



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

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

Brussels, 25 November 2009

MINUTES OF THE MEETING TEMPORARY AGENCY WORK (TAW), 16 SEPTEMBER 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 13 February 2009 were adopted. Participants introduced themselves.

2. European Observatory on cross-border activities within TAW

UNI europa informed about the current state of the joint project "Setting up a European Observatory on cross border activities within temporary agency work" (VS/2008/0462). The subject was rather complicated and a lot would depend on the future application of the TAW directive and the national TAW legislation which applies in the country (i.e. for instance the collective agreements concluded). The questionnaire had until now had a poor response rate and there was a lack of statistics. It appeared however that the majority of temporary agency work contracts were local and did not concern posted temporary agency workers. It was planned to launch the observatory on 3rd December 2009 and hold the observatory's first meeting on 4th December. UNI europa stressed that it was crucial for the observatory to have a clear mandate to raise the profile of the sectoral social partners in this field.

In this context, UNI europa welcomed President Barroso's statement the day before according to which he would propose new EU regulation to clarify the posting of workers directive. Eurociett disagreed with President Barroso's appreciation that employers felt for a revision of the posting of workers directive: a letter sent by BUSINESSEUROPE to President Barroso made this point very clear.

3. Promotion of national sectoral social dialogue

As far as the impact of the economic crisis was concerned, Eurociett reported on the latest developments in the TAW industry across Europe. They noted that the pace of the decrease was starting to slow down. Employers' delegates from DE, UK and PL confirmed this trend to a certain stabilisation.

Regarding national social dialogue developments in the sector, workers' delegates from ES informed the meeting about the trade unions' (UGT, CC.OO.) difficulties to identify their counterparts on the employers' side. Eurociett reacted stating that both AETT and AGETT are recognised as members of Eurociett, representing the employers' side for the

TAW sector in Spain. FR informed about current negotiations in the fields of vocational training, elderly workers and "portage salarial" and about one example of short-time work combined with training. Delegates from IE and BE reported about other developments related to the implementation of the TAW directive, on a special time-credit system ("crisis-tijdskrediet"/"crédit-temps de crise") and on collective dismissals. Trade union delegates from IT explained about the increases in voluntary redundancies of up to 50%.

The parties also talked about the planned round table to be held in Sofia on 11th December 2009. The event financed by TAIEX would seek to promote sectoral social dialogue amongst around hundred Bulgarian participants.

4. Report "Temporary agency work and collective bargaining in the EU"

Mr Welz from Eurofound presented the final report of the research¹. He commented that the research was now more relevant for an assessment of the pre-crisis situation. Both sides of industry thanked for this important work. UNI europa commented the report's conclusion of the lack of specific organisations for temporary agency workers, specifying that a number of cross-sector trade unions covered this issue actively. In this context, the workers' side recommended to read the study on "The representation of temporary agency workers in Europe"². It drew a panorama of the difficulties and possibilities to organise temporary agency workers or to involve them in national and European works councils.

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

Mr Feenstra (DG EMPL, Labour Law Unit) informed the meeting about the first informal working group which took place with the Member States on 11 September³. He explained why it had been impossible to accept the joint request of the social partners to participate in the group as observers. However, Member States recognised the role of social partners for specific issues (such as restrictions, equal treatment, information and consultation) and had no objections to invite the European (sectorial) social partners as experts for certain points. Four meetings were foreseen in 2010 and two in 2011. The different articles of the Directive would be addressed in chronological order. The Commission representative stressed that the intention was not to issue guidelines as a result of the activities in the informal working group. The Commission's role was to facilitate the proper transposition of the Directive. If anywhere, the social partners should make sure that they would be heard at national level where a number of derogations were possible to be implemented. The parties agreed to discuss possible joint actions to promote the implementation of the Directive at the next social dialogue meeting.

The UK employee representative expressed concern about the open attempts at avoidance of TAWD being promoted in the UK by some employers in the sector. These ranged from extending the UK derogation period for the equal treatment principle implementation from 12 weeks to 12 months, to changing the legal status of agency

¹ Published at: <http://www.eurofound.europa.eu/eiro/studies/tn0807019s/index.htm>

² Published at: http://www.uniglobalunion.org/Apps/iportal.nsf/pages/20090205_yfdhEn

³ Background: see minutes of last social dialogue meeting.

workers, to invoking the Art 5.4 of the Directive." He stressed that early intervention by the Commission was warranted. The UK employer representative said that the industry in the UK would await the outcome of the UK Government's consultation, which had yet to be finalized.

6. Vocational training for agency workers

Eurociett reported that both sides wanted to issue a joint declaration on the main outcomes of the project carried out jointly by sectoral social partners. It should be a short document and a draft was currently under discussion amongst the organisations. The parties agreed on some changes in the text during the meeting. The final version would be voted on according to each organisation's procedures and disseminated as soon as possible.

7. "A shared commitment for employment"

Mr Holthuis (DG EMPL, European Employment Strategy Unit) presented the Commission's Communication⁴ and informed about the outcomes of measures taken in response to the crisis so far (see slide presentation). He announced that this autumn a consultation on the future Lisbon Strategy and the Employment Strategy was planned.

The participants discussed different aspects linked to the current situation and future strategies. The employers pleaded for staying ambitious and focussing on flexicurity, training at the right moment and inventory of skills; the workers' priorities were to retain workers at all costs and to create permanent jobs. The Commission representative referred to the fact that one had to look at possibilities to narrow the gap between permanent and atypical contracts and look at all elements of quality in work⁵ to ensure that more people could enter and maintain on the labour market.

8. Next meetings

The next meeting will take place on 25 November (Plenary).

⁴ <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=514&furtherNews=yes>

⁵ See: <http://ec.europa.eu/social/main.jsp?catId=646&langId=en>

List of participants 16 September 2009

<p>Employers:</p> <p>Mr d'Avezac (FR) Ms Cattelain (BE) Ms Fairweather (UK) Ms Ferrero (ES) Mr Freytag (Eurociett) Ms Gurszynska (PL) Mr Marseaut (DE) Ms Muntz (NL) Mr Pennel (Eurociett) Ms Todorova (BG)</p>	<p>Workers:</p> <p>Mr Ackholt (SE) Mr Aguayo (ES) Mr Botton (FR) Ms Bruun (FI) Ms Budweis (AT) Mr Calado (PT) Mr Campeotto (IT) Mr Catala (ES) Mr Colapinto (IT) Mr Delahaye (FR) Mr Leblanc (FR) Mr Leonard (UK) Mr Leroy (BE) Ms Martin (ES) Ms Mulligan (IE) Mr Nuyten (NL) Ms Owens (UNI europa) Mr Pennati (IT) Ms Riboni (IT) Mr Toth (HU) Mr Veekman (BE) Mr Warneck (UNI europa)</p>
<p>European Commission:</p> <p>Ms Durst (DG EMPL/F.1) Mr Feenstra (DG EMPL/F.2) Mr Holthuis (DG EMPL/D.2) Mr Muller-Schleiden (DG EMPL/F.2)</p>	<p>Others:</p> <p>Mr Welz (Eurofound)</p>