



EUROPEAN COMMISSION
DG Employment, Social Affairs and Inclusion

Employment and Social Governance
Social dialogue

**SECTORAL SOCIAL DIALOGUE
COMMITTEE
TEMPORARY AGENCY WORK**

Working Group meeting

22 January 2020

Minutes

1. Adoption of the agenda

The agenda was adopted.

2. Approval of minutes from the last meeting (21st October 2019)

The minutes were adopted following a precision on TAW in the NL.

3. “How can we improve our cooperation so we jointly can ensure the enforcement of, and compliance with, European laws on temporary agency work and health and safety at work?” – Interactive workshop session to be prepared in the respective pre-meetings

- **Introduction by Sébastien Delfosse and Christina Colclough**
- **What is the role of labour inspectorates and, where applicable the national Ombudsman in ensuring good working conditions?**
- **What was the outcome of the 2017-2019 SLIC campaign on Occupational Safety and Health of Temporary Agency Workers? – Presentation from a national SLIC representative (TBC)**
- **What alternative (bottom-up) approaches exist between, or involving, the social partners?**

Ms. Jessy Pretto from the French labour inspectorate, working at the SLIC (Senior Labour Inspectors committee) introduced the campaign on the occupational health and safety for temporary agency workers. This was an inspection campaign which focused on eleven specific countries. She explained the challenges in implementing the campaign, notably with regard to the national definitions of a user-company and who is considered a TAW worker under the various national legal frameworks. The cross-border aspects of some TAW work amplified the complexity. In the context of the campaign, a conference was organised in May 2019 to exchange with all stakeholders, including the social partners, the ILO and EU-OSHA. Mr. Luc

Van Hamme from the Belgian labour inspectorate presented the main findings of the campaign. Directives 1989/391/EEC and 1991/383/EEC were presented as the legal basis for the SLIC's work.

Mr. Van Hamme summarised the recommendations from the project. These included:

- the need to have a clear separation of responsibilities between user-company and temporary agency (ie framed by a contract)
- defining a list of risks at the workplace
- identifying who is responsible for training and on-the-job development
- ensuring a better flow of information between all parties (i.e OSH workstation sheet)

He referred to the suggestion to set up an OiRA tool for TAW workers. For more information on OiRA, see: <https://oiraproject.eu/en/oirra-tools>

He also identified a challenge with regard to the availability of reliable statistics.

The final report is available at the following website: <https://www.european-temporary-work-campaign.eu/overview-of-the-temporary-agency-workers/>

An exchange of views took place, including on: the insufficient collaboration between the social partners and labour inspectorates in some countries; the lack of knowledge on behalf of some governments on the functioning of TAW (blurred national legal frameworks); challenges deriving from the existence of small agencies/SMEs placing temporary workers (unionisation of these workers, problems with licensing); challenges in the implementation of the Posting of Workers directive for TAW (A1 forms); enforcement of rules and efficiency of inspections (who has the power, insufficient number of inspectors in many Member States) and challenges deriving from the rise in platform work. Finally, collaboration with the new European Labour Authority was discussed (which collaboration between the SLIC and ELA?).

The social partners requested to be better involved. Ms. Colclough highlighted the need to explore various ways to enable better health and safety for TAW workers. The study conducted by DG EMPL on fraudulent employment should be looked into. Mr. Freytag stressed the need to reflect on how to better collaboration and the need for clarity and formal arrangements. Discussions will continue at secretariat level on how to move forward on this topic.

4. Update and discussion on the joint project “Social Innovation in the temporary agency work industry”

- **Introduction by the two sectoral social partners: Project objectives, state of play and next steps**
- **Presentation by CEPS/KU Leuven on the research process, the social innovation case studies and the second thematic workshop on working conditions for temporary agency workers**
- **Discussion among social partners and next steps**

Mr. De Groen and Ms Lenaerts from CEPS presented progress in implementing the joint project (VS/2019/0034). A total of fifteen case studies for in-depth review have been selected across the four areas of focus. The cases are discussed at workshops, including the last workshop on 15 January. The consultants briefly presented the case studies in the areas of working conditions and social protection, and the reasons why these were shortlisted. A third workshop will take place on 23-24 March. The final workshop is scheduled for July but may be best

moved to the autumn (an extension request for the project will be send to the European Commission). This could be combined with the SSDC meeting on 7 October.

5. The political guidelines of the next European Commission President Ursula von der Leyen and the new European Commission

- **Presentation by DG Employment on the composition of the EU Commission and new priorities and the European Commission Work Programme 2020**
- **Exchange and discussion among the sectoral social partners**

Mr. Jonathan Stabenow from the coordination unit of DG Employment presented the content of the communication ‘‘ A strong social Europe for just transitions’’¹. Mr. Stabenow explained how the social dimension transcends several policies. The communication itself reflects the structure of the European Pillar of Social Rights. The global dimension is added to this (new). The Commission is now launching a broad consultation with all stakeholders which will culminate in a proposal in early 2021 on an action plan to implement the Pillar of Social Rights. The communication covers inter alia the areas of quality education, training and skills, inter alia with the intention of updating the EU skills agenda, support to be provided via the sustainable europe investment plan, the just transition mechanism, the modernisation fund and the European globalisation adjustment fund; the area of gender equality with the announcement of a new European gender equality strategy in the 1st quarter of 2020, including binding pay transparency measures; announces a new disability strategy and a new digital services act; a Europe’s Beating Cancer Plan; a report on the impact of demographic change and a green paper on ageing (Q4 of 2020) and finally, it announces a new Child Guarantee initiative for 2021 in the context of fighting poverty. It also announces initiatives to tackle unwanted discriminations deriving from platform work. A platform work summit will be held in September 2021. The timing of all announced initiatives is presented in the communication (see also last slide of the presentation). Mr. Stabenow explained that together with the communication, the Commission launched on 14 January a first stage consultation of the social partners in accordance with Article 154(2) of the Treaty on the Functioning of the European Union (TFEU) on fair minimum wages in the EU. The Commission is thus consulting the social partners on the possible direction of EU action to address the challenge of ensuring fair minimum wages for workers in the Union, focusing on 4 identified challenges: adequacy of statutory minimum wages, coverage (sectors or individual workers), involvement of social partners in setting minimum wages and national mechanisms guiding the adjustments of statutory minimum wages. The deadline to respond to the consultation is the 25th of February.

The social partners welcomed the communication. Ms. Colclough (UNI Global) stressed the need to find tools for measuring soft competences, in collaboration with the ILO and the OECD, on the need to address also the rising mental health issues, in particular for young persons and on addressing the imminent lack of care professionals in the EU, to be amplified by demographic developments.

Mr. Freytag from WEC-Europe informed that WEC is likely to prepare a contribution or position paper in reaction to the communication in the form of a white paper in the spring. He underlined the readiness of WEC-Europe to engage widely with various EC services and

¹ <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9524&furtherNews=yes>

highlighted the contribution of the joint project of the social partners on social innovation, currently underway. He stressed that not all solutions can be found at the EU-level. Finally, with regard to the first stage consultation of the social partners on fair minimum wages, he criticized the link in the consultation document made between low-wage earners and the temporary agency work sector. The social partners also inquired about the Commission's intentions with regard to the legislative framework on the European Work Councils. Mr. Stabenow confirmed that the new Commission is keen to support social dialogue at both the national and EU level.

1. Any other business

Neant. The next meeting will take place on 8 June.

List of participants 22/01/2020

<p><u>11</u></p> <p><u>Employers (8♂, 3♀)</u></p> <p>Chair: Mr. Freytag (BE)</p> <p>DE KERSTEN Michael</p> <p>IT DI MAIO Agostino</p> <p>UK O'DONOGHUE Donal</p> <p>HU TOTH Sandor</p> <p>ES LUCAS Marta</p> <p>CH BART Menno</p> <p>IE MCGINTY Brendan</p> <p>DK TIETGE Jakob</p> <p>UK WINGFIELD Sophie</p> <p>NL VAN LIESHOUT Sonja</p>	<p><u>12</u></p> <p><u>Workers (9♂, 3♀)</u></p> <p>Chair: Ms. Colclough (CH)</p> <p>NL PENTENGA Erik</p> <p>FR BALLESTER Patrice</p> <p>ES LEON Manuel</p> <p>IT BARILA Luca</p> <p>PT VERISSIMO Eduardo</p> <p>IT COLAPINTO Domenico</p> <p>SE KONRADSDAL Kenth</p> <p>DK HOFFRITZ Klara Elisabeth</p> <p>SE NASSAR Chaker</p> <p>PT GROSSINHO Celia</p> <p>SE INDERDAHL Linda</p>
<p><u>European Commission</u></p> <p>Mr. Stabenow (DG EMPL.01) Ms. Hadjiantoni (DG EMPL.A2) Ms. Milo (DG EMPL.A2)</p>	<p><u>Speakers</u></p> <p>Ms. Lenaerts KU Leuven</p>

	Mr. Van Hamme FOD Mr. Degroen CEPS
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