



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

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

Brussels, 7 August 2014

**SECTORAL DIALOGUE
COMMITTEE
TEMPORARY AGENCY WORK**

Draft Minutes of the working group meeting of 26 May 2014

1. Adoption of the agenda and adoption of the minutes

The meeting was chaired by the Commission. Participants introduced themselves. The agenda was adopted. The minutes of the last meeting (3 February 2014) were approved.

2. Promotion of national sectoral social dialogue

The Italian national sectoral social partners NIdiL CGIL (workers) and Assolavoro (employers) made a joint presentation on the new collective labour agreement in the TAW sector (see slides). The questions and answers were related to seniority and pay; the fact that there is no limit for 'temporary' agency workers anymore; and the importance of funds functioning on a basis of parity.

Some delegates reported on latest developments in national sectoral social dialogue (France: legal procedure against the collective agreement of 10 July 2013¹).

Eurociett informed the participants that the social partners had applied for support by TAIEX to organise a roundtable in Serbia. There was no feedback yet on the application².

3. European Platform to enhance cooperation in the prevention and deterrence of undeclared work

Ms Durst (DG EMPL, Social Dialogue Unit) presented the Commission proposal of 9 April 2014 (COM/2014/221) – see presentation given at the Liaison Forum lunch debate of 19 May 2014. Eurociett declared that it was in favour of the initiative since it would contribute to fighting unfair competition. Eurociett also expressed its wish to be part of the platform. UNI Europa had also contributed to the debate and called upon the authorities to enhance enforcement in this field.

Ms van Lieshout (Randstad) presented the research 'Flexibility at work 2014: tackling undeclared work' (see slides). The report was based on Eurostat and OECD findings.

¹ See minutes of the plenary meeting of 16 October 2013

² TAIEX approved the request on 28 May 2014. The roundtable will take place on 12 September 2014.

4. Joint project 'How TAW compares to other forms of work' (VS/2013/0389)

Eurociett informed about the state of play of the joint project. The next steering committee during which the questionnaire would be discussed would take place on the following day. The conference would probably take place in January. Ms Valsamis (IDEA Consult) presented the research carried out within the framework of the project (see slides). There were no results yet available. The participants raised the question of data availability, in particular regarding self-employed workers. The researcher invited the participants to send any relevant document or information after the questionnaire would have been sent out.

5. Cross border mobility

Mr Reinholdt (DG EMPL, Labour Law Unit) presented the Enforcement Directive (Directive 2014/67/EU³ of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services) of 15 May 2014 - see slides. The question and answer session centred on the prior declaration; turnover as an element to be considered; the Internal Market Information System (IMI) which will be used for enforcement purposes; and the contact person to be designated. Whilst Eurociett was in support of the new Directive, UNI Europa was not fully happy and remained sceptical as regards the practical implementation of the new provisions. Eurociett used this opportunity to remind the Commission of the social partners' request for a legal clarification on the interaction between the Posting of Workers and the TAW Directives.

The social partners summarised the state of play of the different fact sheets on TAW regulation: ES and UK were still pending and IE was ready on the employers' side. UNI Europa said that it had no contact person yet from AT. Both sides agreed to start working on PT.

6. TAW regulation

Mr Muller-Schleiden (DG EMPL, Labour Law Unit) presented the report on the application of Directive 2008/104/EC on temporary agency work adopted on 21 March 2014 (COM/2014/176). The social partners discussed again the question of 'unjustified' restrictions. UNI Europa suggested that Eurociett send its list of restrictions which it considered unjustified; the workers' side would then consult with its members and be able to discuss these cases (sectoral bans, quotas, etc.) with the employers' side. Eurociett agreed to send concrete cases with a view to discussing them with UNI Europa.

Eurociett voiced its concern regarding UNI Europa's call to remove the possibility of derogation from the principle of equal treatment (see page 19 of the above-mentioned report). UNI Europa's representative indicated that she would check with her Regional Secretary what the rationale behind that position was.

7. Any other business

Eurociett updated the participants on the contact established with IndustriAll. Both organisations had carried out a joint survey on the implementation of the TAW Directive. There was a joint interest to fight rogue agencies. No further meeting was scheduled. Eurociett stressed that not only IndustriAll, but also other workers' organisations such as

³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0067>

from the construction sector had expressed their interest to meet Eurociett in order to discuss posting of workers or (bogus) self-employment. UNI Europa informed the participants that the different industry federations on the workers' side will also meet to discuss specific cases (rogue agency). UNI Europa will report back on this coordination meeting at the next meeting in October.

UNI Europa informed the participants on the UNI Global and Ciett seminar on the future of work⁴ which took place on 13 May 2014.

List of participants 26/5/2014

<p>Employers (6 ♂, 7 ♀) <i>8 different Member States</i></p> <p>Mr Bonardo (IZ) Mr Farber (UK) Mr Hagelien (NO, observer) Ms Hirschel (DE) Ms Hurtado (ES) Mr Pennel (Eurociett) Mr Pettineo (Eurociett) Ms Schaller (CH, observer) Ms Slivneanu (RO) Ms Tyllerova (CZ) Ms van Lieshout (NL) Mr Vink (NL) Ms Zielinska (PL)</p>	<p>Workers (12 ♂, 4 ♀) <i>7 different Member States</i></p> <p>Mr Ballester (FR) Mr Borghesi (IT) Mr Brännström (SE) Mr Calado (PT) Mr Cecchi (IT) Mr Cordero Moreno (ES) Mr Faintrenie (FR) Mr Ghanim (BE) Ms Goneva (BG) Ms Lelyte (UNI Europa) Mr Meyfroot (BE) Mr Nymark (SE) Mr Perez (ES) Ms Revillod (FR) Ms Riboni (IT) Mr Van den Bergh (BE)</p>
<p>European Commission</p> <p>Ms Durst (DG EMPL) Mr Muller-Schleiden (DG EMPL) Mr Reinholdt (DG EMPL)</p>	<p>Others</p> <p>Mr Romainville (IDEA Consult) Ms Valsamis (IDEA Consult)</p>

⁴ [Insert hyperlink if existing](#)