



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

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

Brussels, 16 September 2009

MINUTES OF THE MEETING TEMPORARY AGENCY WORK (TAW), 13 FEBRUARY 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 5 November 2008 were adopted.

2. Adoption of the 2009-2010 work programme

The work programme as prepared by the secretariats beforehand was adopted. Both sides had a common understanding of point C under section IV (TAW Regulation – Decent work, non-discrimination and equal treatment): not all countries had general complementary health care and pension schemes – it will therefore not be possible to identify best practices for temporary agency workers in these countries.

3. Vocational training: conclusion of the project and dissemination

Both sides gave a very positive feedback of the conference held on 4 December 2008 in the framework of project VS/2007/0571 run by Eurociett. It was now important to widely disseminate the result (report on CD-ROM) and to do the necessary translations. A possible follow-up beyond the dissemination of results could be to jointly address the Commission in the framework of the "New skills for new jobs" initiative, or to raise further awareness through a follow-up project.

4. European Observatory on cross-border activities within TAW

UNI-Europa presented the joint project "Setting up a European Observatory on cross border activities within temporary agency work" (VS/2008/0462) and informed the participants of the selection of two consultants who would work on the questionnaire and on the identification of existing legislation. The project will be composed of five representatives each (UNI-Europa, Eurociett) plus observers from ETUC and BUSINESSEUROPE. This steering committee would meet on 3 March. Eurociett confirmed that the project was of great interest to them, provided that the research was done as objectively as possible (cross-border as such not being negative). For UNI-Europa, transparency of the situation was equally important since reliable data simply did not exist.

Mr Feenstra (European Commission, see below) confirmed that the collection of data in this area was a problem for everybody and referred to the first meeting of the Committee

of Experts on Posting of Workers (see below). Eurociett specified that the social partners' project was not restricted to posted workers but would look at all cross-border activities.

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

Mr Feenstra (DG EMPL, Labour Law Unit) reminded the meeting that Member States had to comply with the Directive by 5 December 2011. In the meantime, the Commission intended to invite experts from the Member States to attend a (first) meeting before the summer break. The aim of this meeting, which was part of the technical assistance provided in the context of cooperation at an early stage following the adoption of a Directive, was to discuss any problems and possible difficulties Member States had already detected or may encounter while transposing the Directive, thus helping Member States to implement the provisions. Further meetings with the Member States could be planned for 2010. Given the specific purpose of this kind of meetings (technical assistance in the context of better monitoring the application of Community law and better regulation), the Commission representative was not aware of the possibility for the social partners to participate, which they were willing to do¹.

The Commission representative took this opportunity to inform about the Commission's Decision 2009/17/EC setting up the Committee of Experts on Posting of Workers². The Committee, which should formally and regularly involve the social partners at European level (in particular those representing sectors with a higher incidence of recourse to posted workers, such as construction, temporary agency work, catering, agriculture and transport), did not have policy-making power. Its first meeting of 25 March would most likely focus to a large extent on organisational matters such as the establishment of a tool to exchange relevant information. The participants raised some general questions related to the (non)revision of the Posting of Workers Directive and the link between the latter and the new TAW Directive, which Mr Feenstra answered.

6. "New Skills for New Jobs" initiative

Ms Westphal (DG EMPL, European Employment Strategy Unit) presented the Commission's Communication "New Skills for New Jobs. Anticipating and matching labour market and skills needs"³ and reminded that the process had begun early 2008, that means before the current financial and economic crisis. Now it was even more pressing to invest in new work force which would be needed in the future (competitive high end industry). Besides the longer term action plan, the Commission would now produce a "Monthly Labour Market Monitor"⁴. The debate addressed the following points: importance of training and quality of training, better orientation of training systems and funds, recognition of learning outcomes, particular importance for young people to acquire skills meeting real labour market demands.

¹ Eurociett and UNI-Europa addressed a joint letter to the Commission on 17 February 2009.

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:008:0026:0028:EN:PDF>

³ COM(2008) 868 final of 16.12.2008

⁴ <http://ec.europa.eu/social/main.jsp?catId=120&langId=en>

7. The state of the TAW sector with regard to the overall economic situation

UNI-Europa had asked to put this point on the agenda in order to share information on the current economic downturn which was first felt in the TAW sector. In some Member States, the situation was extremely worrying (according to Eurociett, the difference between December 2008 and December 2007 was: DE -20%, ES -40%, FR -30%, NL -18%, UK around -20%). Eurociett confirmed that the temporary agencies were a sort of "immediate indicator" of the economic situation; it was however difficult to anticipate these developments. The employers' side stressed that existing restrictions would prevent agencies in a number of countries to offer work in all sectors. The workers' side called upon the agencies to invest in human resources in order to help absorbing the current negative impacts, instead of distributing profit. Eurociett reported that in some countries, the agencies had diversified their activities by offering permanent recruitment, for instance.

The social partners agreed to sit together soon in order to prepare a more structured debate on the link between the economic downturn and the TAW market.

8. Promotion of national sectoral social dialogue

First of all, the parties agreed to deal with this point earlier at the next meeting. Delegates from BG, FR and NL reported about recent developments. In BG, where the sector is not regulated at all, dialogue between social partners was planned, and the employers' representative therefore asked for organising a round table in his country. UNI-Europa confirmed the interest of their Bulgarian member Podkrepa and agreed to organise a round table in BG.

The Commission representative drew the participants' attention on the published call for proposals VP/2009/001⁵ under which measures to strengthen the capacity of social partners to contribute to European social dialogue with particular attention to New Member States and Candidate Countries (such as information and training seminars) can be co-funded. However, national capacity-building activities which could be funded under the European Social Fund are not eligible (see footnote 2 of the call).

9. Any other business and dates of next meetings

The participants were informed about the publication of the Commission's new Industrial Relations Report and the next Forum de Liaison meeting dealing, amongst other things, with the Commission's review of the functioning of European sectoral social dialogue committees.

The remaining planned meeting dates for 2009 are (tbc): **16 April (confirmed⁶)**, 16 September, 25 November (Plenary).

⁵ <http://ec.europa.eu/social/main.jsp?catId=329&langId=en&furtherCalls=yes&callType=2>

⁶ The meeting was later cancelled by the social partners.

List of participants 13 February 2009

<p>Employers:</p> <p>Mr Aerden (Eurociett) Mr Aranda (ES) Mr d'Avezac (FR) Ms Fairweather (UK) Mr Freytag (Eurociett) Ms Gogoi (RO) Ms Gurszynska (PL) Mr Marseaut (DE) Mr Miezelis (LT) Ms Muntz (NL) Mr Pennel (Eurociett) Mr Smrekar (SI) Ms Sokoloviene (LT) Ms Todorova (BG)</p>	<p>Workers:</p> <p>Mr Ackholt (SE) Mr Boton (FR) Mr Calado (PT) Mr Catala (ES) Mr Depner (DE) Ms Martin Sanchez (ES) Ms Mulligan (IE) Mr Nuyten (NL) Ms Pohjola (FI) Ms Szelest (PL) Mr Toth (HU) Mr Warneck (UNI-Europa))</p>
<p>European Commission:</p> <p>Ms Durst (DG EMPL/F.1) Mr Feenstra (DG EMPL/F.2) Ms Westphal (DG EMPL/D.2)</p>	