

Joint Eurociett/Uni Europa Project
Setting up a European Observatory on cross border activities within
temporary agency work
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A Survey of social partners in Member States

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1 Introduction

This report seeks to examine the extent and form of cross border temporary agency working within the EU. It provides an analysis of a questionnaire survey conducted amongst members of the social partners for this sector - UNI-Europa and Eurociett. Because it became clear that national level social partners have, at best, an incomplete view of such cross border work (and in many cases, neither data nor estimates), it has also been necessary to examine other sources of relevant data, including official statistics and academic studies.

Cross border working can take a variety of forms, from workers commuting across borders to work daily in permanent jobs, through cross border temporary assignments, to permanent migration for work purposes. The extent to which cross border working may involve temporary agency workers is difficult to assess from data currently available. A recent study of such work in cross border areas showed that the proportion of work which could be described as temporary varied enormously according to region, with border areas such as Bulgaria to Greece, Spain to Portugal and Germany to Poland showing high proportions of temporary cross-border employment.¹ Appendix 1 shows the graphical representation of this. This is not to say that all such work would involve temporary work agencies (TWAs). Nor does it include some of the relatively low-wage to high-wage economy transfers such as between Portugal and UK or Poland and Netherlands, where there is no shared border.

Similarly, the activities of private employment agencies can be cross border in a number of ways:

- a. Multinational agencies may operate in a number of states, with local establishments in a variety of countries, but also as sole or principal suppliers of temporary agency workers to particular multinational clients;
- b. Temporary work agencies may be significant employers of migrant workers already present in a labour force – it is estimated that in UK, in 2007 one in seven agency workers arrived in the country after 2004, while in Denmark 13% of permissions to stay were to citizens of the new Central and Eastern European member states working for temporary agencies²;
- c. Agencies may recruit workers in the member state in which they are based on behalf of an employer (whether itself a temporary work agency or employer of permanent staff) located in another state;
- d. Agencies may recruit workers from another state to come and work as temporary agency workers in the state in which the agency is based;

¹ Nerb, G., Hitzelsberger, F., Woidich, A., Pommer, S., Hemmer, S. and Heczko, P. (2009) *Scientific Report on the Mobility of Cross-Border Workers within the EU- 27/EEA/EFTA Countries* MKW GmbH, Munich and Empirica Kft., Sopron for European Commission

² European Foundation for Living and Working Conditions (2008) *Temporary agency work and collective bargaining in the EU* Dublin, European Foundation

- e. The agency may post its own workers to work temporarily for a client in another member state.

On occasion, there may be combinations of these methods. In Northern Ireland in 2006, for example, Portuguese-based agencies were identified as recruiting workers either on behalf of their own NI-located temporary work agency operations, or on behalf of other TWAs operating there.³

Most of the top 20 temporary staffing agencies (globally) saw the proportion of their revenues coming from outside their country of origin rising in 2007.⁴ However it is not possible to use such figures to separate recruitment activities from the provision of temporary labour, nor to separate cross border provision of workers from the activities of overseas subsidiaries providing workers to clients based in the same country.

The issue has however become controversial in some EEA member states (for example Netherlands and UK) owing to the activities of some unscrupulous agencies not meeting their legal obligations. It is also caught up in the controversy regarding posting of workers, aroused by the Viking and Laval cases, even though these cases did not involve TWAs.

The social partners at EU level in the sector, recognising that this was a new area of operations, decided to discover what information on the phenomenon of cross border temporary agency working was held by their respective member organisations.

2 Survey method

Following detailed discussions between the Working Lives Research Institute and the joint steering group for the project, a questionnaire was drawn up and distributed to the national member organisations of the EU-level social partners through the partners' own networks. A second questionnaire was also prepared for distribution via Eurociett national federations to their individual member companies.

Since Eurociett does not represent the activities of the recruitment industry, it was agreed in discussions between the social partners that the activities listed in *a* and *b* in section 1 above would not be included in the survey, and those in *c* only included insofar as recruitment was undertaken on behalf of temporary work agencies. The focus would therefore be on cross border working where a triangular relationship between worker, agency and labour user (client) was involved.

Copies of both questionnaires are attached (appendices 6 & 7), together with the agreed definitions of relevant terms relating to cross border posting and placing of temporary agency workers (appendix 5).

³ Eaton, M. (2007) *From Porto to Portadown: Portuguese workers in Northern Ireland's labour market* Portuguese Journal of Social Science, 6:3 pp 171-191

⁴ Coe, N., Johns, J. and Ward, K. (2009) *The Top20 Temporary Staffing Agencies: 2008 Transnationality Rankings*, Geographies of Temporary Staffing Unit Working Brief 38, University of Manchester

The questionnaires were first distributed in April 2009, with an interim report on the first responses given to the meeting of the joint project Steering Group in Brussels on 18th May 2009. Following that meeting, and following further effort by the EU level social partners, additional responses were received and a further report presented to the steering group in September 2009.

The rate of response was seen to be very low, with organisations from only six Member States filling out questionnaires, although the member organisations in Finland had also responded saying that they had no information on cross-border temporary agency workers. The responses are listed in Table 1, together with such data as they were able to provide on numbers of workers involved in cross border temporary agency work.

After a discussion of the low response rate, additional information was sought by means of telephone interviews with social partner member organisations in a number of additional member states where, on the basis of information received or located, there seemed to be a likelihood of cross-border temporary agency working. Those providing any information are summarised in Table 2.

3 Summary of responses

Amongst those sending in questionnaires, only Poland and Netherlands were able to give any national estimate of the level of cross-border working, with the response from the Netherlands indicating that most of those workers were not in fact posted, and that from Poland relating largely to posted workers.

In the cases of UK and Belgium, the responses suggested that the posting of temporary agency workers was not thought to be a significant issue. The UK response estimated that of 47,000 UK workers posted to other EU countries, and 37,000 posted into the UK, the numbers employed by TWAs were thought to be “minimal”. This response did not, however attempt to deal with the issue of the direct recruitment of agency workers from other member states. The response from Belgium said that posting was not relevant due to the large number (130) of TWAs located in (and therefore recruiting from) Belgium. The Swedish response pointed out that the national federation did not collect any data on either posting or placement by its members, but reported that the recent enquiry into the *Laval* case had estimated the numbers posted into the construction industry as being in the range of 2,500-3,000 workers. It is doubtful, however, that many (if any) of these will have been employed by TWAs, since the contractors will generally supervise their own workers rather than put them under the control of the client (as is the case in the classic triangular relationship).

The response from Spain explained that although official information was available on non-nationals having permanent contracts, no such data was gathered for temporary agency workers.

The French employers’ association was able to provide data from official statistics body DARES, regarding workers sent from France, which is discussed in section 5 below, but had no data from its own member companies, nor on workers received.

The reply from Bulgaria identified substantial (but not numerated) cross-border working from Bulgaria to Romania, but gave figures only for workers received into construction (without distinguishing between agency working and subcontracting). This may partly be explained by the relative novelty of formal temporary agency working in the country, but also by the blurring of boundaries between the two forms of work in that sector in general. The response also identified a small number of skilled workers posted into multinationals.

The low level of responses makes detailed interpretation of the situation across the EU impossible, although the information provided from Netherlands and Poland is presented in some detail. However, even here, caution must be exercised. Although over half of all temporary agency workers in Poland work for agencies affiliated to ZAPT, most of them working for only 20 companies (many of them multinationals), only three agencies responded, while there are over 1,900 TWAs operating in Poland.⁵

The shortage of responses could reflect a generalised lack of available data on the theme of cross-border temporary agency working. This would not be surprising, given the variable coverage and reliability of statistics on temporary agency working across Europe in general.⁶ It could also suggest that there is little cross border temporary agency working taking place. However, we are aware that there are member states and cross-border areas where such working does take place, but from which we received a limited (or no) response.

For example, a report published by the European Foundation in June 2008 showed that there was a steady growth in companies based outside Luxembourg using TWAs based in the country, with 17% of temporary agency workers being sent on cross-border assignments in 2005. This is likely to involve significant numbers of French nationals, as well as some Belgian workers.⁷ This prompted a telephone interview with the UNI-Europa affiliate in Luxembourg, which added the information that between 1 and 1.5% of the workforce in Luxembourg consisted of non-resident workers employed by agencies, largely working in three main sectors: banking, construction and personal services.

The UK Gangmasters' Licensing Authority (which regulates temporary work agencies in agriculture and food processing) has reported issues of labour provision direct from Bulgaria, and cross-border temporary working between Northern Ireland and the Republic of Ireland.⁸ Eaton's report on Northern Ireland also showed a variety of cross-border practices involving Portuguese TWAs.⁹ The low level of response demonstrates that even in such cases, the information is not collated by, or known to, the social partners in the sector, while it is not gathered by official bodies either.

⁵ Sula, P. (2008) *Poland: Temporary agency work and collective bargaining in the EU*. Available at: <http://www.eurofound.europa.eu/eiro/studies/tn0807019s/pl0807019q.htm> [Accessed November 18, 2009].

⁶ As explained in European Foundation (2008) *op cit*.

⁷ De Broeck, V, *Transnational nature of temporary agency work*, European Working Conditions Observatory, June 2008: <http://www.eurofound.europa.eu/ewco/2008/03/LU0803039I.htm>

⁸ See for example the GLA's website: http://www.gla.gov.uk/embedded_object.asp?id=1013469

⁹ Eaton, M. (2007) *op cit*

Table 1 Summary of questionnaire responses

Total received: 17 responses from 6 Member States

e = estimate

Country	Respondent	Statistics on X-border Temporary agency working	Total workers sent (2008)	Total workers received
Sweden	CIETT affiliate (Almega)	N		2,500-3,000 known of in construction (from Norway, Poland, Czech Rep, Germany, UK)
Sweden	Agency S1	Y	-	16
Poland	Joint: ZAPT/Solidarnosc	Y	14,313	-
Poland	Agency P1	Y	649 EU 790 non EU	-
Poland	Agency P2	Y	20 e	-
Poland	Agency P3	Y	585 EU - non EU	-
Netherlands	Joint: ABU/FNV Bondgenoten	Y	-	40,000e ¹⁰
Netherlands	Agency N1	N		
Netherlands	Agency N2	Y	-	1,900
Netherlands	Agency N3	Y	-	1,742
Netherlands	Agency N4	Y	-	10,121
Netherlands	Agency N5	Y	-	880
Netherlands	Agency N6	Y	-	3,625
Netherlands	Agency N7	N		
UK	Joint: REC/Unite	N		
Belgium	UNI-Europa affiliate: LBC-NVK	N		
Spain	UNI-Europa affiliate: FeS UGT	N		

¹⁰ Of an estimated 200,000 cross border migrants per year, 110,000 were estimated to be doing so in the “informal economy”, while of the remaining 90,000, 40,000 were thought to be accounted for by ABU member enterprises.

Country	Respondent	Statistics on X-border Temporary agency working	Total workers sent (2008)	Total workers received
France	UNI-Europa: CGT-FO Eurociett: Prisme	Y	969 (avg. contracts per month)	
Bulgaria	UNI Europa affiliate: Podkrepa	N	200 to multi-nationals	5,000 -10,000 from Turkey to construction industry ¹¹
Luxembourg	OGB-L	N		3000-4,500 "non-resident" agency workers: – 50% Fr, 25-30% Belg.

We can also see from the responses from Netherlands that workers are recruited from a wide range of countries, but the social partners in the country from which they are recruited may not be aware of this (no responses were received, for example, from Germany or Czech Republic). Similarly, Polish responses reported posting agency workers to member states from which we received either no detailed information (for example Belgium) or no response at all (Italy).

There may also have been some lack of clarity regarding the nature of cross-border working being examined, despite making available the definitions agreed by the EU-level social partners (see appendix 5). Nevertheless, from the responses received, it appears that a number of EEA member states (and at least one neighbouring country), are involved in some form of cross border temporary agency work, as summarised in the table below.

Geography of cross border temporary agency working

Inclusion denotes at least one mention in survey responses

Sending	Receiving	Both
Czech Republic	Denmark	Belgium
Estonia	Finland	France
Germany	Italy	Norway
Hungary	Luxembourg	Spain
Lithuania	Netherlands	UK
Poland	Sweden	
Portugal		
Slovakia		
Turkey		

Comment [SaS1]: Included from powerpoint presentation given at December conference

¹¹ Also thought to be substantial cross border working between Bulgaria and Romania, not known if TAW.

Though we are not yet able to measure this, some general comments based on the responses received and on other complementary material follow, which may assist in determining the need for further work on this subject.

4 Profile of workforce and agency services

The responses relating to the workers themselves and the services provided by the agencies to them are summarised in Appendix 2.

Although the questionnaire requested details both of workers received and sent, almost all of the responses from agencies in the Netherlands (and in Sweden) concerned workers *received*, whilst those from agencies in Poland concerned workers *sent*. This shows the differing practices of agencies located in these countries, but also the lack of complete information at their disposal. Thus agencies (and the national social partners) in Netherlands provided no information on workers being posted there, although according to the responses from Poland, this is clearly taking place.

From the replies from agencies, 4-6 month attachments seem typical, with a predominantly male, younger workforce largely undertaking work described as 'unskilled'. From the responses received, male workers are more predominant than within the agency workforce as a whole¹², although these cross-border workers appear broadly in line with the other agency workers on age. However the sample is too small to draw firm conclusions.

The profile of the workforce varies between agencies, perhaps reflecting the differing nature of their client base, and the nature of the work undertaken. Most of the Netherlands responses identified Poland as the principal (but rarely the sole) source of workers, but only the reply from a Swedish agency described bringing workers *only* from Poland. One reply (relating to skilled workers) identified Portugal and Spain as being more significant than Poland as a source of workers. Interestingly, one agency from the Netherlands reported sending workers recruited from 'abroad' to work in UK.

Amongst the Polish agencies, predominantly concerned with posting workers, a number of receiving countries were identified (see appendix 2). One report described sending workers to 9 different EEA countries, another to two countries, and the third (dealing principally with skilled workers) only to France.

Agencies were asked about the reasons for using cross border workers, and eight of them responded. Their replies are summarised in Table 3 below. For these respondents, specific labour shortages within the host labour market seemed to be key, although employer preference and the requirement for flexibility are also of note. As can be seen, although this can scarcely be considered a representative sample, none suggested that lower non-wage costs were a principal reason, while only one cited lower wage costs.

¹² as identified in European Foundation (2008) *op cit*

Table 3: Reasons for assigning workers cross-border		
<i>Agencies responding to this question: 8</i>		
	Receiving	Sending
Shortage of unskilled manual workers in particular sectors	4	2
Shortage of skilled manual workers	4	1
Shortage of professional workers with required skills	3	2
Lower wage costs of cross border workers	-	1
Lower non-wage costs of cross border workers	-	-
Preference expressed by user company	2	-
Request by user company for more flexible workforce	2	2
Need to present same offer as competitors	-	-

Nearly all of the agencies reported having provided transport and housing to their workers (see table below). In all but a few cases, the workers were charged a fee for this. Without exception agencies provided help with social security registration, largely (but not entirely) without charge. All reported assisting with finding a job, but since the questionnaire is not clear on this point, it cannot be determined whether this relates to finding a permanent post or a temporary one.

Services provided by agencies to cross border workers

Number of replies, figures in brackets refer to number charging fees, N=11

Service	Sending	Receiving	Total
Transport	3 (2)	7 (5)	10 (7)
Housing	3 (2)	8 (6)	11 (8)
Social security registration	3 (1)	8 (1)	11 (2)
Bank account	3 (1)	7 (2)	10 (2)
Visa (or equivalent)	2 (1)	4 (2)	6 (3)
Job	3 (1)	8 (1)	11 (2)

Comment [SaS2]: Included from powerpoint presentation given at December conference

5 Trends

The number of responses providing statistics on numbers was small, and largely restricted to Netherlands and Poland. In the Netherlands, the three agencies which reported on trends identified rises of over 100% in agency workers brought in over the four years (2004-2008), with one reporting an increase of 453% in inward placements in retail, and another a rise of 425% across all sectors (with agriculture and food being the most significant). The response from ABU/FNV identified Horticulture, Food, Transport and the Metal or engineering industries as being the most significant users of cross border agency workers, but was unable to estimate how many of these were posted workers. Amongst the agencies identifying the nationalities of their cross border workers, the Polish respondents provided the most detail, followed by the Portuguese and the Hungarian.

The reply from the national social partners in Poland put the number of cross border temporary agency workers being posted out of Poland as 14,313 in 2008, an increase of 202% over 2004. There may be a higher number ‘placed’ in other TWAs (rather than posted directly by agencies, but this is not clear from the figures. The most significant destination countries varied according to agency, with one specialising in France, one in Norway and Netherlands, and one in Netherlands. Construction was the most significant industry identified by the agencies. However, one of the responses from agencies pointed out that in 2009 numbers had dropped to a few.

The Swedish response from one agency reported that its small number of cross border placements had risen by over 100% (suggesting that there were none in 2004). The official statistics provided from France showed a decline in both the monthly average number of contracts (by 32%), and the Full Time Equivalents these represented (by 16%). The telephone response from the UniEuropa affiliate in Luxembourg indicated that the level of agency working in Luxembourg had dropped by 30% during the recent recession. In the personal services sector where cross border working had been common, this had almost completely come to a halt in 2009.

The recession will undoubtedly have had an effect on temporary agency working in general. A report on those multinational temporary staffing companies who report on a quarterly basis found only one out of twelve showing an increase in turnover in Q1 2009 compared with 2008, with all others reporting falls of over 22%.¹³

6 Posting of Workers and Collective Agreements

At EU level, there are two items of legislation that may regulate the terms of employment of cross border temporary agency workers – the Posted Workers Directive and the Temporary Agency Workers Directive (which was adopted in 2008, and to be implemented in all Member States by December 2011). These are dealt with in some detail in the accompanying literature review produced by *Labor Associados*.

All six national-level questionnaire responses were able to identify the national transposing legislation, and to describe the relevant sections. In UK, Poland, Belgium, Spain and Sweden there are no specific provisions for agency workers, but it must be assumed that they are covered in the same way as other workers. In Netherlands there is a national-level agreement specifically applying to agency workers which, in common with the agreements for the construction and insurance, makes specific reference to posted workers. The relevant terms of this collective agreement should therefore apply to any temporary agency workers posted into the Netherlands. In the case of Sweden, however, although there is also a collective agreement in place for the temporary agency work sector, there is no system for declaring collective agreements to be universally applicable.

In the cases of both the Netherlands and Sweden, there have also been further agreements specifically relating to cross-border agency working. In the case of

¹³ Coe, N., Johns, J. and Ward, K. (2009a) *Charting the Initial Impacts of the Financial Crisis on the Top 20 Transnational Staffing Firms, 2009* Geographies of Temporary Staffing Unit Working Brief 41, University of Manchester

Sweden, this regulates the activities of agencies based outside Sweden, but temporarily conducting business there. It requires the identification of specific representatives responsible for dealing with the application of the appropriate collective agreement, and for permitting union access to the labour user's premises. In the Netherlands case, it covers the provision of housing and transport, health and safety, medical insurance and the provision of information (and contracts) in the workers' own languages. The agreement in the Netherlands is generally binding.

The relevance of the application of the posted workers' directive for cross border agency work is still open to question. Only one of the agencies from Netherlands, for example, gave an indication that workers were posted (one in six of the 130 workers working in "Technics"), while the rest are thought not to have been. All of those reported by the Polish respondents were described as having been posted, but the numbers posted to any single Member State may be small. In the UK, very few posted workers are thought to be temporary agency workers. However, the sample is too small to permit firm conclusions to be drawn.

7 Issues for sending and receiving temporary agency workers

Respondents were asked about the main issues relating to both sending and receiving cross-border agency workers (see appendices 6 and 7 for the questions).

Not all of the respondents answered these questions, with Polish agency responses tending to concentrate on issues with sending workers, while those replying from the Netherlands largely related to workers received. Five national responses also addressed this (while Belgium did not). The replies are summarised in Appendices 3 and 4.

The most frequently identified issues were compliance with social security and employment regulations (receiving) and problems with language (sending). More generally, for both sending and receiving a lack of information on licensing/regulation of agencies in other Member States was cited as an issue. So, too was lack of information about employment regulations (or failures to observe wage regulations).

At various points, respondents cited the nature of immigration controls and commercial regulations (for example, work permits needed in some sectors, financial guarantees required for agencies posting workers into France) as being problematic. The issue of visa requirements will have diminished as restrictions on labour market access from the 2004 accession EU member states are removed (some of which occurred in May 2009).

The response from the social partners in the Netherlands revealed a difference of opinion. While the Eurociett member (ABU) felt the problems of non-observation of rights and obligations in social security, wages and housing and transport was restricted to unlicensed ("informal sector") operators, the UNI-Europa affiliate (FNV) considered the problems of non-observation of the regulations extended to some agencies operating in the formal sector as well.

8 Conclusions

As suggested above, a problem of the survey was the low level of participation by the national-level social partners affiliated to Eurociett and Uni-Europa. This suggests that the information is not easily available, or that the level of cross border temporary work agency activity is very limited. Information may be lacking because it is not collected by national organisations or governments; it could be because some of it is regarded as commercially sensitive; or it could be because the issue of cross border working by temporary agency workers is not yet regarded as a significant issue.

However, the responses and additional sources of information that were examined, clearly point to the fact that the issue of cross-border working for temporary agency workers extends beyond the ranks of those countries submitting responses. Indeed, it may be more widespread than reported even in those member states for which we received responses.

Coverage of regulations to deal with this phenomenon is not universal, even within member states that have some regulation. A majority of member states have some regulations or generally applicable collective agreements which provide for equality of pay between temporary agency workers and permanent comparitors¹⁴. These are in some cases subject to derogations and qualifying periods, and there remain a number of states where no such provision applies in advance of the transposition of the Temporary Agency Workers Directive. In addition, some specific regulation has been developed in some member states through action by the social partners. Although the Posted Workers' Directive includes specific reference to temporary agency work, no member states have chosen to specifically refer to this in their transposition..

The provision of housing and transport to their workers appears commonplace amongst those agencies responding. These provisions are also amongst the criteria examined by the UK Gangmasters' Licensing Authority in assessing the fitness of temporary labour providers to be licensed for operating in the food and agriculture industries. However, these are not issues which are included in the provisions of the Posted Workers Directive so there is a risk of unfair competition in these areas being unregulated..

In the aftermath of the global financial crisis and recession, it appears that the extent of cross border temporary agency working may have diminished temporarily. But it has not disappeared. It might be thought that rising unemployment would reduce the labour market shortages identified by respondents as being key reasons for cross border TWA. However, in their search to retain flexibility, employers made cautious by the recession may turn first to temporary agency work in any upturn, thus reversing the apparent recent decline. At the same time, the many considerations which might lead someone to travel and find work (for economic reasons, adventure, family re-union, flight from oppression, or to further a career, for example) remain, thus guaranteeing a continuing supply of potential cross-border agency workers.

¹⁴ European Foundation for Living and Working Conditions (2008) *Temporary agency work and collective bargaining in the EU* Dublin, European Foundation

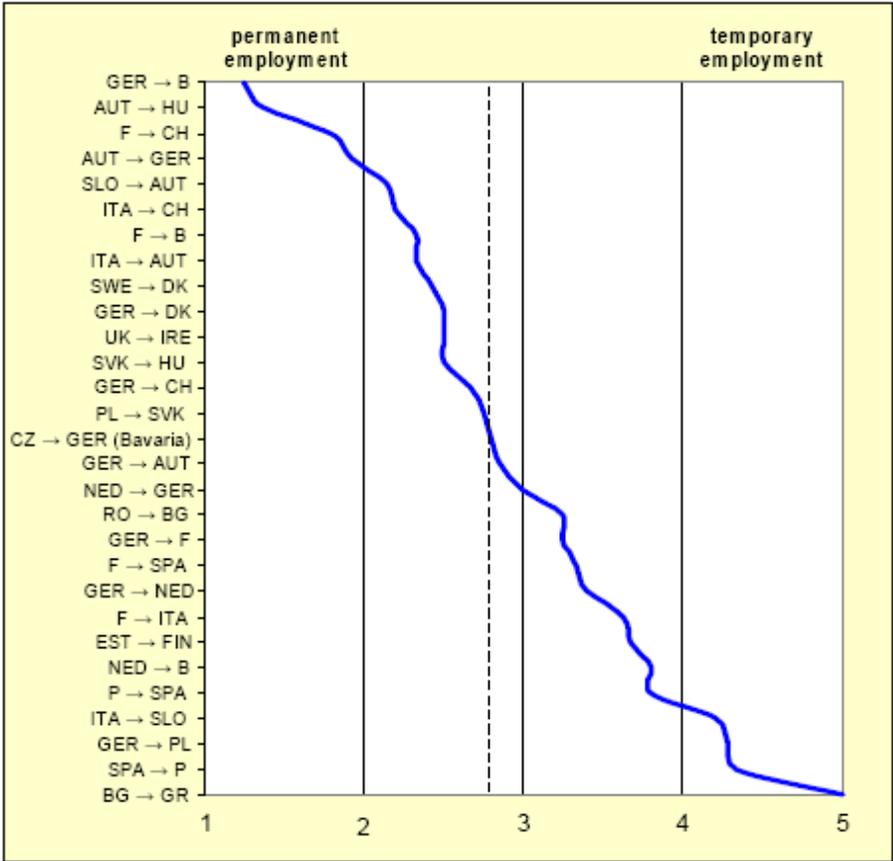
The EU's Employment and Growth Strategy includes as a key component, ensuring work mobility, of which cross border working (including cross border TAW) is a feature. Obtaining up-to-date and accurate information on it requires a much more systematic approach to information gathering than was possible relying on a once-off questionnaire exercise sent to national social partners, particularly where the information may be hard to find.

A European Observatory of the Cross Border Use Temporary Agency Workers would clearly help to focus the necessary further research to build on this preliminary study.

Appendix 1: temporary employment by cross border region

(Source: Nerb, G., Hitzelsberger, F., Woidich, A., Pommer, S., Hemmer, S. and Heczko, P. (2009) *Scientific Report on the Mobility of Cross-Border Workers within the EU- 27/EEA/EFTA Countries* MKW GmbH, Munich and Empirica Kft., Sopron for European Commission)

Figure 15: Employment status of cross-border commuters by border regions* (mean values)
 1 = permanent employment; 5 = temporary employment



* Includes only border regions with valid data
 - - - - - average: 2.74

Survey on cross-border workers' mobility

Appendix 2: Replies from agencies

Replies from member companies – regarding workers received (Netherlands and Sweden)

f = fee charged

Response	N1	N2	N3	N4	N5	N6	N7	S1
Length assignment (months)	5	3-4	5	3	9	4-5	10	6
% male	60	55	80	68	90	65		100
Av age (yrs)	30	33	23	37	30-35	32		30
Occupational level	Unsk	Unsk 75% Sk 23% Prof 2%	Unsk 90% Sk 10%	Unsk 90% Sk 10%	Sk	Unsk 85% Sk 15%		Sk 100%
Nationality	1 Pol 2 Cz	1 Pol 2 Ger 3 Hu 4 Cz	1 Pol 2 Hu 3 Est	1 Pol 2 Slvk 3 Cz	1 Port 2 Sp 3 Pol	1 Pol 2 Port 3 Hu 4 Ger	1 Pol 2 Ger 3 Lith	1 Pol
Destination	NL			NL UK		NL	NL	Swe
Services provided:								
<i>Transport</i>	X f	X f		X f	X	X	X f	X f
<i>Housing</i>	X f	X f	X f	X f	X f	X	X f	X
<i>Soc Sec reg</i>	X	X	X	X	X	X f	X	X
<i>Bank acct</i>	X		X	X	X f	X f	X	X
<i>Visa</i>		X		X		X f		X f
<i>Job</i>	X	X	X	X	X	X f	X	X
<i>Other</i>	X	X	X	X				

Replies from companies – regarding workers sent (Poland)

* = in some cases

Response	P1	P2	P3
Length Assignment (months)	6	2-8	12
% male	80	70	97
Av age	25-35	35-40	25-55
Occupational level	Unsk Sk Prof	Unsk 85% Sk 15%	Unsk 10% Sk 70% Prof 20%
Nationality	Pol	Pol	Pol

Destination	1 Norway 2 NL 3 Bel 4 It 5 Fr 6 Sp 7 Dk 8 Fin 9 Swe	1 NL 2 Bel	1 Fra
Services:			
<i>Transport</i>	X f*	X f	X
<i>Housing</i>	X f*	X f	X
<i>Soc Sec reg</i>	X f	X	X
<i>Bank acct</i>	X f	X	X
<i>Visa</i>	X f*	X	
<i>Job</i>	X f	X	X
<i>Other</i>			X f

Appendix 3: Problems of non-compliance in receiving countries

Response	Licensing/ Authorisation for TWAs	Social security regulations	Taxation	Wage regulation	Regulations on housing, transport or health	Quality standards/ self regulation	Employ- ment regulations	Reporting require- ments	Other
NL (social partners)		X		X	X		X (in ag., constr., meat)		
N2					X	X			
N3				X	X	X	X	X	
Pol (social partners)	X	X	X				X		X (matching admin procedures)
P1	X	X	X				X		
Spain (UNI- Europa)									No com- pliance in restaurant domestic or road haulage
Sweden (Eurociett) refers to construction sector		X		X					
	2	4	2	3	3	2	4	1	

Appendix 4: Problems with sending

Response	Licensing/ Authorisation for TWAs	Knowledge employment regulations	Knowledge working environment	Language	Monitoring enforcement	Transport	Accommodation	Social security	Other
Pol (social partners)	X	X	X (in prodn., agr)	X			X (in prodn., constr, health, agr)		X (local tax regs)
P1	X	X		X			X		X (local tax regs)
P2				X (in logistics, metal working – welders)					X (immigration rules/work permits)
P3	X		X	X	X (labour inspectorate in France)		X		
UK (social partners)	X	X	X	X				X	
Bulgaria (UNI-Europa – Podkrepa)	X	X		X	X		X		
	5	4	4	6	2		4	1	

Appendix 5: Definitions

A CROSS BORDER agency worker is a worker who is PLACED or POSTED by a Temporary Work Agency in an assignment that involves the worker crossing a national border.

A PLACED worker has an Employment Contract in the country-of-destination and works to those terms and conditions.

A POSTED worker has an Employment Contract in the country-of-origin. Its terms and conditions apply while they work in the country-of-destination. The Posting of Workers Directive as implemented in the country-of-destination (national implementation) is applicable.

The POSTING OF WORKERS DIRECTIVE requires employers who post workers temporarily to work in other EU member states to observe certain terms and conditions of employment. The Directive defines a "posted worker" as "a worker who, for a limited period, carries out his work in the territory of a Member State other than the State in which he normally works" (Article 2(1)). The key word is "posted". The Directive does not cover migrant workers working abroad in the EU on a temporary basis. Only workers who are "posted" are covered. It requires employers to ensure these workers receive the basic key terms and conditions of the Member State they have been posted to.

ANNUAL HEADCOUNT of cross border agency workers is the total number of different individual workers given assignments by the Temporary Work Agency during the year.

Appendix 6: Questionnaire for Eurociett & UNI-Europa members

(where possible to be filled in jointly)

Please return the completed questionnaire to By (date)

A. Your organisations

- A1 Name of organisation(s) completing questionnaire
 - o For Eurociett:
 - o For UNI-Europa:
- A2 Name and position of person(s) completing questionnaire
 - o For Eurociett:
 - o For UNI-Europa:
- A3 Country:

B. Numbers of cross border agency workers at national level

B1 Headcount of cross border agency workers (posted and placed) in **2008**

Sectors of user companies (e.g. agriculture, construction, logistics, catering)	Sending from your country to another country				Receiving from another country in your country			
	EU+Non EU	EU	Non-EU	Overall Trend between 2005 and 2008 (+/- %)	EU+Non EU	EU	Non-EU	Overall Trend since 2005 and 2007 (+/- %)
TOTAL (all sectors)								

B2 In addition to regular regulation that applies to all workers in your country, are there any specific binding provisions (in for instance law or collective agreement) that apply to cross border (but non posted) agency workers at national level?

- No
- Yes (please describe)

C. Posted cross border agency workers at national level

C1 How many cross border agency workers do you estimate were **Posted workers** in 2007?

- Posted (sent) from your country to another country
- Posted (received) in your country from another country

C2 Please describe how the Posting of Workers directive was implemented in your country?

- Date & name of regulation
- Main provisions (eg in relation to the Minimum Wage)?
- Does the implementation of the Posting of Workers Directive apply to all sectors in your country or only to a limited number. If so, please list them.
- Are there any specific provisions in the transposed Directive that apply only to temporary agency workers?
- Do any sector collective agreements in your country include references to Posted workers?

C3 What problems, if any, have you identified with the transposition and implementation of the Posting of Workers Directive in your country?

D. Main issues faced with cross border agency workers

D1 In your experience, what are the **five** main issues of partial or non-compliance that exist in **receiving** a cross border agency worker in your country? Please tick the five most important.

	Write in the name of relevant sector(s) in the column			
Non compliance with				
licensing/authorisation schemes for temporary work agencies				
existing social security regulations				
local tax regulations				
existing regulation on wage settings (either by law or collective labour agreement)				
regulations related to housing, transportation or healthcare				
quality standards and voluntary self regulation				
regulations on employment (eg bogus self-employment or use of non-declared workers)				
statutory administrative reporting requirements				
Other (please describe): time necessary to match procedures, administration process				

Please give a concrete example of each major issue described:

D2 In your experience what are the **five main issues** that exist when **sending** a cross border agency worker to work in another country? Please tick those that apply for each sector.

	Write in the name of relevant sector(s) in the column					
Main Difficulties						
licensing/authorisation						

schemes for temporary work agencies						
Lack of knowledge about national employment regulations in country of destination						
Lack of knowledge of working environment in country of destination						
Difficulty of coping with foreign language						
Difficulty monitoring enforcement of employment legislation						
Organizing transport to country of destination						
Organizing accommodation in country of destination						
Difficulties with social security						
Other (please describe):						

Please give concrete examples for each major issue identified:

E. Information being delivered to cross border agency workers

E1 Have your organisations developed specific activities/tools/campaigns to inform cross border agency workers of their rights and duties? Please tick the boxes as appropriate.

	Yes		No	
	Placed	Posted	Placed	Posted
Union				
Employer				

E2 If YES, what kind of information is commonly given to cross border agency workers (Please tick all those you are aware of)

	Delivered to all cross border agency workers	Information given specifically to Posted agency workers
Gives agency workers an information pack in their own language about the specific country they will work		
Gives agency workers a written summary in their own language of the national regulation (law and/or CLA) transposing the Posting		

of Workers Directive		
Informs agency workers where they can get information concerning their working conditions		
Informs agency workers about health and safety measures in their workplace		
Informs agency workers about social protection (health care, pension schemes, social security)		
Includes rights and duties of agency workers in the employment contract		
Information as to the share of responsibility between the agency and the user company		

E3: According to you, what could be done to improve the working conditions of cross border agency workers and the information delivered to them?

E4 Do you have any general comments or remarks you would like to have considered?

*THANK YOU FOR YOUR SUPPORT
NOW PLEASE EMAIL/FORWARD THE COMPLETED QUESTIONNAIRE TO...
EUROCIETT / UNI-EUROPA*

Appendix 7: Eurociett national federation member company questionnaire:

Questionnaire on cross border agency workers assigned by your company

A Your company

- A1 Company name
- A2 Name of person completing questionnaire
- A3 Position of person completing questionnaire
- A4 Country

B Your business

B1 Headcount of **cross border agency workers** assigned by your company in 2008

Sectors of user companies (e.g. agriculture, construction, logistics, catering)	Sending from your country to another country			Receiving from another country in your country		
	EU	Non-EU	Overall Trend between 2004 and 2008 (+/- %)	EU	Non-EU	Overall Trend since 2004 and 2008 (+/- %)
Total (all sectors)						

B2 Are any of these cross border assigned workers Posted agency workers? If so, are they inward (receiving) or outgoing (sending) and in what proportion?

Sectors of user companies (e.g. agriculture, construction, logistics, catering)	Receiving (please tick)	Sending (please write main countries in)	What percentage of all cross border agency workers are posted workers? %

Add rows if necessary

B3 What are the reasons your company assigns agency workers across national borders (tick the **three** most important for both receiving and sending workers)

	Receiving	Sending
Shortage of unskilled manual workers in particular sectors		
Shortage of skilled manual workers		
Shortage of professional workers with required skills		
Lower wage costs of cross border workers		
Lower non-wage costs of cross border workers		
Preference expressed by user company		
Request by user company for more flexible workforce		
Need to present same offer as competitors		

Please add detailed examples relevant to your business

.....

Information provided to cross border agency workers

E1 Has your company developed specific activities/tools/campaigns to inform cross border agency workers of their rights and duties? Please tick the boxes as appropriate.

	Yes		No	
	Placed	Posted	Placed	Posted
Union				
Employer				

C3 If YES, what kind of information is given by your company? (Please tick all those that apply)

	Delivered to all cross border agency workers	Information given specifically to Posted agency workers
Gives agency workers an information pack in their own language about the specific country they will work		
Gives agency workers a written summary in their own language of the national regulation (law and/or CLA) transposing the Posting of Workers Directive		
Informs agency workers where they can get information concerning their working conditions		
Informs agency workers about health and safety measures in their workplace		
Informs agency workers about social protection (health care, pension schemes, social security)		
Includes rights and duties of agency workers in the employment contract		
Informs agency workers of the share of responsibility between the agency and the user company		
Other please describe		

C4: Which services does your company provide to cross border agency workers and is a fee charged for any of these? Please tick in the appropriate columns and rows.

Service	Provided	Fee charged
Transport from country of origin or to country of destination		
Housing at the start or for the duration of the assignment		
Social security registration		
Open bank account		
Secure VISA or other administrative requirements		
Find a job		
Other services (please describe them)		

C5: According to you, what could be done to improve the working conditions of cross border agency workers and the information delivered to them?

F. Profile of the cross border agency workers your company assigns

D1 Considering the agency workers you assign cross borders, please provide a rough profile of these workers:

	Sending to another country	Receiving from another country
Average length of cross border assignment (months)		
Gender (% of male)		
Approximate average age (years)		
Occupational level:		
Unskilled manual		
Skilled manual		
Professional white collar		
National origin:		
Nationality 1 (please name)		
Nationality 2 (please name)		
Nationality 3 (please name)		
Nationality 4 (please name)		
Main countries of destination:		
Country 1 (please name)		
Country 2 (please name)		
Country 3 (please name)		
Country 4 (please name)		

Add more rows if necessary

E Cross border agency worker motivations

E1 From your experience please tick what you consider to be the **three** main motivations of the agency workers who accept cross border assignments.

Failure to find suitable work at home	
Higher wages	
Gain international experience	
Learning a new language	
Acquiring new skills	
Family regrouping	
Desire to obtain EU work permit	

F. Main issues faced with cross border agency workers

F1 What are the **five main issues** of partial or non-compliance your company is aware of in **receiving** a cross border agency worker in your country?

	Write in the name of relevant sector(s) in the column		
Non compliance with	Eg.	Eg.	

	construction	catering		
licensing/authorisation schemes for temporary work agencies				
existing social security regulations				
local tax regulations				
existing regulation on wage settings (either by law or collective labour agreement)				
regulations related to housing, transportation or healthcare				
quality standards and voluntary self regulation				
regulations on employment (eg bogus self-employment or use of non-declared workers)				
statutory administrative reporting requirements				

F2 What are the **five main issues** your company is aware of when **sending** a cross border agency worker to work in another country? Please tick those that apply for each sector.

	Write in the name of relevant sector(s) in the column			
Main difficulties				
licensing/authorisation schemes for temporary work agencies				
Lack of knowledge about national employment regulations in country of destination				
Lack of knowledge of working environment in country of destination				
Difficulty of coping with foreign language				
Difficulty monitoring enforcement of employment legislation				
Organising transport to country of destination				
Organising accommodation in country of destination				
Difficulties with social security				

Please give concrete examples for each major issue identified:

F3 Do you have any general comments or remarks you would like to have considered?