL, Social Dialogue Unit) updated the meeting on the latest stage with regard to the draft directive on TAW and on the outcome of and follow-up to the forum on "Workers' rights and economic freedoms" of 9 October 2008.

The social partners expressed their satisfaction with the joint input they made to the debate on the draft directive. The workers' side stressed that it was now the social partners' responsibility to ensure a good implementation of the new legislation². The question was raised whether the Commission did intend to issue any guidelines on the

¹ Now published: <http://www.eurofound.europa.eu/eiro/studies/tn0807019s/index.htm>

² Officially adopted on 19 November 2009:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:327:0009:0014:EN:PDF>

implementation of the Directive. As confirmed after the meeting, this was indeed foreseen in line with the agreed practice regarding better regulation and use of preventive actions in the context of a better monitoring control of Community law.

5. Joint project "Setting up a European Observatory on cross border activities within temporary agency work" (VS/2008/0462)

UNI-Europa presented the project which would start in December 2008. The objective was to come to a joint analysis of the situation, based on research and answers to a questionnaire. It was therefore of utmost importance to reply to the questionnaire and to fully participating in the project.

6. Promotion of national sectoral social dialogue

Since it had been found impossible to organise a round table in Bulgaria, the parties discussed the opportunity to organise one in Turkey instead, which Eurociett proposed in accordance with the work programme. UNI-Europa found the proposal interesting but difficult since they had no specific affiliate in Turkey covering TAW workers – the latter being organised within several branch trade union organisations. For Eurociett, it was paramount to promoting sectoral social dialogue in the countries without these structures. Recent developments in Poland and Hungary were encouraging. Their idea regarding Turkey would be discussed again. Besides PL and HU, representatives from UK and MK reported on recent developments.

7. Follow-up and possibly adaptation of the work programme 2008-2009

Both sides agreed that there was a need to prioritise the different planned activities.

UNI-Europa and Eurociett ranked the different points as follows:

Work programme 2008-2009	UNI-Europa	Eurociett
Flexicurity	The text is not as important anymore today	This stays a priority together with the social agenda.
Work migration	Key priority (project on the Observatory)	Agrees with UNI-Europa
Training	Work should continue on the subject to go further	Agrees with UNI-Europa.
Promoting national social dialogue	Key priority, to be continued	Priority: round table
Range of labour contract	Now covered by the project on the Observatory	Agrees with UNI-Europa
Posting of Workers Directive	Now covered by the project on the Observatory	Agrees with UNI-Europa
ILO Convention 181	Not sure whether a priority since new TAW directive	This stays a priority (promotion of decent work at global level)
Decent work, non-discrimination and equal treatment	Key priority, still to be implemented	Agrees with UNI-Europa

Sectoral developments	To be kept	
Review	Yes, to be updated in 2009	

The workers' side wished to add a point on restructuring or on the macroeconomic evolution of the sector in order to anticipate future developments. In this context, both sides referred to the financial crisis and its impact. The employers' side wished to add a new point on the implementation of the new TAW directive, on the renewed social agenda and the New Skills for New Jobs initiative³. It was agreed that the secretariats of both sides would further exchange their views with a view to update the work programme at the next meeting.

8. Any other business

Planned meeting dates for 2009 (tbc): 13 February (confirmed), 16 April, 16 September, 25 November (Plenary).

List of participants 5 November 2008

<p>Employers:</p> <p>Mr Aerden (BE) Mr d'Avezac (FR) Mr Borfoi (HU) Mr Delbar (PL) Ms Fairweather (UK) Mr Freytag Mr Gibcus (NL) Mr Marseaut (DE) Ms Muntz (NL) Mr Nenadic (MK, observer) Mr Noemi (HU) Mr Pennel</p>	<p>Workers:</p> <p>Ms Ackholt (SE) Mr Aguayo (ES) Mr Boton (FR) Mr Depner (DE) Ms Huovila (FI) Mr Leroy (BE) Ms Mulligan (IE) Ms Ostrup (DK) Ms Reichel (AT) Mr Roelandt (BE) Ms Szelest (PL) Mr Warneck)</p>
<p>European Commission:</p> <p>Ms Durst (DG EMPL/F/1) Mr Siebern-Thomas (DG EMPL/F/1)</p>	<p>Others:</p> <p>Ms Peeters (IDEA Consult) Mr Welz (Eurofound)</p>

³ <http://ec.europa.eu/social/main.jsp?catId=568&langId=en>