



EUROPEAN COMMISSION

DG Employment, Social Affairs and Inclusion

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

Brussels, 12 April 2012

**SECTORAL DIALOGUE
COMMITTEE
TEMPORARY AGENCY WORK**

DRAFT Minutes of the meeting of 8 February 2012

1. Adoption of the agenda and adoption of the minutes

The meeting was chaired by the Commission. The agenda was adopted after deleting point 4.2 and adding the point "review of the work programme". The minutes of the last meeting (8 November 2011) were approved after acceptance of slight changes from either side of industry.

Ms Castaldo (UNI Europa) announced that it was her last meeting for the TAW sector due to a reorganisation within the organisation. This was much regretted by Eurociett who wished her all the best for her new tasks.

2. Review of the work programme 2011-2012

Eurociett proposed small changes (which served mainly to better indicate the current context) to which UNI Europa agreed. The reviewed version was approved.

3. European sectoral social dialogue on TAW

Eurociett referred to their announcement reflected in the minutes of last meeting to come back to UNI Europa on a number of points. The employers' organisation confirmed that UNI Europa's responses to Eurociett's questions were deep and exhaustive and allowed to resume social dialogue at European level. Eurociett wanted to highlight two comments which they considered most important: there was a need to take account of the huge diversity of national rules and Eurociett's affiliates had the right to negotiate as employers' organisations within this variety; the derogation from the equal treatment could go in one or another direction but was conditional to an adequate protection of the worker. UNI Europa also highlighted two points: that UNI Europa would never say that the agencies be the sole employer of a temporary agency worker; that indeed the directive allowed for derogation but the workers' side did not agree that this possibility should be used to the full extent. Both sides agreed again that there were points they disagreed upon.

4. TAW regulation

Transposition of Directive 2008/104/EC on temporary agency work

Mr Muller-Schleiden (DG EMPL, Labour Law Unit) informed the participants on the state of play of the transposition of the directive. The deadline for transposition was 5 December 2011. Member States had to upload their legislation into a database and indicate if they considered it being a complete or partial transposition. Today 14 Member States had indicated a complete transposition; 4 Member States indicated a partial transposition; and 9 Member States had not yet provided any information in the system. On 30 January 2012 letters of formal notice for non-communication had been sent to the respective Member States, leaving them two months to provide the missing information. The information on national execution measures is publicly available at EUR-Lex¹.

The Commission representative added that Article 4 (review of restrictions and prohibitions) was a separate exercise from the transposition – this was not included in EUR-Lex. Up to now the Commission had received eight reports (BE, DE, DK, FI, NL, PL, SE, SI). A letter of reminder would be sent to the remaining Member States soon. At this stage there was no decision yet how to proceed in case a Member State did not send its report. The Commission intended to make information on the review publicly available at a certain point, which however did not necessarily mean that the reports themselves would be published. The social partners agreed to jointly call upon the Commission to inform them as soon as possible on the review of restrictions.

Mr Muller-Schleiden announced that it was planned to reactivate the expert group to discuss issues related to the implementation of the directive. The exact format was not decided yet.

Supplementary information from national social partners

Before the "tour de table", Eurociett wished to share their worries about the situation which they had also addressed in a letter to Mr Richelle, Director-General of DG EMPL. Not only were some governments not seriously enough engaged to review restrictions, but some were even implementing new restrictions, for instance on third country nationals or persons with disabilities. UNI Europa thanked Eurociett for sharing the letter with them. Other restrictions (quota, subcontracting) were mentioned in the debate. The Commission representative stressed that the directive was applicable in all Member States and that restrictions were not prohibited per se.

Social partner representatives from different countries (BE, BG, CZ, DE, ES, FR, IT, HU, NL, PL, PT, SI, SE, UK) reported on new developments in their country. Some countries had only made minor changes to get in line with the provisions of the directive. Other countries had introduced completely new regulations or changed their labour codes. In some countries, social partners could not agree or were only symbolically consulted on the draft legislation.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:72008L0104:EN:NOT>

Fact sheets

Both sides of industry looked at the current stage of the fact sheets on TAW regulation. The sheets on DE and UK were almost ready from Eurociett's side and should be finalised by UNI Europa soon.

5. Joint project on transitions in the labour market

UNI Europa reported that the project "Temporary agency work and transitions in the labour market" (VS/2011/0403) had started. The steering committee was composed of representatives from ES, IT, UK (UNI Europa) and BE, FR, NL (Eurociett). It would meet for the first time at the end of February. Seven bids had been received for the tender!

6. Promoting national social dialogue

On behalf of both sides of industry, the French social partners gave a presentation on the organisation and achievement of sectoral social dialogue in their country, focussing both on the juridical aspects of temporary agency work and the sector's social dialogue in France. The slide presentation was distributed after the meeting.

It was agreed that the next country to present their collective labour agreement would be Sweden.

7. Any other business

Next planned meetings (tbc): 15 June, 16 October (plenary).

List of participants 8/2/2012

<p>Employers (6 ♂, 8 ♀)</p> <p>Mr Auth (DE, corporate member) Mr Bonardo (IT) Ms Bonnichon (FR) Ms Fasola (IT) Ms Krohn (DE) Ms Muntz (NL, Eurociett President) Mr Perez (ES) Mr Pettineo (Eurociett) Ms Raven (NL) Ms Rezlerova (CZ) Ms Schaller (corporate member) Mr Smrekar (SI) Mr Vink (NL, corporate member) Ms Zielinska (PL)</p>	<p>Workers (11 ♂, 8 ♀)</p> <p>Mr Black (UK) Mr Borghesi (IT) Mr Calado (PT) Ms Castaldo (UNI Europa) Mr Faintrenie (FR) Ms Goneva (BG) Mr Håkansson (SE) Ms Jakabowits (FR) Mr Leblanc (FR) Ms Lelyte (UNI Global) Mr Leroy (BE) Mr Perez Moratilla (ES) Ms Reda (PL) Mr Riboni (IT) Mr Toth (HU) Ms Unterschütz (PL) Ms Varas (ES) Mr Vicioso Alfaro (ES) Ms Wirken (BE)</p>
<p>European Commission</p> <p>Ms Durst (DG EMPL) Mr Muller-Schleiden (DG EMPL)</p>	