



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

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

Brussels, 8 October 2010

MINUTES OF THE WORKING GROUP MEETING TEMPORARY AGENCY WORK (TAW) 17 MAY 2010

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 was adopted (point 7 on ABU study postponed). The minutes of the 22 February meeting were adopted.

2. Implementation of Directive 2008/104/EC on temporary agency work

Representatives from each present member state (see participants' list) reported on their countries' progress and the involvement of the social partners with regard to the implementation of the directive.

The Commission representative Mr Muller-Schleiden informed about the third expert group meeting on the implementation of the directive held on 12 April. At this meeting, discussion had started on Article 5 (equal treatment and possible derogations) and the procedural aspects of Article 4 (review of restrictions). The next meeting would take place on 12 July; it would focus on Article 4 and the social partners would be invited to part of the meeting. In general terms, the social partners expressed their wish to get a written feedback from the working group as well as the Commission's presentation on the interaction between the TAW directive and the posting of workers directive. UNI Europa raised the question why couldn't there be a more systematic involvement of the social partners given the value of their contribution in so many areas of the directive. In particular, UNI Europa stated their desire to be involved in discussions relating to article 5.

The Commission representative was also asked to say a word on pending infringement procedures launched against some Member States regarding TAW regulation. Here, Mr Muller-Schleiden specified that these procedures were related to the free provision of services (Article 56 TFEU, ex Article 49 TEC). Therefore, the Commission's DG Internal Market and Services was in charge of the file. Eurociett pointed out that there was nevertheless a link to the discussion on Article 4 of the TAW directive. The social partners asked to get information on this issue by DG MARKT at the next meeting in October.

3. Promotion of national sectoral social dialogue

Another "tour de table" took place with regard to new developments with regard to sectoral social dialogue at national level. Reports were made by delegates from BG, HU, LT, SE, DE, FR, LV, AT, PL, ES, NL and IT.

Eurociett and UNI Europa also discussed the plan to organise a new round table for TR this year. Eurociett had sent a draft programme to UNI Europa who had sent a letter to their affiliates. The workers' side confirmed its interest in the round table¹.

4. Update on the European Observatory on cross-border activities within TAW

Eurociett informed the participants on the second Observatory meeting which took place on 27 April. The Observatory had adopted its 2010 work programme². Now the difficulty would be to find further funding for the Observatory³.

The factsheets on the NL and FR had now been finalised. The social partners had been invited to present these in the expert group on posting of workers. The parties agreed to cover the additional following countries: DE, ES, IT, AT, UK, PL, BE.

Regarding the follow-up, another question had to be further discussed: whether to discuss a new joint declaration on the TAW Directive focusing on cross-border activities. This idea was born on 27 April. The parties agreed to come together at secretariat level to do so.

5. TAW and the Europe 2020 Strategy

Mr Holthuis from the European Employment Strategy Unit gave a presentation on the new Europe 2020 Strategy, focussing on the employment strategy (see slide presentation). In the following exchange, Eurociett drew the Commission's attention on the unfortunate formulation in guideline 7 (listing temporary and precarious employment in the same sentence would create a negative connotation of temporary work, which was not in line with the TAW directive's preamble). Mr Holthuis thanked for this remark and assured that the wording would be looked at again in the context of these comments. UNI Europa informed the Commission that they took the same view as ETUC with regard to youth unemployment.

Eurociett and UNI Europa committed to exchange their views on their own possible contribution to the new Strategy's implementation. Eurociett mentioned as possible topics the link to the NSNJ initiative⁴ and young people.

¹ Official request to TAIEX submitted in July 2010.

² http://www.euro-ciett.org/fileadmin/templates/eurociett/docs/Cross_Border_Activities/Work_programme_2010_of_Observatory.pdf

³ For information current calls for proposals at DG EMPL:
<http://ec.europa.eu/social/main.jsp?catId=630&langId=en>

⁴ <http://ec.europa.eu/social/main.jsp?catId=568&langId=en>

6. Other issues

UNI Europa said it would be important to have a new joint social partners' project. Eurociett stressed they would not like to redo work like the research on posting of workers. No decision was taken at this stage.

Delegates from BE, HU, ES and UK gave an update of the national situation regarding the economic crisis.

Eurociett and UNI Europa informed the committee on the joint work at global level aiming at promoting further ratifications of ILO Convention 181 on Private Employment Agencies. The Convention had been ratified by Bosnia and Herzegovina and Slovakia this year. On 18 & 19 October 2011 the ILO would hold a Global Dialogue Forum on the Role of Private Employment Agencies in Promoting Decent Work and Improving the Functioning of Labour Markets in Private Services Sectors in Geneva.

Eurociett informed the participants on progress of the ITC-ILO/Eurociett project "Strengthening the capacity of employers' organisations of the agency work industry for participation in sectoral policy development and social dialogue". UNI Europa's representatives have been invited to take part in the sub-regional workshops to present the achievements of the EU SSDC on TAW.

The next social dialogue meetings are planned for 8 October and 30 November (plenary meeting) 2010.

List of participants

<p>Employers (8 ♂, 8 ♀)</p> <p>Mr Auth (DE) Mr Bagdanskis (LT) Ms Bonnichon (FR) Ms Borodunova (LV) Mr de Leeuw (NL) Ms Fairweather (UK) Mr Freytag (Eurociett) Mr Gribben (Eurociett) Mr Marseaut (DE) Ms Mickuniene (LT) Ms Muntz (NL) Mr Pennel (Eurociett) Mr Rupsys (LT) Ms Schaller (CH, observer) Ms Spangenberg (NL) Ms Zielinska (PL)</p>	<p>Workers (7 ♂, 7 ♀)</p> <p>Mr Ackholt (SE) Mr Aguayo (ES) Ms Budweis (AT) Mr Coulouscou (ES) Mr Depner (DE) Ms Goneva (BG) Ms Goossens (BE) Ms Lelyte (UNI Global Union) Ms Owens (UNI Europa) Mr Pennati (IT) Mr Toth (HU) Ms Unterschütz (PL) Mr Vicioso Alfaro (ES) Ms Walker Shaw (UK)</p>
<p style="text-align: center;">European Commission:</p> <p style="text-align: center;">Ms Durst (DG EMPL/F.1) Mr Holthuis (DG EMPL/D.2) Mr Muller-Schleiden (DG EMPL/F.2)</p>	