



EUROPEAN COMMISSION
DG Employment, Social Affairs and Inclusion

Employment and Social Governance
Social dialogue

**SECTORAL SOCIAL DIALOGUE
COMMITTEE
TEMPORARY AGENCY WORK**

**Minutes of the working group meeting of 14 May 2019
Final**

1. Adoption of the agenda

The agenda was adopted.

2. Approval of minutes from the last meeting (2nd October 2018)

The minutes were adopted.

3. The joint project ‘Social Innovation in the temporary agency work industry’

- Presentation of the project in the presence of the CEPS research team**
- Feedback on the first steering committee**
- Information requests to be launched to all EU SSDC members on social innovation practices in the areas of access to training, working conditions incl principles of equal pay/equal pay, and access to social protection**
- Project timeline and next steps**

Mr. Willem de Groen from the research team at CEPS introduced the methodological aspects of the new joint project on social innovation. The context is the changing world of work. The definition of social innovation to be used is a wide one. He presented the different phases for the project (field work, case studies, executive and final report). The selection of case studies will be done by the steering committee. Members/affiliates are however requested to send examples by 14 June. Documentation can be send in other languages than EN/FR.

Mr. Freytag informed that the first meeting of the steering committee has taken place. The project will consist of the collection of a set of best practices, along the areas identified and will aim at encouraging mutual learning. It will also be an important input for the new EC/EP.

Mr. Delfosse reiterated that the concept of innovation should be seen in a broader sense and encouraged the members of the committee to send in their examples. He defined the scope of social innovation to the three categories: access to training, working conditions incl principles of equal pay/equal pay, and access to social protection. Ms. Colclough highlighted that lessons may also be learned from unsuccessful examples. All initiatives with a scalable impact should be shared. Ms. Colclough also suggested informing other SSDCs on the project

and inquired on how this could be best achieved. It was agreed to introduce an information point at the next liaison forum, to present the project and ask for feedback. Mr. Freytag stressed that the project has to be implemented within an 18 months period, and should thus focus on what was included in the funding request.

The social partners thanked the EC for approving the project for funding.

The next steering committee meeting and the 1st workshop bringing together the participants will take place in September.

4. Social Innovation in the temporary agency work industry – interactive session to present and discuss national practices of social innovation developed in the temporary agency work industry

-Access to Social Protection and the FAS-TT, a case study from France presented by the French sectoral social partners

-Access to mortgages for temporary agency workers, a case study from the Netherlands presented by ABU

-Testyourselfie and access to vocational training – a case study on activities of bipartite funds presented by the Belgian sectoral social partners

-Discussion and feedback on the case studies and examples presented

Ms. Bonichon presented the case of FAS-TT and the social status of temporary agency work in France. FAS-TT is a social fund for temping workers. It provides 34 million euros of assistance for actions such as access to credit, housing, access to jobs, mobility, aid to persons in difficulty, as well as health and safety assistance. 2.65% of payrolls in TAW are invested in the fund. Two funds, FAS-TT and FPE-TT will be merged into one and aid will be broadened to further areas. Information was also provided on the negotiations for a new CLA. The state of play on open-ended contracts for temporary agency workers, provided by law since 2013, was presented. 58 407 such contracts have been signed. A target has been set for 40,000 more contracts. During the interruption period, workers are trained in order to better their chances for further employment. Mr. Faintrenie added that the rights acquired by the workers are recorded in their personal account for training, which is a common practice for all workers in France.

Ms. Jakabowits presented the ‘CDI Interimaire’ practice. Two systems have been merged into one, with the dual aim of extending the working life of temporary agency workers and satisfying the needs of the companies. The scheme presents a monthly guaranteed income for all temporary agency workers when in-between contracts. The resources come from the FSPI fund and stand at circa 90 million euros annually. TAW workers who have signed open ended contracts contribute to the fund. The scheme is mostly utilised by bigger agencies but efforts are made to render it attractive also to smaller agencies. In Randstad France, more than 10,000 open-ended contracts have been signed since 2014 and 5,000 more are foreseen for 2019. Training is at the core of the scheme. Results indicate that the duration of employment in the sector has increased by 26% since the scheme begun. Mr. Faintrenie mentioned that his union has not subscribed to the scheme as they see some negative aspects to it.

Mr. Vandenameele from Belgium presented the initiative ‘Test your selfie’. A bipartite training fund has been set up in Belgium to invest in training for temporary agency workers. The fund finances many diverse projects, including on CSR, specific target groups such as migrants and older persons. An agreement was reached with the Flemish government aiming

at improving the employment rates of specific groups. He presented the online tool ‘test your selfie’ which was co-financed under Erasmus +. More information at: www.testyourselfie.eu

Ms. Spangenberg presented the ‘Prospects statement’ initiative in the Netherlands, to help ease access to credit for temporary agency workers. The statement is a document that can be used by temporary agency workers to apply for a mortgage. 1100 mortgages have been approved to date, mainly for workers at bigger agencies.

Mr. Freytag thanked all the speakers for the very interesting presentations and the discussion. All initiatives that can be scaled up to other cases should be proposed for inclusion in the compendium under the new joint project.

5. National labour market reforms and agency work regulation in Europe

-Introduction to the debate by the European Sectoral Social Partners including information on recent trends in agency work regulation in main European countries

-Tour de table on national labour market reforms and trends in regulation on temporary agency work, including an update from Denmark on latest developments linked to online talent platforms and from Spain on a declaration on signed by social partners on the role of temporary agency work

Mr. Cruanas informed the group about the signature of a new joint declaration in Spain. The document was based on the work of a UNI Europa study. The joint document advocates in favour of growth and the role of temporary agencies. Asembleo represents 4 million workers through TAW, with SMEs in Spain finding workers via the agencies. The agreement is now presented to political parties, labour authorities and companies.

Mr. Tietge recalled the CLA signed by a cleaning platform in Denmark. The CLA has proven controversial and it may or may not be re-negotiated. Ms. Colclough mentioned that new forms of collective agreements with platforms exist in Sweden and the UK too. This has resulted in a lot of discussions between the social partners.

Mr. Colapinto informed that a new collective agreement has been signed in Italy in December 2018, following a long period of negotiations. The new agreement introduces inter alia the right to skilling and upskilling, and guarantees additional hours in some cases with open-ended contracts. It also provides for allowance measures in the case of a work mission interrupted by the employer, as well as a compensation for territorial mobility. More details can be provided at the next meeting.

Mr. Pentenga informed that a large discussion on platform work is also underway in the Netherlands. A court has ruled against Deliveroo, who then changed their model from contract work to self-employed status. Discussions are on-going on a new collective agreement but have not concluded on account of the topic of pay for bank holidays. Ms. Spangenberg informed that officially the collective agreement will be prolonged by one year so that the negotiations can continue.

6. EP elections in 2019 and the next European Commission

- Presentation of the World Employment Confederation-Europe Vision Paper “Making Europe the best place to work”**
- Feedback from UNI-Europa and discussion**

Mr. Freytag briefly presented the vision paper of his organisation on the future of Europe. A leaflet was distributed. The paper covers five key areas and can serve as an input to the next Commission/Parliament.

7. Update from DG Employment on EU labour law dossiers

- Commission proposal for a Directive on transparent and predictable working conditions**
- Commission proposal for a Council Recommendation on access to social protection**
- Application review of the Posting of Workers Enforcement Directive**

Ms. Kromen, deputy head of unit at the modernisation of social protection unit of DG Employment (unit C2), updated the group on the recent agreement for a Council Recommendation on access to social protection. She presented the personal scope of the Council Recommendation, covering workers and the self-employed, and the material coverage, which includes unemployment benefits, sickness and healthcare, maternity and paternity benefits, accidents and work and occupational disease, invalidity and old age. The new Recommendation encourages Member States to ensure that all groups are able to be members of relevant social protection schemes, that the rules allow them to build up, use and transfer entitlements, that protection should be adequate i.e. the benefits should be timely and adequate and that contributions should be proportionate and that information on social protection rights should be available.

The EC will support Member States in the implementation of the Recommendation, including by helping them to identify remaining obstacles and improving their knowledge base. A series of mutual learning activities will be carried out, including with the involvement of social partners. The EC has prepared a publication gathering examples of best practices on access to social protection from the Member States¹.

The Recommendation will enter into force after formal adoption, foreseen around summertime. 18 months after publication in the Official Journal, the Member States shall submit national plans detailing their plans for implementation. The EC will be monitoring progress in the implementation of the Recommendation through the Open Method of Coordination and through the annual cycle of economic policy coordination (European Semester). 24 months after publication, reliable national statistics should be in place and 12 months after publication, a monitoring framework of agreed qualitative and quantitative indicators to be developed in collaboration with the Member States and EUROSTAT.

Ms. Colclough welcomed the Recommendation and reiterated that it is in line also with the initiatives of other international bodies.

Mr. Freytag highlighted that the topic of the transfer of entitlements will also be addressed by the social partners in their new joint project on social innovation. It is hoped that this will trigger reforms at national level. The employers would like to see close monitoring of the implementation by the EC to address any challenges arising.

¹ <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8157&furtherPubs=yes>

Ms. Rammus from the labour mobility unit of DG Employment (unit D1) updated the group on the work carried out by the EC on the implementation of the Posting of Workers directive. A questionnaire has been sent out to the relevant expert committee. The report will describe the legal measures taken and the application of the rules in practice. It will also try to identify challenges in the implementation of the directive and propose solutions. The first draft of the report has been sent to the social partners for comments. A 2nd version is now being drafted.

Ms. Rammus also informed the group about the workings of the transposition group on the amendments to directive 957 of 2018. Every 3rd meeting, EU social partners are invited to attend the group as observers. At the last meeting, with the participation of social partners, the group discussed the provisions on temporary agency work and in particular the provision on chain posting. The EC is also working on a guidance document on posting. The 1st draft was discussed at the expert committee on posting. This will be a practical tool for Member States.

Mr. Freytag inquired about the correlations with the new Labour Market Authority. Discussions are ongoing, including on the geographical seat for the new agency.

Ms. Barrero Flórez from the working conditions unit of DG Employment (unit B2), updated the group on the agreement on the Directive on Transparent and Predictable Working conditions². She presented the scope and main features of the deal reached by the co-legislators, including on the new material rights introduced at the request of the European Parliament i.e provisions tackling the challenges linked to on-demand work, in particular provisions to prevent abusive practices and right to compensation if the employer cancels, after a specified reasonable deadline, an agreed assignment. She highlighted that Member States can entrust the transposition of the directive to the social partners, as long as they can guarantee at all times the results imposed by the directive. At the request of the European Parliament a new provision obliges Member States, in accordance with their national law and practice, to effectively involve the social partners in the implementation of the Directive. 200 million workers are expected to gain new rights under the directive, and 2-3 million workers will gain right to information on their working conditions.

As a next step, the EPSCO Council will formalise the agreement at its next meeting on 13 June. The directive will enter into force 20 days following its publication in the official journal, and has a 3 year transposition period, resulting in new rights introduced in all workplaces by 2022.

The EC will support the Member States in the implementation of the directive. As per any other directive, an expert group will be created.

Ms. Hadjiantoni informed that in view of the EU summit which took place in Sibiu on 9 May to discuss the future of Europe, the EC has published a number of factsheets on the achievements of the Juncker commission, including in the social sphere. The factsheets can be viewed here: https://ec.europa.eu/commission/future-europe_en

8. Any other business

It was agreed that the meeting of September 2019 will be cancelled, as that period will see many meetings in the context of the joint project. The next meeting is planned for 21st October.

² <https://ec.europa.eu/social/main.jsp?langId=en&catId=1313>

List of participants 14/05/2019

<u>Employers</u> (17: 10♂, 7♀)			<u>Workers</u> (11: 5♂, 6♀)		
Chair: Mr. Delfosse (BE)			Chair: Ms. Colclough (CH)		
WEC	FREYTAG	Michael	NL	PENTENGA	Erik
IT	DI MAIO	Agostino	FR	JAKABOWITS	Danielle
NL	SPANENBERG	Laura	PT	PALMA	Fernando
UK	NSIO	Ornella	IT	BARILA	Luca
ES	LUCAS	Marta	FR	FAINTRENIE	Nicolas
DE	KERSTEN	Michael	IT	COLAPINTO	Domenico
DK	TIETGE	Jakob	FR	DUQUESNE	Carole
ES	CRUANAS	Andreu	DK	HOFFRITZ	Klara Elisabeth
IT	BONARDO	Antonio	SE	NASSAR	Chaker
SE	ELFGREN LILJA	Martina	PT	GROSSINHO	Celia
FR	BONNICHON	Mathilde			
NO	HAGELIEN	Even			
PL	ZIELINSKA	Agnieszka			
IE	MCGINTY	Brendan			
ES	CRUANAS	Andreu			
NL	VAN LIESHOUT	Sonja			
BE	VANDENAMEELE	Vincent			

<u>European Commission</u>	<u>Speaker</u>
Ms. Barrero Florez (DG EMPL.B2) Ms. Kromen (DG EMPL.C2) Ms. Rammus (DG EMPL.D1) Ms. Hadjiantoni (DG EMPL.A2) Ms. Milo (DG EMPL.A2)	Mr. Degroen (CEPS)