



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

Employment and Social Governance
Social dialogue

Brussels, 15 May 2018

**SECTORAL SOCIAL DIALOGUE
COMMITTEE
TEMPORARY AGENCY WORK**

Minutes of the working group meeting of 15 May 2018

Draft

1. Adoption of the agenda

A tour de table took place. New members introduced themselves. Mr. Pennel introduced Mr. Delfosse who takes up the function of chairman for the employer's delegation.

The agenda was adopted with some updates. Agenda items 7 and 8 are deferred in time.

2. Approval of minutes from the last meeting (5th February 2018)

A correction was proposed under agenda point "tour de table on national agency work regulation" on FR. The final minutes will be circulated with these changes.

3. Joint project on “Online talent platforms, labour market intermediaries and the changing world of work”

- **Short presentation of the final CEPS/IZA report**
- **Presentation of the joint recommendations of the two sectoral social partners**
- **Overview on the programme of the pan-European Conference of 16th of May**
- **Remaining steps up to the completion of the joint project, joint communication on the project results**

The content of the report following the joint project on online platforms will be presented at the final conference organised the next day (16 May). Mr. Freytag recalled the scope of the project. The project aims inter alia to compare temporary agency work with platform work. The boundaries are blurring. There are questions of classification to be addressed. Labour status affects all other parameters. The project resulted in a joint research report (CEPS&IZA), a stakeholder workshop in September of last year, and will finish with the final conference where joint recommendations of the social partners will be presented.

The text of the joint recommendations was discussed. The worker's delegation proposed some comments and possibly changes, notably on strengthening social dialogue and on the terms and classifications. It was agreed to re-phrase the text under point 1.2 to refer to the "fight against bogus self-employment". The FR translation of the document will be discussed later.

The discussion was extensive and touched upon the conceptualisation of platform work, classifications, legal aspects, competition and the interaction between national, company and EU levels of social dialogue.

Mr. Bart from the ADECCO group mentioned two examples of the use of digital platforms by the group, that operate under different models (one with an employment relationship involved and one where the platforms operates independently as an intermediary).

Mr. Pennel (WEC-Europe) mentioned that there are two parallel discussions, on the emergence of new players and on operating models. The former and the role of social partners in carrying out joint work to address the new reality are important. Several other members (workers' and employer's delegations) also took the floor.

The joint text of recommendations is expected to contribute to future debates.

4. Tour de Table on national agency work regulation, collective bargaining and recent developments in the national sectoral social dialogue

The DK and BE employer's members provided updates on the respective developments in their countries. In DK, a collective bargaining agreement was concluded involving an online platform. The platform has accepted the status of an employer. The service supplier has the choice to convert into worker status after 100% of work, or to remain a freelancer. The main mainstream union in DK was involved in the bargaining process.

In BE, there is a new law in the Flemish region which allows temporary agency work in the public sector. This was discussed for a long-time but an agreement has now been found. At federal level no developments are expected before the end of the year. Secondly, a new law has been agreed that stipulates that any restrictions to temporary work should be justified and legitimised (transposition of Directive ([2008/104/EC](#))).

On the side of the worker's delegation, the Polish representative updated the group on developments in PL. The act from June 2017 on temporary workers limits the duration that a worker may work for a user undertaking. It also provides for protection against dismissal of pregnant workers. The employer's representative complimented with some information. The period for which a worker can be employed by a user agency is now limited to 18 months. The employer's however seeing the need to increase this period to 24 months.

In IT, negotiations are still on-going.

5. Open discussion on a re-focusing of the EU Sectoral Social Dialogue on temporary agency work in the context of the future, 2019/2020 work programme

- **Stock-taking of activities and achievements in the sectoral social dialogue on temporary agency work (2008 - 2018)**
- **Future priorities in the area of:**
 - **EU labour law regulating temporary agency work**
 - **EU employment and social policy**
 - **National social dialogue and national agency work regulation**
 - **Changing labour markets and influence on temporary agency work**
 - **Future joint project on “Fostering Social Innovation and portable rights in the temporary agency work industry”**
- **Format and interactivity of the sectoral social dialogue committee meetings**

An open exchange took place on re-focusing the discussions in the context of the EU social dialogue committee. Mr Freytag (WEC-Europe) recalled the main focus of the committees' work: there has been a strong focus on research via several research (joint) projects; on how EU regulation is affecting the industry; on the promotion of social dialogue at national level (formerly also through TAIEX-funded events for the candidate countries for accession); on EU2020 and the employment strategy.

The employer's representatives invited the unions to present their views. A strategic re-focusing should take place. A new focus on 'social innovation' and work on portable rights had already been agreed.

Mr Pennel (WEC-Europe) underlined that the industry has changed considerably since the beginning of 2000, and this has to be reflected in the future of work discussions. He pointed out to the work carried out by WEC-Europe (Manifesto 'no future of work without social innovation' etc). He suggested that the format of the meetings could also be reviewed to make these more interactive, for example by inviting external experts. Several members of the worker's delegation presented their views. Mr. Pendenga (NL) reiterated that temporary agency work can provide examples on how to organise new forms of work, while respecting worker's rights and avoiding a downward race to cheaper labour. Mr. Medina (ES, CCOO) reiterated that a joint understanding of the various terms is needed, as well as their focus (i.e. on transfer of rights). The question of transposition of EU work into the national dialogue was also discussed. IT/unions suggested that pay/remuneration be discussed.

As a next step, the secretariats of the two delegations will prepare a joint draft text (work-programme 2019-2020) for discussion at the next meeting (2 October).

6. The changing world of work, social innovation and access to social protection

- **The topic of portable rights in past EU Sectoral Social Dialogue projects and activities**
- **Presentation by DG Employment of the EU Social Fairness Package**
- **Discussion on social innovation and portable rights in the employment industry, including case studies/input from the Netherlands, France and Belgium**

It is not clear whether there will be enough time to submit a project proposal to request co-

financing by the EC already under the 2018 calls for proposals to support social dialogue.

The committee members debated the notion of 'social innovation'. A joint understanding of concepts is necessary, as well of what should be achieved.

Ms. Hadjiantoni provided an update on the social fairness package and other news in the employment and social sphere.

Mr. Freytag reiterated the need to ensure the active participation of the sectoral social partners in the new European Labour Authority, especially if this new entity is to replace existing expert committees.

The Dutch and French members of the employers' delegation presented examples from their national contexts on 'social innovation'. Examples however are limited to some countries. Mr. Pennel stressed the need for best practice exchange. Mr. Delfosse added that the experience of individual companies should complement this.

7. EU Directive on transparent and predictable working conditions

- **Presentation of the World Employment Confederation-Europe position paper in the Commission proposal**

The presentation could not take place due to a last minute commitment by the presenter. It will take place at the next meeting. Mr. Freytag mentioned that WEC-Europe has published a position paper on the topic. The discussion will continue at the next meeting.

8. Presentation of report for UNI Global Union on fee charging platforms by Professor Valerio De Stefano

Cancelled/Postponed

9. Any other business

None.

List of participants 15/05/2018

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| <p><u>12</u></p> <p><u>Employers</u> (7♂, 5♀)</p> <p>Chair: Mr Delfosse (BE)</p> <p>Mr. Pennel (WEC) Mr. Freytag (WEC) Mr. Bonardo (IT) Ms. Bonnichon (FR) Mr. Kersten (DE) Ms. Lucas (ES) Ms. Spangenberg (NL) Mr. Tietge (DK) Ms. Van Lieshout (NL) Ms. Zielinska (PL) Mr. Bart (CH)</p> | <p><u>16</u></p> <p><u>Workers</u> (9♂, 7♀)</p> <p>Chair: Mr. Pentenga (NL)</p> <p>Mr. Ballester (FR) Ms. Belhouchat (SE) Mr. Borgesi (IT) Mr. Colapinto (IT) Mr. Barila (IT) Ms. Rycak (PL) Ms. Garrido Sousa (PT) Ms. Grossinho (PT) Ms. Jakabowits (FR) Mr. Nassar (SE) Mr. Medina (ES) Ms. Riboni (IT) Mr. Boukriba (FR) Mr. Toth (HU) Ms. Zeman (AT)</p> |
| <p><u>European Commission</u></p> <p>Ms Hadjiantoni (DG EMPL.A2) Ms. Milo (DG EMPL.A2)</p> | |