



## EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

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

Brussels, 18 February 2008

### **MINUTES OF THE WORKING GROUP MEETING TEMPORARY AGENCY WORK (TAW), 12 FEBRUARY 2008**

**Chair:** E. Durst (European Commission)

**In attendance:**

**Eurociett**

F. Aerden (BE)  
F. Aranda (ES)  
T. d'Avezac (FR)  
M. Bonnichon (FR)  
N. Csaposs (HU)  
M. Delbar (PL)  
A. Fairweather (UK)  
C. Ferrero (ES)  
T. Gibcus (NL)  
R. Henseler (DE)  
A. Muntz (NL)  
D. Pennel (BE)  
J. Tzanidaki (NL)

**Uni-Europa**

A. Aguayo (ES)  
A. Boessiger  
S. Bridge (UK)  
L. Bruun (FI)  
C. Catala (ES)  
S. Dandemar (SE)  
S. Delahaye (FR)  
M. Fernandez (ES)  
J. Kirton-Darling (UK)  
M. Landgren (SE)  
J. Michiels (BE)  
L. Mullgan (IE)  
A. Poljola (FI)  
J.-L. Tolomio (FR)  
S. Toth (HU)  
F. Warneck (BE)

#### **1. Adoption of the agenda and approval of the minutes from the last meeting**

The chair welcomed participants. Participants introduced themselves. The agenda of the meeting was adopted. The minutes of the plenary meeting held on 7 November 2007 were adopted. Eurociett stated that the information given on the social dialogue in Poland did not reflect the real situation, which would be presented later in the meeting.

#### **2. Debate and adoption of the revised work programme**

Uni-Europa presented the draft revised work programme prepared by the secretariats. Eurociett agreed with the text but pointed out that when implementing the different actions, one should take into account the non-regulated and greyish sector (work migration) and other players such as banks and municipalities (decent work, access to credit and housing). The employers also welcomed the fact that co-operation between both sides of industry was taking place on ILO Convention 181. Uni-Europa confirmed they would take these remarks into account and mentioned that work on CSR had been removed from the work programme for the time being. The work

programme 2008-2009 was formally adopted with a reference to a possible review at the 2008 plenary meeting.

### **3. Joint project on vocational training (VS/2007/0571)**

Eurociett presented the project methodology and the contributions expected from the European social partners' affiliates. Eurociett's and Uni-Europa's members were asked to provide any information they had on training (programmes, facilities, etc.) and to answer the questionnaire which would be sent out in the course of the project. Uni-Europa referred to the specific situation of the sector, as those who provided training were not only the temporary work agencies but also the companies using TAW workers (triangular relationship). The employers' side asked to take into consideration the general context (for instance, in some countries, training was obligatory for all sectors).

### **4. Promotion of national sectoral social dialogue**

Bulgaria: Uni-Europa replied to Eurociett's wish to organise a round table before the summer by announcing that they had no current member in this country. However, contacts had been established with two trade union organisations which were ready to participate in the event. The national debate on a TAW regulation (which was linked to the debate on the draft Directive) kept them occupied and it was therefore not possible to confirm whether the round table could be organised before the summer. Uni-Europa proposed to take the lead for the organisation since Eurociett had done it for the last event in Hungary. The parties agreed that the secretariats would try to find a date and contact TAIEX as soon as possible.

Poland: Eurociett's delegates gave a different appreciation of the social dialogue situation in their country. A number of meetings had taken place within the tripartite commission (with Solidarność and OPZZ for the workers' side). Three weeks ago, the Polish employers had proposed to Solidarność to meet on a regular basis with the common objective to fight illegal agencies. In Eurociett's view, there was a lack of communication between the local and national level within Solidarność. Uni-Europa regretted that their Polish delegate was not present today. The European workers' organisation stressed that their interlocutor in Poland was the sectoral and not the cross-industry level and announced they would verify the good functioning of the information flow. As far as law enforcement and monitoring in Poland with regard to TAW was concerned, both sides agreed that there were gaps. There was hope that the situation would improve now that a new government was in place.

Hungary: The Hungarian employers announced that after the round table held last year, the common platform would now be implemented. They wished to increase the level of discussion and asked the workers' side for assistance. The Hungarian workers' delegate shared the employers' wish to continue the co-operation and stressed that it was difficult to organise workers throughout different companies in Hungary. They hoped to make progress by the end of the year.

Tour de table: National members from NL, PL, DE, FR, ES, BE, IE, SE, FI and UK reported about recent developments in their countries.

## **5. Decent work, non-discrimination and equal treatment**

In order to prepare this point of the work programme, the parties agreed to present some cases at the next meeting. The examples of FR, NL and BE were mentioned. The secretariats would decide on the final list of cases to be presented. Both sides agreed that it was equally interesting to discuss negative examples (and not only best practices) because one could learn a great deal from them, too. The problems of "discriminatory demands" by clients and general (possibly unintentional) discriminatory behaviour of employers were mentioned in this context.

## **6. Flexicurity**

Both parties agreed upon the reviewed Spanish translation of the joint declaration adopted on 28 February 2007, which would be sent to the Commission. Uni-Europa informed the participants about their conference to be held on 21-22 February 2008. The different sectoral components of Uni-Europa would hold a debate on what flexicurity meant, with the aim to consolidating their position vis-à-vis the concept. This would facilitate further work on flexicurity in the TAW sector. Uni-Europa welcomed Eurociett's participation in the employers' panel foreseen during the conference.

## **7. Research on TAW**

Eurociett reported that the Dublin Foundation had agreed to update the 2006 study as jointly requested by the social partners. However, the volume of this follow-up work would be less important than the first exercise. The social partners would be able to comment on the draft overview report (and not the individual national reports). The study would start in mid-March and be concluded in August. The overview report would be available on-line in September 2008.

Uni-Europa informed the participants that contacts had been established with Cedefop and a number of research institutes, too. Uni-Europa would inform the employers' side about the scope and content of this work.

## **8. Update of information by the Commission**

Mr Holthuis (DG EMPL, Unit "European employment strategy, CSR, local development") informed the meeting about recent developments with regard to flexicurity<sup>1</sup>. In March, the Commission would publish a call for proposals to develop the agreed common principles on flexicurity. Member States would report on the implementation of the national pathways based on the common principles in the framework of the National Reform Programmes of Autumn 2008. The French Presidency (2<sup>nd</sup> semester 2008) would organise a "mission for flexicurity". In March 2008, the European Council would endorse the Lisbon Strategy's new cycle of integrated guidelines, which would incorporate references to the flexicurity common principles. The opinion of the EP and final adoption is foreseen in May/June 2008. Asked about the link between the Laval case and the flexicurity concept, the Commission representative informed the meeting that this complex issue was being discussed within the Commission.

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<sup>1</sup> See: [http://ec.europa.eu/employment\\_social/employment\\_strategy/flex\\_steps\\_en.htm](http://ec.europa.eu/employment_social/employment_strategy/flex_steps_en.htm)

Mr Cullen (DG EMPL. Labour law unit) gave a brief update on the draft directive on TAW and Posting of workers. In response to the outcome of the EPSCO Council (i.e. the failure to reach agreement on the TAW dossier), both Uni-Europa and Eurociett representatives expressed some disappointment. Neither side was very pleased with the Council's consideration of both the Working Time and TAW dossiers in the context of the single compromise package introduced by the Portuguese Presidency, while acknowledging that there might be a political logic behind that approach. Uni-Europa laid stress on the fact that the current draft text still contained some deficiencies and urged that the voice of the social partners be heard before an agreement was eventually reached. Eurociett said that the social partners were ready to engage in this dossier. With regard to the follow-up on the 2007 Communication on Posting, the social partners informed the Commission representative of their will to set up a European Observatory on cross-border activities within TAW. Both sides expressed the hope that social partners would become involved in the work of the future High Level Committee.

#### **9. Any other business**

Planned meeting dates for 2008 (tbc): 27 May, 23 September, 3 December.