

DRAFT

European Sectoral Social Dialogue Committee on “Temporary Agency Work”

Work Programme 2015 – 2016

I. Labour market policies

EU employment strategy

Eurociett 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.

Eurociett 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 youth guarantee, the Partnership between Employment Services (PARES), etc.

Furthermore, Eurociett 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 temporary agency work in facilitating the conversion of undeclared work into work with rights.

Eurociett and UNI Europa will also monitor EU policies on relevant areas, including: active labour market policies, youth employment, job quality, work mobility and transitions in the labour market.

Along with the initiatives already underway, Eurociett and UNI Europa will consider the upcoming agenda and priorities of the new European Commission and their impact on the sector as well as on the labour market in general. Eurociett and UNI Europa will decide to initiate new activities linked to these upcoming priorities, if appropriate.

II. Promoting National Social Dialogue

Eurociett and UNI Europa will continue to promote national social dialogue in the temporary agency work sector. To this end, they envisage to:

- A. **Hold a roundtable event in 2015 in Turkey** with the financial support of the European Commission and the Technical Assistance and Information Exchange instrument (TAIEX). This meeting will follow-up on the first one held in 2010; five years later, Turkey has not yet adopted regulation on temporary agency work and little progress has been reported in the development of national social dialogue in the sector. Eurociett and UNI Europa believe that a second roundtable would be beneficial to encourage regulation and sectoral social dialogue.
- B. **Organise a roundtable in 2016 in** the former Yugoslav Republic of Macedonia/Montenegro/Albania/Bosnia and Herzegovina/Kosovo/ with the financial support of the

European Commission and TAIEX. The roundtable will be organised in coordination with the national social partners and will aim at establishing and/or improving national social dialogue in the sector and at promoting the European social dialogue as part of the social “*acquis communautaire*”.

- C. **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 conditions.
- D. **Give joint presentations of national social partners about social dialogue and collective labour agreements (CLAs)**. The presentations aim at informing Eurociett and UNI Europa members about developments in sectoral social dialogue at the national level and at exchanging best practices.
- E. **Contribute to the Eurofound representativeness study** on temporary agency work to be carried out in 2015.
- F. **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. Eurociett and UNI Europa will continue to support their members with the implementation of 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. Eurociett 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 Europe 2020 national reform programmes and yearly country-specific recommendations are needed instruments to address current barriers and restrictions to job creation and labour market participation through agency work.
- B. Eurociett 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. Eurociett and UNI Europa, with the assistance of the European Commission, will further explore the interrelation of the Agency Work and the Posting of Workers Directives.
- D. Eurociett and UNI Europa will monitor the proceedings and outcomes of the CJEU legal case on the Directive on temporary agency work (C-533/13) and aim to discuss implications of the judgement.

Free movement of workers and cross-border mobility

- A. Eurociett 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.
- B. Eurociett 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. Eurociett and UNI Europa will contribute as appropriate to relevant research work of the Eurofound on cross-border mobility, such as in the research about regulation of labour market intermediaries and the role of social partners in preventing trafficking in human beings for labour exploitation, etc.
- D. Eurociett 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.

Decent work, non-discrimination and equal treatment

On the basis of the contributions from their members, Eurociett 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 credit for temporary agency workers;
- C. Access to complementary health care and pension schemes 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 (Ciett 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.

IV. Joint projects

Innovative solutions of sectoral social partners to overcome gaps in social protection for temporary agency workers

In 2015/2016 Eurociett and UNI Europa will carry out a joint project, co-funded by the European Union, that will aim at showcasing the various initiatives that the national social partners and the industry have adopted to address shortcomings of current systems of social protection for temporary agency workers.

The project will build on the results of the previous research on comparing temporary agency work with other forms of employment, which highlighted that current social protection schemes are designed for workers with open-ended contracts and are not fit to offer protection to workers with other labour contract arrangements.

In light of these findings, Eurociett and UNI Europa intend to show the proactive commitment of their national members in taking the initiative to address the shortcomings of the current social protection systems through constructive social dialogue and industry best practices.

In particular, the project will highlight various examples of innovative solutions in several Member States, such as the portability of rights of agency workers, the establishment of bipartite funds to provide access to pensions, housing, credit, and other social rights.

The project will provide an overview of these initiatives at the European level and will offer more detailed case studies on specific initiatives, depending on the availability of data and information available.

Activities to be organised as part of the project might include:

- A field research carried out by an independent consultant on the various initiatives of the sectoral social partners and best practices of the industry;
- The organisation of a European Stakeholder meeting to confront views with relevant key EU stakeholders (e.g. social NGOs, MEPs, European Commission, Academics);
- The organisation of a one-day pan-European conference to disseminate the results of the research amongst Eurociett and UNI Europa members and key external stakeholders.

The results of the joint project will offer an opportunity for Eurociett and UNI Europa to issue a joint statement and key recommendations on promoting these initiatives and addressing shortcomings of social protection systems.

The outcomes of the project will feed into the work and in the activities of the Sectoral Social Dialogue Committee.

V. Cross border activities within temporary agency work

Eurociett 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.

Eurociett and UNI Europa may also apply for a grant to fund additional activities of the Observatory.

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, Eurociett 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.

VI. Sectoral developments and the economic situation

Eurociett 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

Sectoral social partners will assess the implementation of their work programme during the last Sectoral Social Dialogue Committee meeting of 2015. During this meeting, Eurociett and UNI Europa may decide to review and adapt the work programme for 2016.

Adopted in Brussels in February 2015.