



EUROPEAN COMMISSION
EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES DG

Social dialogue, Social Rights, Working conditions, Adaptation to change
Social dialogue – Industrial relations

Brussels, 2.4.2007

MINUTES OF THE WORKING GROUP MEETING TEMPORARY AGENCY WORK, 28.3.2007

Chair: P. Maršálová (European Commission)

In attendance:

Eurociett

A. Muntz (NL)
M. Freytag (BE)
D. Pennel (BE)
L. Spangenberg (NL)
R. Henseler (DE)
F. Aranda (ES)
A. Fairweather (UK)
J. Tzanidaki (NL)
C. Ferrero (ES)

Uni-Europa

F. Warneck (BE)
M. Oorsprong (BE)
W. Hartig (DE)
L. Bruun (FI)
S. Dandemar (SE)
S. Bridge (UK)
M. Landgren (SE)
W. Springer (AT)
M. Nuyten (NL)
P. Wirken (BE)
H. Van der Elst (BE)
J.-P. Boninsegna (BE)
C. Moody (UK)
D. Kiziakiewicz (PL)

1. Introduction, approval of the agenda and minutes from the last meeting

The chair welcomed the participants who shortly introduced themselves. The agenda of the meeting was adopted. The minutes from the working group meeting held on 17.1. were adopted.

2. Translation into French of the new name of the Committee

Both sides of industry agreed that the name of the committee and sector in French should be "agences de travail intérimaire".

3. Update from the Commission on recent developments in the social policy area

Jackie Morin, Head of Unit "Social Dialogue and Industrial Relations", presented latest achievements in the social dialogue and outlined major initiatives to be undertaken by the Commission in the social policy area in 2007.¹ He strongly emphasised the importance the Commission pays to stakeholder consultations and encouraged social partners to participate actively. Mr. Morin also explained new possibility of funding for national social partners' initiatives through the European Social Fund (art. 5.3.) and invited the social partners to mobilise their national members to introduce eventual demands now when the operation plans

¹ Presentation can be downloaded at
http://forum.europa.eu.int/Public/irc/empl/sectoral_social_dialogue/library?l=/temporary_work/2007/20070328_arbeitsgruppe&vm=detailed&sb=Title

are being adopted. The framework is quite large and many different activities including capacity building at the national level, expertise, networking, training etc. could be supported.

4. Joint declaration on Flexicurity

Jackie Morin shortly recalled the objectives and the process of the flexicurity debate and congratulated the social partners on their joint declaration. He also provided a feedback from the spring Council meeting, which however did not discuss flexicurity in much detail. Mr. Morin invited the social partners to participate in the conference on flexicurity which will be held in Brussels on 20.4. as another discussion platform. A report from a group of experts will also be presented. As a follow-up of the consultation the Commission will publish a communication on flexicurity in June 2007. The content of the communication will then be discussed in the Council and will feed into a revision of employment guidelines scheduled for 2008.

Representative of Uni-Europa mentioned their contribution to the Green paper on labour law, warning against Commission's eventual attempts to dismantle existing social rights. He pointed out that the fact that the trade unions contributed to the debate on flexicurity did not mean that they were supporting it. In fact, the trade unions have difficulty to agree on this terminology. For Uni-Europa the objective of the declaration was to re-launch the social dialogue and they were satisfied that this objective was achieved. However, the primary concern of the trade unions regarding temporary workers is the equal treatment and Uni-Europa believes that a suitable solution would be found through legislation at European level, mainly by re-launching the directive on temporary work currently blocked in the Council. Eurociett mentioned that their contribution to the Green paper was going to be sent shortly and that they will be ready to negotiate on an eventual joint contribution towards a review of the employment guidelines. With respect to the joint declaration, Eurociett confirmed its importance for the social dialogue and is supporting negotiations of additional joint contribution on this topic (especially on the revision of Lisbon Strategy's Employment Guidelines). Eurociett also agreed that equal pay (not to be confused with equal treatment) is a key issue in all national regulation, and that it should be discussed at national level. As for cross-border agency workers, Eurociett recalled that temporary agency work is clearly covered by the Posting of Workers directive, and that efforts should be taken to improve information and implementation at national level of the posting of workers directive. J. Morin informed that the Commission held a review of implementation of this directive and a presentation on this issue could be envisaged for the social partners.

Possibility of translation of the joint declaration was discussed. Uni-Europa prepared translations to French and German. It was agreed that the original version was the English text and the translations prepared by Uni-Europa would be reviewed by Eurociett (without any intention to re-open negotiations on the text). The social partners would also like to have the text translated to ES and PL. The chair offered the possibility to translate the document internally in the Commission to those two languages. If more languages were needed or in case of a possible future project submitted for funding by DG Employment the text could be also translated through a project call for proposal. Both parties were distributing the text through their websites and also published a press release. Eurociett was also preparing a toolkit for their members regarding promotion of the document. The declaration will also be presented at the annual conference of Ciett, where a representative of Uni-Europa was invited to participate. Further activities will be discussed at the secretariat level before the following meeting.

5. Decent work, non discrimination, equal treatment

Health and safety at work: check lists and guidelines (by Federgon, Belgium)

Mr. De Lange presented a Belgian non-profit organisation Prévention & Intérim that works together with temporary work agencies on improving conditions for health and safety of temporary agency workers. The presentation gave an overview of the main activities and initiatives and the legal framework in Belgium on the basis of which this organisation has been created.² Uni-Europa mentioned a possible difference between the officially recorded number of accidents and a real number that might be even higher. Problem of adequate information about the posts (job descriptions) and the matching skills of temporary workers and also medical checks are particularly sensitive issues in the Belgian practice. Both Eurociett and Uni-Europa appreciated this good practice example. Eurociett emphasised the fact that Prévention & Intérim is a bi-partite body funding by the employers and that contributing to its running costs was mandatory for Belgian temporary work agencies.

Promoting of ILO Convention N. 181 on private employment agencies

Mr. Heuze from DG Employment, International affairs and enlargement unit, gave an update on Commission's plan to follow-up the communication on Decent work and the Council Conclusions from December 2006. Encouraging the Member States to sign ILO conventions is a part of the strategy to communicate Europe's commitment to promote labour standards and European social model among the third countries. The Commission is currently identifying ILO conventions that should be endorsed by all the Member States and will prepare a campaign. Two approaches could be envisaged – the first one being to focus on health and safety conventions at the beginning (as EU legislation in place goes well beyond the ILO convention), the second one consisting in preparing a package of most recently adopted conventions that would be recommended for signature by the Member States. If the second approach is chosen, convention 181 is likely to be part of such a package.

Eurociett considers the ILO Convention 181 to be a modern framework regulation model and a useful guideline to develop legislation at national level. So far, only 10 EU Member States have ratified the convention. For some Member States the reason is that the article on minimum wage is not compatible with their national system (SE, DE). Member States are also in many cases reluctant to sign conventions that do not reach the level of standards guaranteed by national legislation or they simply lack information. In this case, connection also needs to be made with the pending directive on temporary work. Eurociett suggested organising a workshop with the ILO that might clarify the situation and help the ratification process. Mr. Heuze also pointed out that even though no negotiation is possible on the wording of ILO conventions (take it or leave it approach), the interpretation gives sometimes options to reconcile ILO conventions with national legislation. Uni-Europa considered that except for Member States with no legislation in place the ILO convention is not a relevant solution anymore.

Temporary work in the UK

Anne Fairweather presented REC and the practice of temporary agency work in the UK.³ The discussion focused on rights attributed to temporary workers, the work of Inspectorate supervising temporary work agencies and satisfaction of temporary workers. British representative of Uni-Europa then presented finding from a report prepared by TUC according to which major problems are abuses of existing regulation, lack of equal treatment

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of temporary workers (access to credits and other benefits) and permanent exclusion of temporary workers from direct employment with the end user. Eurociett stressed that the abuses mentioned in the report are indeed related to infringements of existing regulation, and that minimum rights exists in the UK for agency workers. Regarding to the temp-to-perm fees, Eurociett made it clear that this is a commercial issue between agencies and user-companies, and that it is absolutely normal that agencies do not offer services for free. Furthermore, this fee does not prevent temporary agency workers to get a permanent contract, since on EU average, one third of agency workers get an open ended contract after temping. UNI-Europa is of the opinion that the UK case is not a good practice.

6. Promotion of national Sectoral Social Dialogue

The chair explained that two options for organisation of round tables in the new Member States were available – financing through Taixex who should still provide funds for EU-10 this year or submitting a project for financing under the social dialogue budget line (in that case it would be advisable to prepare a bigger project encompassing several countries). Eurociett suggested to try to obtain financing from Taixex and proposed that the round table could be organised in the Czech Republic. Uni-Europa would prefer to organise a seminar in Hungary as there is no active Uni member in the Czech Republic. Eurociett suggested that in that case Czech social partners should be invited as well. It was agreed that Uni-Europa would check the idea with their Hungarian member and the social partners would then contact Taixex directly.

7. Research

Eurociett suggested that the committee could undertake a research in demographic change and its impact on the temporary work sector and possible solutions offered by temporary work agencies. For Uni-Europa this is not a priority topic and they suggested continuing with research topics mentioned in the work programme. It was agreed that a review of work programme will be done by the secretariat.

8. A.O.B.

Eurociett suggested a short tour-de-table in which the participants would draw attention to the most important national developments. Uni-Europa members will prepare similar presentations for the next meeting.

In the Netherlands, a new bipartite ‘umbrella’ foundation was launched, the SFU, that organizes 4 different bipartite foundations: the SNCU that controls and enforces the Collective Labour Agreement for agency workers, the STOOF focusing on training for agency workers and permanent staff, the STAF on health and safety issues and the improvement of working conditions and finally the STIPLU, the generally binding sector pension fund for agency workers.

Eurociett Spanish member announced that their organisation (AGETT) became president of a bipartite foundation called SINDETT, whose aim is to facilitate access to training for temporary agency workers.

Eurociett informed that they have carried out a strategic research on the contribution of temporary agency work to a better functioning labour market. The results will be released by mid-May.

The next meeting will be held on 26.6. The interpretation will be provided in English, French and German.

Eurociett and the chair thanked Uni-Europa for organising the meeting in the premises of the International trade union house following a cancellation at CCAB. Everyone very much appreciated the fact that the meeting could finally be maintained.