



## EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

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

Brussels, 22 February 2010

### **MINUTES OF THE PLENARY MEETING TEMPORARY AGENCY WORK (TAW) 25 NOVEMBER 2009**

#### **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 16 September 2009 were adopted with commonly agreed amendments. Participants introduced themselves.

#### **2. Feedback from ILO Workshop to promote ratification of the Private Employment Agencies Convention, 1997 (No. 181)**

Eurociett reported on the workshop<sup>1</sup> which had been initiated by the global social partners Ciett and UNI global union. The purpose of the workshop was to promote ratification of the Convention by ILO member states. Around 100 participants adopted a number of "points of consensus" available on the ILO and the social partners' websites. Eurociett stressed the importance of the ratification in the global context. UNI europa underlined the positive developments regarding workers' rights also for EU member states. Eurociett announced that the ILO would continue discussions in 2010 and envisage a platform ("a global dialogue forum") on private employment agencies in the second half of 2011.

#### **3. Promotion of national sectoral social dialogue**

Trade union delegates from FR, BE, UK, NL, ES and BG informed the participants on recent developments at national level relating to measures in response to the crisis, the problems regarding the use of TAW to replace strike workers, and new collective agreements or negotiations. Employers' representatives from DE, NL, BG and ES reported on current collective bargaining, a new long-term study about flexible work to be published soon<sup>2</sup> and positive developments in the social dialogue.

In preparation of the round table to be held in Sofia on 11 December 2009, the representatives from BG reported that the national tripartite council had reached a

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<sup>1</sup> <http://www.ilo.org/public/english/dialogue/sector/techmeet/wpeac09/index.htm>

<sup>2</sup> To be published by the Dutch employers' federation ABU and to be presented at the next social dialogue meeting.

consensus according to which the TAW directive would be implemented by way of a collective agreement rather than by law. For the time being, there was still no sector specific legislation. During the last months, employers and workers in the sector had started developing social dialogue. The BG social partners also informed the participants that the Minister of Labour and Social Policy, the Director of the National Employment Agency and the Director of the General Labour Inspectorate had confirmed their participation in the round table. The event would also benefit from the presence and experience of participants of previous round tables (PL, HU).

#### **4. Vocational training: way forward from here**

The French bipartite vocational training fund FAF-TT (<http://www.faftt.fr/>) presented the vocational training system for temporary agency workers and the effects the current crisis had on it. They also presented the brand-new French law on vocational training (Loi n° 2009-1437 du 24 novembre 2009 relative à l'orientation et à la formation professionnelle tout au long de la vie<sup>3</sup>).

Eurociett and UNI europa presented their joint declaration on "Training for Temporary Agency Workers: Joint actions developed by sectoral social partners play a key role in facilitating skills upgrading" (to be signed shortly). The parties would decide at a later stage how this document would be further promoted, for instance by organising a press conference and incorporating it in relevant Commission documents.

#### **5. Implementation of Directive 2008/104/EC on temporary agency work**

A representative from the UK trade union GMB informed about the planned extension of the final implementation date by their government till October 2011, which they considered inappropriate, not alone because of the current crisis in which temporary agency workers were more vulnerable than others. She wanted the European Commission to closely monitor the implementation of the Directive and asked other social partners for any support they could offer by providing best practices and practical experiences with regard to the equal treatment principle. Eurociett reported that they had started to provide assistance to their members on the implementation of the Directive; the employers' organisation stressed however that "pay" was a national subject. The employers from NL informed about their years-ago-negotiated solution according to which equal pay starts after 26 weeks<sup>4</sup>. UNI europa hoped that employers and workers in the UK and IE (countries in which workers' representatives were seriously worried) work closer together at national level.

Mr Muller-Schleiden from the Labour Law Unit informed about the informal expert group on the implementation of the Directive which would now start discussing substance. The next meeting, to which Eurociett and UNI europa as well as the European cross-sector social partners would be invited, would take place on 15 January 2010. The expert group composed of the representatives of the EU and EFTA Member States would start studying the Directive article by article and would notably discuss the issue of basic working and employment conditions.

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<sup>3</sup> <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000021312490&dateTexte=>

<sup>4</sup> Text of the collective labour agreement available in EN on [www.abu.nl](http://www.abu.nl)

He also informed the participants about the new leaflet about the TAW directive entitled "Protecting the rights of temporary agency workers in the European Union"<sup>5</sup>, which would be available in all official EU languages.

## **6. Update of information on other relevant subjects**

Ms Ragnarsson from the Unit "European Employment Strategy, CSR, Local Development" informed about the public consultation document on the future "EU 2020 Strategy" issued the day before<sup>6</sup>. As outlined by President Barroso in his Political Guidelines, the new strategy aimed to deliver greener and socially inclusive growth. The consultation paper set out a vision for how EU 2020 would focus on entrenching recovery from the crisis, helping to prevent a similar one in future and on three thematic objectives: creating value by basing growth on knowledge; empowering people in inclusive societies; and creating a competitive, connected and greener economy. The deadline for responses to the consultation was 15 January 2010.

Eurociett informed about the social partners' participation as observer in the posting of workers expert working group meeting held on 30 October 2009. The meeting had focussed on pay and on posting in the construction industry (presentation of the construction social partners' website <http://www.posting-workers.eu/>).

## **7. Update of the European Observatory on cross-border activities within TAW**

UNI europa informed about the current state of the joint project "Setting up a European Observatory on cross border activities within temporary agency work" (VS/2008/0462). The draft report was ready, the conference would take place on 3 December 2009 and the first meeting of the observatory would take place the day after<sup>7</sup>. Eurociett added that the observatory would be composed of five representatives per side of industry plus the European social partners' secretariats plus experts.

## **8. Any other business**

Eurociett informed the participants of their recently accepted project carried out together with ITC-ILO "Strengthening the capacity of employers' organisations of the agency work industry for participation in sectoral policy development and social dialogue". For this project UNI europa had sent a support letter and the trade unions would be involved.

The next social dialogue meetings are planned for 22 February and 17 May 2010.

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<sup>5</sup> Downloadable at: <http://ec.europa.eu/social/main.jsp?catId=157&langId=en&furtherPubs=yes>

<sup>6</sup> <http://ec.europa.eu/eu2020/>

<sup>7</sup> See also joint UNI europa/Eurociett press release of 4 December 2009 "Launch of European Observatory on Cross Border Temporary Agency Work"

*List of participants 25 November 2009*

<p><b>Employers:</b></p> <p>Ms Ferrero (ES) Mr Freytag (Eurociett) Mr Marseaut (DE) Ms Muntz (NL) Mr Pennel (Eurociett) Ms Romero (ES) Ms Spangenberg (NL) Ms Todorova (BG)</p>	<p><b>Workers:</b></p> <p>Mr Aguayo (ES) Mr Boton (FR) Ms Budweis (AT) Mr Calado (PT) Mr Campeotto (IT) Mr Colapinto (IT) Mr Coulouscou (ES) Mr Dimitrov (BG) Ms Goneva (BG) Mr Leblanc (FR) Mr Lelyte (UNI global union) Mr Leroy (BE) Mr Michiels (BE) Ms Mulligan (IE) Mr Nuyten (NL) Ms Owens (UNI europa) Ms Pohjola (FI) Ms Riboni (IT) Mr Toth (HU) Mr Veekman (BE) Ms Walker Shaw (UK)</p>
<p><b>European Commission:</b></p> <p>Ms Durst (DG EMPL/F.1) Mr Muller-Schleiden (DG EMPL/F.2) Ms Ragnarsson (DG EMPL/D.2)</p>	<p><b>Others:</b></p> <p>Mr Solovieff (FAF-TT)</p>