

MEMBERS' COMMITMENT TOWARDS

A WELL FUNCTIONING EUROPEAN LABOUR MARKET

Introduction

Services provided by Private Employment Agencies represent a modern answer to reconcile the requirement of labour flexibility for user companies and the need of work security for employees.

Being aware of such a social responsibility, the Private Employment Agency industry has adopted, for many years, national codes of conduct at country level.

Because of the growing importance of the agency work industry at the European level and the need for strengthening self-regulation principles in order to enhance the quality standards of the sector, the World Employment Confederation-Europe has established a European Code of Conduct shared by all its Members, which provides general agreed principles on Private Employment Agency practices,

This Code of Conduct, along with a strong commitment to address some of the labour challenges the European Member States **will have to face in the coming years, form the members' commitment towards a better functioning labour market in Europe.**

I – Code of Conduct

Principle 1 – Respect for Ethical and Professional Conduct

Members shall observe the highest principles of ethics, integrity, professional conduct and fair practice in dealing with temporary agency workers and all other relevant stakeholders, and shall conduct their business in a manner designed to enhance the operation, image and reputation of the industry.

Principle 2 – Respect for Laws

Members and their staff shall comply with all relevant legislation, statutory and non-statutory requirements and official guidance covering Private Employment Agencies.

Principle 3 – Respect for Transparency of Terms of Engagement

Members shall ensure that workers are given details of their working conditions, the nature of the work to be undertaken, rates of pay and pay arrangements and working hours.

This principle complies **with EU Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.**

Principle 4 – Respect for free-of-charge provision of services to jobseekers

Members shall not charge directly or indirectly, in whole or in part, any fees or costs to jobseekers and workers, for the services directly related to temporary assignment or permanent placement.

Principle 5 – Respect for Health and Safety at Work

Members shall act diligently in assessing risks related to health and safety prior to the assignment of agency workers in their workplace.

Members shall inform agency workers whenever they have reason to believe that any particular assignment causes an occupational health or safety risk.

This principle complies with the EU Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed duration employment relationship or a temporary employment relationship.

Principle 6 – Respect for Diversity

Members shall establish working practices that safeguard against any unlawful or unethical discrimination.

Principle 7 – Respect for the Worker's Rights

Equitable, objective and transparent **principles for the calculation of agency workers' wages** shall be promoted, considering national legislation and practices.

Members shall not restrict agency workers' right of freedom of association.

Private employment agencies shall not make workers available to a user company to replace workers of that company who are legally on strike, except where such a provision is prohibited by national or local law.

Principle 8 – Respect for Confidentiality

Members shall ensure confidentiality in all of their dealings.

Members and their staff shall ensure that permission has been given and documented before disclosing, displaying, submitting or seeking confidential or personal information.

This principle complies with the EU Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

Principle 9 – Respect for Professional Knowledge and Quality of Service

Members shall work diligently to develop and maintain a satisfactory and up to date level of relevant professional knowledge.

Members shall ensure that their staffs are adequately trained and skilled to undertake their responsibilities and assure a high quality service.

Principle 10 – Respect for Fair Competition

Members shall assure mutual relations based on fair competition.

II – Commitment to key European employment policy issues

By matching supply and demand of skills, services provided by private employment agencies can substantially contribute to **reach the European Union's employment objectives and to solve some of labour challenges** the European Member States will have to face in the coming years.

Indeed, services provided by private employment agencies can be part of the solution to improve the efficiency of the labour markets by:

- Providing work to job-seekers
- Acting as a stepping-stone to permanent employment
- Enhancing job opportunities and integration in the labour market, in particular for the most disadvantaged group of workers
- Improving **labour market's fluidity**
- Helping the creation of jobs that would not exist otherwise and therefore contributing to reduce unemployment
- Developing fruitful cooperation with the Public Employment Services
- Facilitating access to vocational training

Members are committed to develop activities in order to strengthen their contribution to the following employment issues:

1. Labour flexibility and work security

Members shall work towards the establishment of an agency work framework that provides a balance between the need of flexibility in the labour market and the requirement to protect agency **workers' working conditions**.

2. Job Creation

Members shall help companies to create jobs that would not exist otherwise by providing external flexible workforce to perform tasks that either would not have been performed or would have been performed using internal flexibility solutions that do not increase employment (e.g. overtime, shift work).

3. Inclusion of young people in the labour market

Members shall facilitate access to employment for young people, by providing mainly through temporary work assignments gradual incorporation of new entrants into the labour market and by providing short-term employment training.

4. Ageing population

Members shall facilitate to keep elderly people at work through flexible contracts, allowing them to work longer and to get extra financial resources.

5. Diversity in the workforce

Members shall provide special services or targeted programmes designed to assist the most disadvantaged workers in their job seeking activities. Through temporary and part-time employment opportunities, members shall broaden the access to labour market in order to integrate current outsiders.

6. Life long learning

Members shall facilitate access to training programmes for workers, in order to contribute to increase their employability and to bridge the gap between supply and demand of skills.

7. Work mobility

Members shall facilitate workers' mobility across the EU, both within Member States and on trans-national level, by allowing a better access to job opportunities and by organising work migration through their well-established and regulated network of branches. Members shall also ensure that migrant workers are well informed in advance of their rights within the country of destination.

8. Labour shortage

Members shall contribute to reduce labour shortage by helping to match almost immediately supply and demand of skills, and by matching recruiting and supplying workers to other Member States as well as sourcing workers domestically for positions where shortages of labour exist.

9. Social Dialogue

Members shall promote social dialogue and collective labour bargaining as an appropriate mean to organise the Private Employment Agency industry.

10. Cooperation with public employment services

Members shall, in accordance with national law and practice, establish conditions to promote cooperation between public employment services and private employment agencies in order to help unemployed people to reintegrate the labour market.