



EUROPEAN COMMISSION  
Employment, Social Affairs and Inclusion DG

Employment and Social Governance  
**Social dialogue**

Brussels, 20 February 2017

**SECTORAL SOCIAL DIALOGUE  
COMMITTEE  
TEMPORARY AGENCY WORK**

## **Minutes of the working group of 20 February 2017**

### **1. Adoption of the agenda**

The agenda was adopted.

### **2. Approval of minutes from the last meeting (11 October 2016)**

The minutes were adopted with the changes submitted in written.

### **3. Presentation and formal adoption of the joint sectoral social dialogue work programme 2017/2018**

The work-programme for 2017-2018 was adopted. Point B under the section "decent work" will be modified to add the word "banks" before the word "loans".

### **4. Update from DG Employment on EU Social Policy Initiatives**

- **European Pillar of Social Rights: State of Place, feedback on the high-level conference of 23 January, next steps**
- **Revision of the Posting of Workers Directive: State of Play of the discussions in Council and EP**

Mr. Pereira from the free movement of workers/EURES unit of DG EMPL (D1) updated the group on the state of play of the negotiations on the Posting of Workers directive.

A compromise was not achieved under the Slovak presidency despite the proposals put forward. The current Maltese presidency has submitted new proposals, except on some controversial issues such as remuneration. A joint draft EP report was discussed at the respective committee this week. The co-rapporteurs of the EP (one from EPP, one from S&D) have not included a proposal on the maximum duration of posting. The EP aims to adopt its opinion at the end of the semester. Discussions with the Council are thus likely to take place after the summer break.

On the enforcement directive, the deadline for transposition is 18 June 2017. 15 MS have received a letter of formal notice and a reasoned opinion has just been sent to 9 MS for non-full transposition of the directive (mix of countries, variety of reasons).

The expert committee on the Posting of Workers will also deal with the enforcement directive i.e. the issue of single websites (art.5 of the enforcement directive on transparency).

Mr. Freytag from the World Employment Confederation-Europe welcomed the Commission's proposals. He hoped for a compromise agreement soon. The EU social partners in the TAW sector continue to collect data in the context of the European Observatory on Cross Border activities within Temporary Agency Work signed by the two social partners.

Mr. Pennel reiterated the support of World Employment Confederation-Europe to the proposals and underlined that in his view excluding TAW from the scope of the directive would be counterproductive. He also referred to recent research on the use of article 3.9 of the Directive (going beyond minimum requirements). Several MS have already implemented this provision. Most countries receiving posted workers are covered by the Observatory's work (factsheets). There are plans to expand the list of covered countries (to SE, FIN and possibly LUX).

The trade union chair (IT, temporary function) underlined the importance of collective bargaining coverage for posted workers. The duration of posting is also crucial, and, in the opinion of the trade unions, the proposed period is excessive.

Ms. Hadjiantoni updated the committee on recent news in the employment and social sphere, and notably the EU Pillar of Social Rights. The Commission held a European conference on the Pillar of Social Rights in January 2017 which was an important milestone in wrapping up the consultation and defining the future direction of the European Pillar of Social Rights. The contribution of social partners is crucial. Following the public consultation, the initiative will set out its proposal for a Pillar of Social Rights (Spring 2017). Furthermore, the Commission Work Programme 2017 announced a package of actions related to the European Pillar of Social Rights, following the public consultation, including an initiative on the implementation of the Working Time Directive (non-legislative). The aim of the initiative on the Working Time Directive is to provide legal guidance to reinforce legal certainty without engaging into a process of legislative revision, by means of an Interpretative Communication. It will be accompanied by a new Implementation Report<sup>1</sup>, analysing the state of play as regards the transposition of the Directive.

The Commission has carried out a comprehensive ex-post evaluation of 24 EU Directives on Health and Safety at Work. Based on the evaluation, it has published a Communication on health & safety aiming at tackling the OSH challenges identified. The presentation also covered the Blueprint for sectoral cooperation on skills, and the recent proposals by the commission on social security rules. The presentation includes links to all recent initiatives and can be further consulted.

Mr. Freytag recalled the position of World Employment Confederation-Europe on the EU Pillar of social rights. Reforms are needed at national level. The European Semester is the right framework to address many challenges. The "future of work" element is welcomed. He recalled the White Paper on the future of work as presented by the World Employment Confederation-Europe.

The trade union chair (IT, temporary function) welcomed the basis of the Commission's initial outline. Allowing opt-outs of MS will be problematic. The issues to address include: decent pay, need for public investment, and the social aspects of worker's mobility. He

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<sup>1</sup> The previous implementation report is accessible under the following link:  
<http://ec.europa.eu/social/BlobServlet?docId=6426&langId=en>

referred to the campaign of ETUC on promoting an increase in pay. Social partners should be at the centre of discussions.

Mr. Pennel reiterated the same messages on the need to involve Social Partners. In his view, diversity and different types of labour contracts will help improve access to the labour market.

**5. Joint Project “Online talent platforms, labour market intermediaries and the changing world of work”**

- **Overview on the project objectives and timetable**
- **Composition and timing of steering committees**
- **Information on latest research and studies published, which are linked to the project theme and the changing world of work (input from both social partners)**

Mr. Freytag referred to the success of the application for a grant by the EU towards a joint project. He thanked the EC for its support. The project comes at a timely period. A tendering procedure has been launched to hire a researcher (deadline 28 February). The dates of the steering committee meetings will be set shortly (1<sup>st</sup> meeting around March). The World Employment Confederation-Europe aims to have both corporate and national members represented at the steering committee.

The trade union chair (IT, temporary function) also expressed satisfaction at the successful application for this project. The focus of the project was discussed at the pre-meeting for the trade union side. There are different forms of platform work. The scope of the project should be well-defined. UNI Europa will discuss internally as to the countries to be part of the steering group. This may include BE, NL, PT. The trade union side would ideally like a large country to participate (call for coming forward with candidates).

Mr. Pennel agreed that the diversity of situations of platform work should be looked at and the definitions to be clarified. There is a legal dimension, a completion dimension and an access to social protection dimension linked to the collaborative economy. With regard to the composition of the steering committee, they are possibly looking at the UK, DK and RANDSTAD and The ADECCO GROUP from the corporate members. A lot of research has also been carried out in FR. The case studies will be decided by the steering committee. The ambition should be to arrive at joint recommendations.

Ms. Schaller-Bossert reiterated that all forms of employment relations should be looked at. The aim is to ensure that there will be no rogue providers. The joint agenda is one of the formalisation of work.

Some members updated the group on research that has been carried out in their respective MS. Recent research has been carried out in the UK. In NL, the national association has published a paper, covering also the legal aspects of the collaborative economy in NL (report by professor Houwerzijl). DK is also about to launch a project on the extent of the collaborative economy and on its definition. The members are invited to share any information on relevant research work i.e. by think tanks, governments, social partners etc. This will feed into the desk research to be carried out under the project.

Ms. Hadjiantoni stressed that the EC is keen to follow closely the results of the project. The EC and notably DG GROW are currently following-up on the June communication on the collaborative economy<sup>2</sup>.

**6. National social dialogue, changes in regulation on temporary agency work and new developments linked to collective bargaining**

- **Tour de table on national social dialogue, regulation and collective labour agreements**
- **Discussion on a potential round table event in Serbia to be organised in 2017, if support and funding of TAIEX can be obtained**

All members are encouraged to share developments in their respective MS.

The employer member from Poland gave an update on the regulation on temporary agency work which is currently being amended. The first reading took place. The amended regulation should be put into force on 1<sup>st</sup> June 2017. The proposed amendments include the following: sanctions for both the employer and user; more power to labour inspectors; a limitation on the duration of posting (at 18 months); and an obligation to extend contracts if these have been signed after the 3<sup>rd</sup> month of pregnancy. There will be more clarity on the changes in a couple of months.

The employer member from Germany also gave an update. The new collective agreement entered into force on the 1<sup>st</sup> of January. Remuneration increases will take place gradually. A new law on agency work will enter into force on 1<sup>st</sup> April. It may include a limitation on the duration of posting at 18 months.

The trade union member from Spain updated on the pre-agreement on the 6<sup>th</sup> collective agreement n TAW. The UGT FeSMC explained that the negotiations were blocked during several years. As far as the current situation is concerned, it seems that negotiations are going in the right direction. The employer member from Spain further mentioned that a new proposal has been put forward to the trade union side which includes pay permits. It is hoped that a new agreement is found.

The trade union side from Austria mentioned that the social and education fund is now open also to white collar workers.

The Italian employer's member referred to a new initiative on ALMPs by the IT government. This is the national roll out of the successful initiative at Lombardia region. 20,000 unemployed workers will receive a "replacement check" for placement into the LM by any provider. The French trade union member remarked that this number is small compared to the overall number of unemployed.

On the issue of the round table in Serbia, Mr. Freytag mentioned that there is agreement in principle with UNI Europa that this should take place. Serbia is discussing a draft law on temporary work, and as such a roundtable will help boost the on-going discussions. There is no federation on the employer's side in Serbia. UNI Europa and World Employment Confederation-Europe will discuss with the EC (TAIEX facility) on the possibility of conducting this round table in 2017 (or 2018).

The factsheet on DK has been endorsed by both sides.

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<sup>2</sup> [http://ec.europa.eu/growth/single-market/strategy/collaborative-economy\\_en](http://ec.europa.eu/growth/single-market/strategy/collaborative-economy_en) .

## **7. Any other business**

### **- Presentation of the World Employment Confederation Economic Report 2017**

Mr. Pennel mentioned that the report will be finalised shortly (March). Some initial figures: 30 countries within Europe, 20 outside Europe; coverage of 169,000 employment agencies; 1,5 million staff, 15 million agency workers in headcount (not full-time equivalent), of which 40% are working in Europe. Overall, 1,9% of the total working population in Europe, 1,7% at the global level, 2% for Japan and 2,2% for the USA.

Mr. Pennel concluded that the share of agency work is relatively limited at both the EU and global level. Many people are transiting through agency work. Most temporary workers have either been unemployed or inactive before. This highlights the stepping stone function of agency work. TAW work is cyclical.

In response to a question, Mr. Pennel cautioned against strict comparability amongst MS and years as the parameters often are different.

*List of participants 20/02/2017*

<p><b><u>14</u></b>  <b><u>Employers</u></b> (5 ♂, 9 ♀)</p> <p>Ms. Schaller Bossert (CH)          Mr. Kersten (DE)          Mr. Freytag (World Employment Confederation-Europe)          Mr. Pennel (World Employment Confederation-Europe)          Ms. Spangenberg (NL)          Ms. Van Lieshout (NL)          Mr. Bonardo (IT)          Mr Hagelien (NO)          Ms. Slivneanu (RO)          Ms. Shoesmith (UK)          Ms. Elfgren Lilja (SE)          Mr. Tietge (DK)          Ms. Lucas (ES)          Ms Zielinska (PL)</p>	<p><b><u>17</u></b>  <b><u>Workers</u></b> (7 ♂, 10 ♀)</p> <p>Mr. Zeman (AT)          Mr. Willemain (FR)          Ms. Vilches (FI)          Ms. Riboni (IT)          Mr. Borghesi (IT)          Ms. Hoffritz (DK)          Mr. Faintrenie (FR)          Mr. Toth (HU)          Mr. Pentenga (NL)          Ms. Varas Moroto (ES)          Mr. Rodrigues (PT)          Ms. Jakabowits (FR)          Ms. Sousa (PT)          Ms. Carvalho (PT)          Ms. Goneva (BG)          Ms. Dumas (FR)          Ms. Lazreg (FR)</p>
<p><b>European Commission</b></p> <p>Ms Hadjiantoni (DG EMPL)          Ms. Hajkova (DG EMPL)          Ms. Christa Milo (DG EMPL)</p>	