

Joint Declaration on the results of the Research on comparing temporary agency work with other forms of employment

Brussels, 24 March 2015

Introduction

Eurociett and UNI Europa the two European social partners for the temporary agency work sector are pleased to launch the key findings of their 4th joint project carried out in the context of their work programme for the EU Sectoral Social Dialogue Committee.

As part of this project entitled “How temporary agency work compares to other forms of employment”, Eurociett and UNI Europa commissioned IDEA Consult to carry out a field research to undertake a comparison between temporary agency work and other forms of employment in Europe, including open-ended contracts, fixed-term contracts, and self-employment on a series of dimensions.

The aim of this study is to get a clear picture of the dynamics of these different forms of employment coexisting in the European labour market.

Today, Eurociett and UNI Europa are pleased to launch their joint recommendations based on the key findings of the field research.

Key findings

1. **Temporary agency work represents a small share of total employment**, i.e. 1.8% of total employment in Europe. Open-ended contracts represent 75% of total employment, while the share temporary contracts¹ is 11% and self-employment is 14%.
2. **Temporary agency work plays a useful role in the labour market**, as it takes advantage of the intermediary function of the agency.
3. Temporary agency work provides the possibility for workers to choose how they want to work and to access different working environments to gain experience.
4. Temporary agency work provides user companies with the ability to meet demand and to find the right skills and talent.

¹ The category of temporary contracts does not encompass only fixed-term contracts, but it also includes temporary agency work contracts. No harmonised data are publicly available for fixed-term contracts only.

5. **Temporary agency work facilitates transitions**, increases labour market participation, especially for target groups², and in doing so it contributes to a more efficient labour market.
6. At the EU level regulation has been adopted to cover open-ended contracts, temporary agency work (EU Directive 2008/104/EC) and fixed-term contracts (EU Directive 1999/70/EC). The EU leaves room for social partners to engage in social dialogue and tailor the EU regulation to the national level. Self-employment is barely regulated at the EU level.
7. **Temporary agency work offers considerable rights regarding key aspects of employment and working conditions**, in relation to unemployment benefits, sick benefits, maternity leave, healthcare and pension benefits. This is also linked to the initiatives undertaken by sectoral social partners to enhance access to social protection.
8. **Temporary agency work performs particularly well for vocational training**. For example, a large majority of temporary agency workers (77%) has taken vocational training in the last 12 months, compared to 82% of workers in open-ended contracts, to 78% of workers in fixed-term contracts and to 55% of self-employed.
9. **The effective access to social benefits might be a challenge for workers with contracts of short duration** as they may not reach the required minimum hour or income thresholds to access social security entitlements.
10. In the case of **contracts of very short duration, illness or pregnancy may have a negative impact on the worker** as social benefits may stop with the end of the contract and a new contract may not be given, hence hampering the stepping-stone function.
11. **Social partners in the temporary agency work have developed initiatives that are specifically dedicated to agency workers** that complement and build on the statutory provisions, for example for sick benefits (Belgium, France, the Netherlands), pension benefits, maternity leave (Italy), vocational training (France, the Netherlands, Italy) and health and safety (Belgium).
12. In the majority of countries surveyed, **temporary agency workers have access to representatives' bodies** at various levels: national, sectoral and company level.

Recommendations to policy makers

In light of these findings, Eurociett and UNI Europa recommend policy makers to:

1. Achieve appropriate regulation on TAW in order to enable smoother transitions in the labour market. In this respect, the two key components of the Directive on temporary agency work


² "Target groups" designates a category to indicate people that face particular difficulties in entering the labour market: for example long-term unemployed, migrants, disabled people, etc.

(2008/104/EC) should be taken into account: the principle of equal treatment (art. 5) and the review of prohibitions and restrictions on temporary agency work (art.4).

The improvement in the minimum protection for temporary agency workers should be accompanied by a review of any restrictions or prohibitions, which may have been imposed on temporary agency work. These may be justified only on grounds of the general interest regarding, in particular the protection on workers, the requirements of safety and health at work and the need to ensure that the labour market functions properly and abuses are prevented³.

To this end, Eurociett and UNI Europa call for the complete and correct implementation of the Directive on temporary agency work to ensure the attainment of an efficient legal framework that empowers TAW to contribute to job creation and to participation and integration in the labour market.

2. Update and adapt social protection systems as to extend protection and provide comparable access to workers regardless of their labour contract.
3. Promote initiatives of the social partners that aim at enhancing access to social protection and working conditions of temporary agency workers. Sharing best practices within the Sectoral Social Dialogue Committee as well as in other relevant platforms could encourage social partners in other countries to follow the example.
4. Develop strategies to tackle undeclared work. UNI Europa and Eurociett will closely follow the EU initiative on fighting undeclared work and will contribute to the policy debate by showing the role of temporary agency work in facilitating the conversion of undeclared work into work with rights
5. Support research and dissemination of information on best practices developed by the social partners in the temporary agency work sector that contribute to the implementation of the principle of equal treatment and to the enhancement working conditions for agency workers and to satisfaction of both agency workers and user companies.
6. Carry out better data collection and reporting at the EU and national levels to enable comparative analysis of different forms of employment and to better differentiate temporary agency work from the more generic category of temporary work.


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³ Recital 18 of the Directive on temporary agency work.