



EUROPEAN COMMISSION
DG Employment, Social Affairs and Inclusion

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

Brussels, 6 April 2011

SECTORAL DIALOGUE
COMMITTEE
TEMPORARY AGENCY WORK

Minutes of the plenary meeting

30 November 2010

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 was adopted with some changes in the chronological order of items. The minutes of the 8 October meeting were discussed. Agreement still would have to be found on the last paragraph of point 6 on TAW regulation (recent developments in the UK) before final adoption of the minutes by the secretariats.

2. TAW regulation

Social partner representatives from a large number of countries (by order of intervention: IT, NL, PL, HU, FR, DE, LT, SE, UK, ES, PT, BE, DK, FI, IE) reported on their countries' progress with regard to the implementation of the TAW Directive (Directive 2008/104/EC). Once again, the developments in the UK (the CBI's proposal to allow replacing striking workers by TAW workers) were subject of the discussion. Eurocett specified that the proposal came from CBI and not from Eurocett's affiliate who was not supporting this request. UNI Europa referred to the article on the REC website in support of this proposal. The issue was later dealt to the satisfaction of both social partners.

The participants were also informed about joint Ciett/UNI Global activities with the ILO on promoting further ratifications of Convention 181 on Private Employment Agencies. On 18–19 October 2011 ILO will organise a Global Dialogue Forum in Geneva on the Role of Private Employment Agencies in Promoting Decent Work and Improving the Functioning of Labour Markets in Private Services Sectors. In addition, new research will be carried out by ILO, which would also be reviewed by UNI Global and Ciett. UNI specified that they were promoting the ratification of the Convention 181, not TAW as such.

Point 2.1 was dealt with in the afternoon. The Commission representative Mr Muller-Schleiden informed the participants about the fifth expert group meeting on the transposition of the Directive held on 12 October. This meeting – which the social partners attended at the end of the morning – focussed particularly on Articles 6, 7 and 8

of the Directive. He reported that Member States mainly chose that TAW workers be represented in their agency rather than in the user company (Article 7 allowed for both). In general, there had not been many questions on all these articles. The sixth meeting was planned for March; it was neither sure yet whether it would be the last meeting of the expert group nor whether the social partners would be invited. The Commission representative indicated that the social partners would have the possibility to comment on the draft minutes of the meeting of 12 October as regards the part relating to their interventions. It was not decided yet whether the expert group would issue official conclusions.

3. Promoting national social dialogue in Turkey

The European social partners recalled the aim of the Roundtable on Temporary Agency Work Social Dialogue (TAIEX INT MARKT 42998¹) which was to help social partners develop a constructive and fruitful social dialogue in the sector of temporary work agencies in Turkey. The national experts Mr Yaka (OIBD, employers) and Mr Gercek (Turk Koop-Is, workers) informed about the state of play of their national social dialogue in Turkey which had just started in August. It was closely linked to the fact that the debate on the objectives, permission and regulation of TAW was not concluded yet in their country (for the time being only private employment agencies are permitted, but not TAW). Also, the unsatisfactory situation with regard to trade union rights in Turkey (ILO Conventions 87 and 98²) was hindering a factual debate on the principle of TAW. Eurocett affirmed that they considered these two conventions as very important. Both sides of industry were happy with the draft agenda of the roundtable and the fact that so many participants had confirmed their participation.

4. Posted workers in the European Union

Ms Biletti (Eurofound) presented the objectives and content of the report "Posted workers in the European Union" which was now online on Eurofound's website³. This report examined the extent of the phenomenon of the posting of workers, the respective roles played both by European and national-level legislation in determining the employment and working conditions of posted workers and the relative roles played by legislation and collective bargaining – and how these two domains interplay. Importantly, the research also looked at the possible implications of a number of high-profile decisions taken by the European Court of Justice in cases of posting of workers. Ms Biletti explained that they had been looking at the national level debate on posted workers but had realised that this was mainly a debate at European level. The Q & A focussed mainly on the availability and comparability of data and the link between the directives on posting and on TAW. Eurocett and UNI Europa restated that the TAW EU social partners would very much appreciate the Commission to draft a legal paper on the interrelations between the two directives. After the meeting, a slide presentation was kindly provided to the secretariats.

¹ http://ec.europa.eu/enlargement/taiex/dyn/taiex-events/library/detail_en.jsp?EventID=42998

² <http://www.ilo.org/ilolex/english/convdisp1.htm>

³ <http://www.eurofound.europa.eu/eiro/studies/tn0908038s/index.htm>

Point 4.2 of the agenda was postponed to the next meeting since the speaker's flight had been cancelled.

5. Work programme 2011-2012

Eurociett reported that the draft work programme was the result of a joint preparation between the secretariats and the organisations' respective affiliates. The employers had discussed it again this morning and concluded that it would be good to include the aspect of older workers in the joint project on transitions. UNI Europa suggested some additions to the aims of the project (decent work, vulnerable workers) and proposed to seek exchange with labour inspectorates within the work on cross border activities. These proposals were mainly supported and it was decided to finalise the work programme between the secretariats.

6. Any other business

It was agreed to deal with the remaining points at the next meeting planned for 17 February 2010 and to have a detailed DG EMPL presentation of the "New skills and jobs" flagship initiative.

Next year, at each meeting, one collective labour agreement in the TAW sector would be presented. The parties decided to deal with DE, NL and SE in 2011.

Ms Owens announced that she would change responsibilities within UNI Europa at the beginning of next year, taking over the finance sector. However, she would continue with the TAW sector until her replacement would take over. Eurociett naturally regretted this news but thanked Ms Owens warmly for the good cooperation and wished her all the best for her new tasks.

List of participants

Employers (4 ♂, 7 ♀) Mr Auth (DE, corporate member) Ms Bonnichon (FR) Ms Cordero (ES) Ms Goppenaite (LT) Ms Krohn (DE) Mr Marseaut (DE) Ms Muntz (NL, Eurocett President) Mr Pennel (Eurocett) Ms Spangenberg (NL) Mr Vink (NL, corporate member) Ms Zielińska (PL)	Workers (17 ♂, 9 ♀) Mr Ackholt (SE) Mr Black (UK) Mr Boton (FR) Ms Budweis (AT) Mr Calado (PT) Mr Campeotto (IT) Mr Cecchi (IT) Mr Coulouscou (ES) Mr Håkansson (SE) Mr Labeeuw (BE) Mr Leblanc (FR) Ms Lelyte (UNI Global) Mr Makkinje (NL) Ms Mulligan (IE) Mr Nemes (BE) Mr Nuyten (NL) Ms Østrup (DK) Ms Owens (UNI Europa) Ms Pohjola (FI) Ms Riboni (IT) Mr Saenen (BE) Mr Tóth (HU) Ms Unterschütz (PL) Mr Veekman (BE) Mr Vicioso (ES) Ms Wirken (BE)
European Commission	
Ms Durst Mr Muller-Schleiden	
Others	
Ms Bileta (Eurofound) Mr Gercek (TR, Turk Koop-Is) Mr Yaka (TR, OIBD)	