



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

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

Brussels, 1.12.2007

MINUTES OF THE PLENARY MEETING TEMPORARY AGENCY WORK, 7.11.2007

Chair: P. Maršálová (European Commission)

In attendance:

Eurociett

A. Muntz (NL)
D. Pennel (BE)
L. Spangenberg (NL)
S. De Leeuw (NL)
R. Henseler (DE)
T. d'Avezac (FR)
A. Fairweather (UK)
J. Tzanidaki (NL)

Uni-Europa

F. Warneck (BE)
M. Oorsprong (BE)
M. Fernandez (ES)
L. Bruun (FI)
P. Molina (ES)
S. Bridge (UK)
A. Aguayo (ES)
S. Toth (HU)
M. Nuyten (NL)
A. Jureczek (NL)
A. Poljola (FI)
P. Winker (BE)
J. Roelandt (BE)
D. Kiziakiewicz (PL)
A. Bujara (PL)
L. Mullyan (IE)
M. Landgren (IE)
S. Dandemar (SV)
J.-L. Tolomio (FR)

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

The chair welcomed participants. Participants introduced themselves. Agenda of the meeting was adopted. Minutes of the working group meeting held on 26.6.2007 were adopted.

2. Update from the Commission on key E.U. policy developments related to the temporary agency work industry

Green Paper on Labour Law

Paul Cullen from DG EMPL, Labour law unit, presented an analysis of responses provided to the Commission in the public consultation on labour law.¹ Documents

¹ The presentation can be downloaded through sectoral page on www.ec.europa.eu/socialdialogue or directly at

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/temporary_work/2007/20071107_plenartagung/071107_cullen_enpdf/EN_1.0_&a=d

analysing stakeholder replies were made available to the social partners before the meeting. The public consultation was linked to the debate on flexicurity and European Parliament in its resolution also linked social dialogue to the “better regulation” agenda. Main areas of action emphasised in the consultation by social partners were life long learning and undeclared worked. The Commission does not intend to issue new legislation, but it will deal with the issues through Open Method of Coordination with emphasis on the highlighted issues in Jobs and Growth Strategies. Uni-Europa voiced their disappointment with the Commission’s lack of intention to initiate new legislation. Mr. Cullen explained that in the situation where the member states oppose new legislation and claim that the current situation is adequate, OMC is a tool to check whether it is really the case and discuss the existing problems. It also gives space for involvement of social partners at all levels. The Commission was launching different initiatives in the framework of the Progress programme. A new initiative to introduce “labour lawyers” was also launched.

The draft directive on temporary agency work

Françoise Berthiaume from DG EMPL, Labour law unit, updated the social partners on latest developments of the file under the Portuguese presidency. The presidency has sent a questionnaire to the Member states and following their replies, the issue was discussed in the Council. While national delegations were opened to discuss the text including new compromise proposal prepared by the presidency, the divergences on the main problematic points were persisting. The presidency would attempt to link the current proposal to the issue of working time directive in order to reach a compromise to be adopted by the December meeting of the European Council.

3. Presentation of the joint project “TAW contribution to transitions in the EU Labour market: the example of vocational training”

Eurociett presented a project proposal submitted for financing under the social dialogue budget line. The project consists in research of temporary workers (practices, types of contracts etc.) and establishment of an inventory of good practices. Results of the project will be disseminated through a conference and a guidebook. National members will be involved in the project as they will gather information for country profiles. Uni-Europa appreciated this first joint project to be undertaken by both parties and encouraged the members to participate actively as the outcome will largely depend on the information they will be able to provide.

4. Follow up and update of the Work Program 2008

At the beginning of the session, the chair (on request of the social partners) gave an overview of existing tools of European social dialogue.² The social partners then discussed the proposal for the work programme for 2008, based on the proposal from Eurociett. Uni-Europa identified 4 main thematic priorities: research of temporary agency work in Europe (project, contracts, follow-up of the Dublin study), migrant workers, corporate social responsibility and promoting of social dialogue at national level. Eurociett agreed but suggested to include posting of workers and promotion of the ILO convention 181. Discussion continued on reasons for promoting the

² http://ec.europa.eu/employment_social/social_dialogue/typology_en.htm

convention that does not go as far as proposed EU legislation. Uni-Europa agreed in principle to promote the convention for countries that do not yet have legislation. Eurociett suggested organisation of a round-table in Bulgaria that is currently discussing legislation on temporary work and assistance from European social partners could be very helpful at this stage. Activities related to CSR will be further discussed. On active labour market policies, the social partners understand that this issue covers flexicurity and they will continue to respond the EU's activities. It was agreed that the work programme will be finalised by the secretariats and adopted formally during the next committee meeting (1st working group meeting in 2008).

5. Promotion of national sectoral social dialogue

Trade union representatives from Poland presented the situation in their country, one year after the round-table organised by European social partners. They concluded that social dialogue is inadequate, in fact non-existent, and that employers did not wish to cooperate with the trade unions and engage in any discussions. The following discussion concerned figures and statistics shown, impact of government change on the situation in the sector, minimum wages etc. Eurociett was sure that their members from Poland are ready to stand for the declaration signed following the round table and offered assistance in re-launching working relations between employers and trade unions.

The social partners informed about the state of play of preparation of the round table in Hungary to be held on 13.11.2007.

Due to lack of time, presentation of the case study on social certification from the Netherlands was postponed till the next meeting.

6. A.O.B. and date of next meeting

The chair informed about the conference on European social dialogue that will take place in Lisbon on 29-30.11.2007 and encouraged social partners to nominate a representative of their sector.

Social partners asked for an update on creation of the High level committee mentioned in the previous meeting by Armindo Silva.