



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

Brussels, 16 October 2012

**SECTORAL DIALOGUE
COMMITTEE
TEMPORARY AGENCY WORK**

Minutes of the meeting of 15 June 2012

1. Adoption of the agenda and adoption of the minutes

The meeting was chaired by the Commission. The agenda was adopted, the minutes of the last meeting (8 February 2012) were approved. Ms Lelyte (UNI Global) announced that she would now ensure the secretariat for the workers' side.

2. Information on the Commission's proposals related to posting of workers

Mr Feenstra from the Labour Law Unit (DG EMPL) informed the participants in detail about the Commission's proposals (a) concerning the enforcement of the provision applicable to the posting of workers in the framework of the provision of services - COM(2012) 131 and (b) on the exercise of the right to take collective action within the context of the economic freedoms of the single market - COM(2012) 130¹.

In the following exchange of views, UNI Europa was glad to see that the protection of workers was emphasized in the proposals. The workers' delegation considered the definition of a posted worker insufficient; it should include a time limit. Eurociett presented the content of their position paper²: while fully supporting the Commission's intentions, the employers' organisation was reluctant towards the idea of introducing a system of joint and several liability at EU level; this should remain at the discretion of Member States.

3. TAW regulation

Fact sheets

Both sides of industry looked at the current stage of the fact sheets on TAW regulation. The sheet on the UK was now with UNI Europa (ready from Eurociett's side), and the one on DE still had to be looked at by a trade union delegate (to be nominated by ver.di). Four fact sheets were finalised: BE, FR, NL, PL. Further countries to be covered should be identified.

¹ See: <http://ec.europa.eu/social/main.jsp?catId=471&langId=en>

² Available at <http://www.eurociett.eu/>

Update on transposition of Directive 2008/104/EC on temporary agency work

Social partner representatives from different countries (BE, CZ, DK, DE, IE, ES, FR, IT, NL, PL, PT, FI, SE, UK) reported on new developments in their country. Some countries had only recently transposed the Directive; some countries had not yet transposed it.

Mr Muller-Schleiden (DG EMPL, Labour Law Unit) informed the participants that meanwhile, 22 Member States had indicated a complete transposition; two Member States indicated a partial transposition (BE, AT); and three Member States had not yet provided any information in the system (CY, DK, SE)³. The Commission may decide to send reasoned opinions to the countries which had not provided the missing information. He added that now 23 Member States had transmitted a report on the review of restrictions and prohibitions – or reacted to the Commission's reminder; four countries had not yet reacted. Regarding the reactivation of the expert group on the implementation of the Directive, a meeting was planned to take place on 8 November 2012. The exact format was not decided yet.

The social partners deplored that they had not yet received an answer to their joint letter of 12 March 2012 asking the Commission to give them access to the information on the results of the review of restrictions and to involve them in the evaluation process.

Presentation of the core principles of ILO Convention 181

Mr Delarue, Director of the ILO Office for the European Union and the Benelux countries, presented Convention 181 on private employment agencies (see slide presentation distributed after the meeting). He stressed the importance that all EU Member States ratify Convention 181, classified by the ILO tripartite constituents as an up to date ILO instrument covering a wide variety issues, including social protection, licensing or certification of agencies and cooperation between private and public employment agencies. Such an EU-wide ratification would complement the EU Directive and constitute a strong signal to the other parts of the world, especially the emerging economies. The workers' side said that trade unions in the EU did not necessarily support the convention since contrary to the EU Directive it did not ensure equal treatment. The participants exchanged their views on the link between Convention 181 and the now closed Convention 96. According to the ILO representative, it was not possible to use Convention 181 to derogate from the equal treatment principle. Another question raised was the compatibility of licensing systems with internal market rules. Mr Delarue announced that the ILO regional meeting for Europe and Central Asia would take place in April 2013 during which employment relations matters would be further discussed.

4. Joint project on transitions in the labour market

Eurociett reported that one project steering committee meeting would be held in October. The date for the final conference still had to be set (probably in December or January).

Mr Voss (wmp consult) presented the preliminary findings of the comparative and national analysis (see slide presentation distributed after the meeting). The parties were satisfied with the quality of the analysis and added some supplementary information (CZ, IT, ES, SE). Mr Voss was grateful for this exchange with the (national) social partners.

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:72008L0104:EN:NOT>

5. Promoting national social dialogue

The social partners discussed the relevance to organise a round table event to promote sectoral social dialogue in Croatia or Serbia⁴. For Eurociett, both countries were relevant but since the TAW business in Serbia was substantial, Eurociett would prefer to organise an event there. UNI Europa still had to check with their respective affiliates who were not specifically dealing with TAW in these countries.

6. Any other business

Next planned meeting (tbc): 16 October (plenary). The draft agenda would include the discussion/adoption of the work programme 2013-2014 and the presentation of Sweden's collective labour agreement.

List of participants 15/6/2012

Employers (7 ♂, 6 ♀) Mr Bonardo (IT) Mr Farber (UK) Ms Fasola (IT) Mr Freytag (Eurociett) Ms Gaughan (IE) Ms King (IE) Ms Krohn (DE) Ms Muntz (NL, Eurociett President) Mr Pennel (Eurociett) Mr Pettineo (Eurociett) Mr Rejchrt (CZ) Ms Schaller (corporate member) Mr Tietge (DK)	Workers (10 ♂, 5 ♀) Mr Borghesi (IT) Mr Calado (PT) Mr Cecchi (IT) Mr Håkansson (SE) Ms Jakobowits (FR) Ms Lelyte (UNI Global) Mr Makkinje (NL) Mr Pennati (IT) Mr Perez Moratilla (ES) Ms Pohjola (FI) Ms Reda (PL) Mr Riboni (IT) Mr Veekman (BE) Mr Vicioso Alfaro (ES) Ms Wirken (BE)
European Commission Ms Durst (DG EMPL) Mr Feenstra (DG EMPL) Mr Muller-Schleiden (DG EMPL)	
Others Mr Delarue (ILO Office for the European Union and the Benelux countries) Mr Voss (wmp consult)	

⁴ TAIEX beneficiary countries: http://ec.europa.eu/enlargement/taieux/what-is-taieux/index_en.htm