



European Sectoral Social Dialogue Committee on “Temporary Agency Work”

Work Programme 2017 – 2018

I. Labour market policies

EU employment strategy

The World Employment Confederation-Europe and UNI Europa will discuss the contribution of the temporary agency work sector to the implementation of the Europe 2020 Strategy, with a special focus on the attainment of the employment target.

The World Employment Confederation-Europe and UNI Europa will continue to exchange views and engage in the relevant EU policy initiatives, such as the European Semester and the country-specific recommendations, the European Pillar of Social Rights and its related initiatives,¹ the cooperation between public and private employment services and the New Skills Agenda for Europe.² Linked to the European Pillar of Social Rights and the related initiative on access to social protection for people in all forms of employment, the World Employment Confederation-Europe and UNI-Europa aim to organise a joint seminar in 2018 on transferable and portable rights, bringing together several of the bipartite funds established in the temporary agency work sector and covering access to training and social benefits for temporary agency workers.

Furthermore, the World Employment Confederation-Europe and UNI Europa will closely follow the EU initiative on fighting undeclared work and will contribute to the policy debate by showing the role of well-regulated temporary agency work in facilitating the conversion of undeclared work into work with rights. The World Employment Confederation-Europe and UNI Europa aim to contribute to the work of the European Platform to enhance cooperation in tackling undeclared work³ by being represented within the platform as sectoral social partner or expert.

¹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS: Establishing a European Pillar of Social Rights

² COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A NEW SKILLS AGENDA FOR EUROPE Working together to strengthen human capital, employability and competitiveness.

³ DECISION (EU) 2016/344 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2016 on establishing a European Platform to enhance cooperation in tackling undeclared work. The related initiatives include particularly the planned revision of the Written Statement Directive and the Commission initiative on access to social protection for people in all forms of employment.



The World Employment Confederation-Europe and UNI Europa will also monitor EU policies and regulatory initiatives on relevant areas, including active labour market policies, youth employment, job quality, work mobility and transitions in the labour market.

II. Promoting National Social Dialogue

The World Employment Confederation-Europe and UNI Europa will continue to promote national social dialogue in the temporary agency work sector. To this end, they envisage to:

- A. **To hold a roundtable event in 2018 in Serbia** to follow-up on the national discussions on appropriate regulation on temporary agency work on the roundtable event held in Serbia in 2014. This roundtable will be organised with the financial support of the European Commission and the Technical Assistance and Information Exchange instrument (TAIEX).
A further roundtable event shall be organised under the next EU Sectoral Social Dialogue Work Programme (2019/2020) in Turkey, if the political situation allows for doing so. This meeting will follow-up on the first one held in 2010. Since then, Turkey has adopted regulation on temporary agency work, while limited progress has been reported in the development of national social dialogue in the sector. The World Employment Confederation-Europe and UNI Europa believe that a second roundtable at an appropriate timing taking account of the national situation would be beneficial to encourage regulation and sectoral social dialogue.
- B. **Invite representatives of the national bipartite funds** to present in panel discussions their experience and their best practices in improving access to vocational training for agency workers and in enhancing their working and social conditions.
- C. **Give joint presentations of national social partners about social dialogue and collective labour agreements (CLAs) as well as complimentary health care schemes and health and safety.** The presentations aim at informing The World Employment Confederation-Europe and UNI Europa members about developments in sectoral social dialogue at the national level and at exchanging best practices.
- D. **Use the meetings of the Sectoral Social Dialogue Committee as a platform to share information and exchange best practices** regarding national social dialogue in the temporary agency work sector.

III. TAW regulation

EU Directive on temporary agency work (2008/104/EC)

A. The World Employment Confederation-Europe and UNI Europa will continue to support their members with the compliance with the Directive at the national level. The EU sectoral social partners will identify joint actions to promote its full implementation through national and/or sectoral social partners at the EU or Member States' level. The World Employment Confederation-Europe and UNI Europa will follow-up on the Commission Report COM (2014) 176 on the Application of the Directive on temporary agency work and the actions proposed by the Commission in the Report to secure a better implementation.

The World Employment Confederation-Europe and UNI Europa will monitor the implementation of equal treatment as defined in Article 5 of the Directive 2008/104/EU on temporary agency work with a view to comply with the dual objective of the Directive, being to ensure the protection of temporary agency workers and to improve the quality of temporary agency work, while taking into account the need to establish a suitable framework for the use of temporary agency work with a view to contributing effectively to the creation of jobs and the development of flexible forms of work.⁴

B. The World Employment Confederation-Europe and UNI Europa will continue to use the Sectoral Social Dialogue Committee meetings to discuss and assess the implementation of the Directive at the national level. In this context, they will address specific cases regarding restrictions on temporary agency work.

C. Specific attention will be devoted to the possibility to offer open-ended employment contracts to temporary agency workers. The World Employment Confederation-Europe and UNI Europa will discuss the open-ended employment contracts for temporary agency workers as a tool to reaching better functioning labour markets and providing more security for workers, as well as related challenges.

D. The World Employment Confederation-Europe and UNI Europa, with the assistance of the European Commission, will further explore the interrelation of the Directive on temporary agency work and the Posting of Workers Directive.

E. The World Employment Confederation-Europe and UNI Europa will monitor proceedings and jurisprudence on the Directive on temporary agency work (2008/104/EC) at national and (when relevant) at EU level and discuss implications of potential judgements.

⁴ See also: Directive 2008/104/EC of the EUROPEAN PARLIAMENT and COUNCIL of 19 November 2008 on temporary agency work, Article 2.

Free movement of workers and cross-border mobility

- A. The World Employment Confederation-Europe and UNI Europa will continue to monitor the application of the enforcement Directive on Posting of Workers. They will use the Sectoral Social Dialogue Committee meetings to discuss any relevant developments, and if appropriate, may decide to issue a joint statement commenting on the main provisions of the adopted instrument. The World Employment Confederation-Europe and UNI Europa will also follow closely the discussions on the Commission proposal COM(2016) 128 to revise the Directive 96/71/EC on the posting of workers.
- B. The World Employment Confederation-Europe and UNI Europa will monitor the EU policy developments in the area of freedom of movement for workers and labour migration, where relevant. In particular, they will discuss the impact of upcoming initiatives and their implication for the temporary agency work sector.
- C. The World Employment Confederation-Europe and UNI Europa will continue to monitor illegal activities of rogue agencies involved in cross-border placements and they may decide to take joint action, e.g. issue a joint statement against such illegal practices.
- D. The World Employment Confederation-Europe and UNI Europa will follow the EU and the UK negotiations to be aware of any possible impacts to the cross-border mobility of temporary agency workers.

Decent work, non-discrimination and equal treatment

On the basis of the contributions from their members, the World Employment Confederation-Europe and UNI Europa will continue to collect best practices and measures regarding the fight against discrimination and actions to promote equal opportunities for all. This work will focus on:

- A. Diversity in the labour market;
- B. Access to bank loans for temporary agency workers;
- C. Access to complementary health care, pension schemes and other social benefits for temporary agency workers;
- D. Access to training for temporary agency workers.

Based on these contributions, a compendium of best practices could be published.



ILO Convention No. 181 and Recommendation No. 188

In close cooperation with their global counterparts (The World Employment Confederation and UNI Global Union), the European sectoral social partners will continue to promote the ratification of ILO Convention No. 181 on Private Employment Agencies, and its accompanying Recommendation No. 188, as a relevant international framework for regulation on temporary agency work and as a way to promote decent work.

Together with these instruments, the promotion of social dialogue and the decent work agenda may be extended, if appropriate, to accessing countries to the European Union and to the members of the Council of Europe.

The sectoral social partners will jointly examine and monitor the development of so-called gig economy platforms, labour market intermediaries, with the aim to promoting decent work for all.

IV. Joint projects

Labour market intermediaries, online talent platforms and the changing world of work

Between 2016 and mid-2018, the World Employment Confederation-Europe and UNI Europa will carry out a joint project on “labour market intermediaries, online talent platforms and the changing world of work”.

Labour markets and the world of work are in a process of constant change and evolution, leading to new challenges for both companies and workers. An important, rising trend is the process towards work digitalisation including the use of online talent platforms and the development of the collaborative economy. This has led to the emergence of new forms of labour intermediation, such as Uber, Upwork, Amazon Mechanical Turk, TaskRabbit etc. The so-called “gig-economy” has been growing exponentially in numbers and importance in recent years, while the impact on labour rights has been largely overlooked. These on-line talent platforms provide more work opportunities and increase the fluidity of the labour market but can also be seen as developing some commoditisation of work and supporting on-demand work. Given the fact that there is very little national and at present no European legislation covering these online job services, there is a risk of distorting the level playing field and for discrimination against the traditional temporary agency work industry, which is overall highly regulated by national labour law and collective labour agreements.

The World Employment Confederation-Europe/UNI Europa joint project aims to carry out a mapping of existing online talent platforms and crowd-working intermediaries in order to



assess their impact in the labour market and compare them with the characteristics and regulation on temporary work agencies.

The project will include four main activities:

1. A kick-off stakeholder workshop, which aims to bring together representatives of the temporary agency work sector (both social partners sides), as well as representatives of some of the online talent platforms and job boards.
2. The conducting of a research report to map the existing online job services and compare them with the specificities of temporary work agencies in terms of business models, market development, regulation and obligations as well as access to social protection. This research will be contracted out to an external consultancy and supervised by a steering committee of both sectoral social partners
3. The presentation of key findings of the joint research during an EU Stakeholder Conference
4. The World Employment Confederation-Europe and UNI-Europa will aim to agree on a set of joint conclusions and recommendations on labour market intermediaries, online talent platforms and the changing world of work, building on the joint research and discussions during the project.

The outcome of this project will feed into the work and activities of the EU Sectoral Social Dialogue Committee on temporary agency work.

[Launch of a project on Social Innovation within the temporary agency work industry](#)

Following-up on the European Pillar of Social Rights and the initiative launched in 2017 on the access to social protection independent from the labour contract, the World Employment Confederation-Europe and UNI-Europa will launch a new joint research project on social innovation within the temporary agency work industry. Specific attention will be devoted in this context to access to social protection for temporary agency workers and the special role played in this context by bipartite funds for training, social benefits and complementary pension rights. Focus of the research and analysis will be laid on how to ensure transferable and portable rights for temporary agency workers and the role of social partners and collective bargaining in this context. The project will look into the mission, objectives, structure and governance of this bipartite funds, which have been established in several European countries (including the Netherlands, Belgium, France, Italy, Luxembourg and Spain) and analyse, how these bipartite funds contribute to social innovation by helping to organise the transferability and portability of rights in the temporary agency work sector. Furthermore, the project will map other forms of social innovation and access to social protection based on initiatives taken in the temporary agency work sector, either at the level of social partners or at company level. The findings will be put into context with wider labour market tendencies, such as labour market intermediaries. As such, the project is a natural extension of the previous years' project.



The project will include

- An external research report conducted with the support of an external research partner, including quantitative and qualitative research methodologies. The latter highlighting good practices and experiences already made.
- A stakeholder workshop, which will gather several of these bipartite organisations and stakeholders involved in social innovation projects
- A stakeholder conference to present and disseminate the findings of the project
- The adoption of joint policy recommendations by UNI Europa and the World Employment Confederation-Europe.

A project application shall be submitted as soon as the previous project on “Online talent platforms, labour market intermediaries and the changing world of work” is formally completed.

V. Cross border activities within temporary agency work

The World Employment Confederation-Europe and UNI Europa will continue to develop the work of their European Observatory on cross-border activities within temporary agency work. The objective of the Observatory is to achieve better understanding (facts and figures, regulatory framework) of cross-border assignments and contracts within the temporary agency work industry in the EU, and to prepare information and background documents to support discussions within the Sectoral Social Dialogue Committee.

The European sectoral social partners will investigate future cooperation and exchange of information with labour inspectorates and other relevant bodies within the temporary agency work sector across Europe.

In addition, The World Employment Confederation-Europe and UNI Europa will continue to collect, exchange and disseminate information on companies in the temporary agency work sector that are not operating according to the rules and regulations of the Member States in question. The national factsheets on the posting of temporary agency workers prepared until 2016 shall be reviewed and where necessary updated.



VI. Sectoral developments and the economic situation

The World Employment Confederation-Europe and UNI Europa will follow up and discuss the state of the temporary agency work sector with regards to the economic situation in order to assess the link between the economic cycles and the temporary agency work market. They will also look at developing exchange of information with other sectors on topics of mutual interest, taking care of not interfering with the EU cross-sectoral social dialogue.

VII. Review

The Work Programme has been adopted by both Sectoral Social Partners during the sectoral social dialogue meeting of 20th February 2017. It has been reviewed and updated in October 2017.