



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

Brussels, 26 May 2014

**SECTORAL DIALOGUE
COMMITTEE
TEMPORARY AGENCY WORK**

Minutes of the working group meeting of 3 February 2014

1. Adoption of the agenda and adoption of the minutes

The meeting was chaired by the Commission. Participants introduced themselves. The agenda was adopted with slight changes. The minutes of the last plenary meeting (16 October 2013) were approved after minor changes presented by Eurociett.

2. Promoting national sectoral social dialogue

The German national sectoral social partners BAP (employers) and ver.di (workers) made a joint presentation on TAW regulation in Germany and the recently signed collective labour agreement (CLA) concluded by BAP and DGB and valid from 17 September 2013 till 31 December 2016 (see slides). The questions and answers were related to the possible limits in time of TAW, restrictions such as in the construction sector, the role of the customs authority (which is in charge of the fight against undeclared work) in enforcing the CLA. The complaint launched by UNI Global and ITF against DHL with regard to the OECD Guidelines for Multinational Enterprises and the still existing wage difference between East and West Germany were also mentioned in the debate.

Eurociett informed the participants that the social partners would soon apply for support by TAIEX to organise a roundtable in Serbia. Eurociett had no affiliate yet in Serbia, whilst UNI Europa had several affiliates present in different sectors where agency work was used.

The Dutch Ministry of Social Affairs and Employment and the SNCU ("CLA police") presented the background, goals, measures and problems of labour inspection/CLA enforcement in the Netherlands (see slides). The questions and answers were related to the cooperation with neighbouring countries, the proposed website for posted workers and the cooperation with trade unions (according to the SNCU, there had been only three cases where the trade union wanted to lead the investigation).

Some delegates reported on latest developments in national sectoral social dialogue (Croatia: currently no proper social dialogue, possibly incorrect transposition of the TAW Directive; Spain: no sectoral collective agreement yet).

3. TAW regulation

Mr Muller-Schleiden (Policy Officer, DG EMPL) informed the participants about the likely date of adoption of the report on the application of Directive 2008/104/EC on temporary agency work. The Commission was dealing with complaints. The expert group would meet at least once this year to discuss a number of issues related to the implementation. The social partners would again be invited to a part of this meeting planned for 22 May (tbc).

4. Joint project "How TAW compares to other forms of work" (VS/2013/0389)

Eurociett informed about the state of play of the new joint project. Last Friday the call for tenders had been closed. Eurociett and UNI Europa would now jointly select the consultant. The project steering committee would meet afterwards.

5. Cross border mobility

Ms Durst (Policy Officer, DG EMPL) informed the participants that the Three-way meetings between Parliament, Council and Commission on the proposal on implementing the Posting of Workers Directive posted workers had started in January. Being part of this ongoing dialogue, the Commission was not in a position to express its views on current developments. These could be followed in the relevant press.

The social partners summarised the state of play of the different fact sheets on TAW regulation: NL was updated and put online; DE was finalised and would be put online; UK was still with UNI Europa and should be finalised as soon as possible; work on ES and SE had been started; work had not yet started on IE and AT. The final objective of the observatory¹ was to cover all EU Member States.

6. Any other business

Eurociett informed the participants that it would soon publish its manifesto² for the European elections which would contain five key recommendations on how to restore growth and create better functioning labour markets in Europe. UNI Europa announced that they would also issue a paper although not for each sector.

Eurociett updated the participants on the contact established with IndustriAll. UNI Europa had participated in the first meeting and would do so in the second meeting which was planned for 20 February 2014. Meanwhile, EFFAT had also contacted Eurociett for an exchange of information. These contacts were being established in full transparency with UNI Europa. In this context, Ms Durst reminded the social partners of the Commission's plan to launch a new representativeness study on temporary agency work this year (the previous one dating from 2004). The social partners would be duly informed of and involved in that work.

The meeting was also informed about a joint event organised by UNI Global and Ciett on the future of work, to take place on 30 May 2014.

¹ <http://www.eurociett.eu/index.php?id=172>

²

[http://www.eurociett.eu/fileadmin/templates/eurociett/docs/position_papers/2014_EP_Elections/Manifesto - a job for every person in Europe - Final version.pdf](http://www.eurociett.eu/fileadmin/templates/eurociett/docs/position_papers/2014_EP_Elections/Manifesto_-_a_job_for_every_person_in_Europe_-_Final_version.pdf)

Last but not least, the parties collected ideas for the draft agenda of the next meeting (26 May) which would need to be submitted by 22 April: clarification of the 2008 Eurociett/UNI-Europa Joint Declaration on the Directive on working conditions for temporary agency workers, in particular the equal pay principle; the final report on the application of Directive 2008/104/EC on temporary agency work; an update from the Commission on posting of workers; an information from the Commission on its ideas with regard to a possible platform fighting against undeclared work³; a possible presentation of the Italian social partners on national sectoral social dialogue.

List of participants 3/2/2014

<p>Employers (9 ♂, 8 ♀) <i>8 different Member States</i></p> <p>Mr Auth (DE) Mr Bonardo (IT) Mr Cruanas (ES) Mr Farber (UK) Mr Freytag (Eurociett) Ms Hirschel (DE) Ms King (IE) Ms Muntz (NL, Eurociett President) Mr Pennel (Eurociett) Mr Perez Lopez (ES) Mr Pettineo (Eurociett) Ms Schaller (CH, observer) Ms Slivneanu (RO) Ms Spangenberg (NL) Ms van Lieshout (NL) Mr Vink (NL) Ms Zielińska (PL)</p>	<p>Workers (10 ♂, 8 ♀) <i>11 different Member States</i></p> <p>Mr Ballester (FR) Ms Caetano (PT) Mr Calado (PT) Mr Faintrenie (FR) Ms Goneva (BG) Mr Guglielmi (IT) Ms Jakabowits (FR) Ms Lelyte (UNI Europa) Mr Lindnder (DE) Mr Palada (HR) Mr Perez (ES) Ms Reda-Ciszewska (PL) Ms Riboni (IT) Mr Tóth (HU) Mr Van den Bergh (BE) Ms van der Neut (NL) Ms Varas (ES) Mr Wagmann (FR)</p>
<p>European Commission</p> <p>Ms Durst (DG EMPL) Mr Muller-Schleiden (DG EMPL)</p>	<p>Others</p> <p>Mr Dijcks (NL, Ministry SZW) Mr Loef (NL, SNCU)</p>

³ See second stage consultation of social partners under Article 154 TFEU on enhancing EU cooperation in the prevention and deterrence of undeclared work, C(2014) 452 final of 29.1.2014