

Covid-19: Protection of cross-border and seasonal workers

There is no need to revise the Directive on temporary agency work to ensure protection of workers

EXECUTIVE SUMMARY

In its Resolution “European protection of cross-border and seasonal workers in the context of the Covid-19 crisis”, the European Parliament called for an study on the general situation of the employment and health and safety conditions of cross-border and seasonal workers, including the role of temporary work agencies, recruitment agencies, other intermediaries and subcontractors with a view to identify protection gaps and the need to revise the existing legal framework, such as the Directive on temporary agency work.

The World Employment Confederation-Europe is strongly opposed to the revision of the Directive of temporary agency work, as the Directive provides adequate protection for temporary agency workers. The World Employment Confederation-Europe also calls for a clear differentiation between temporary agency workers, other intermediaries and subcontractors, as these are governed by different legal frameworks.

Brussels, 2nd September 2020

Assessment of the European Parliament’s Resolution and the European Commission’s response

- Cross-border and seasonal workers require specific attention and protection during the Covid-19 pandemic due to their living and working conditions while being on a work assignment. As the empirical evidence on cross-border and seasonal workers is currently still limited, including the role of temporary work agencies and other intermediaries in these forms of work, conducting a fact-finding study on the topic could be beneficial for designing EU and national COVID-19 policy responses. Evidence from the Netherlands shows that there is seasonal work, mainly by students, with about 75,000 - 100,000 extra temporary agency workers per summer. However, these are mostly domestic workers involved in seasonal work. There is no data available on cross-border seasonal work in the Netherlands.
- The protection of cross-border and seasonal workers can be provided based on the current, legal framework and a revision of the Directive on temporary agency work is not needed. In April 2020, the sectoral social partners for the temporary agency work sector issued Joint Recommendations on COVID-19, focusing on the application and enforcement of existing European and national rules.¹
- The World Employment Confederation-Europe welcomes the guidance published by the European Commission on cross-border and seasonal work in the context of the Covid-19 outbreak in Europe.² The guidance rightly puts an emphasis on the correct application and enforcement of existing European and national rules.
- With regard to health and safety protection for temporary agency work workers in the context of the Covid-19 pandemic, the World Employment Confederation is leading the “Safely back to work in the new normal Alliance”³, which has been set up to establish and promote health and safety protocols at national level.

¹ The Joint Recommendations are available on the World Employment Confederation-Europe [website](#)

² Communication from the European Commission: [Guidelines on seasonal workers in the EU in the context of the COVID-19 outbreak](#), July 2020

³ For more information on the Alliance, please consult the [World Employment Confederation website](#)

Adequate protection for temporary agency workers is already in place

- The World Employment Confederation-Europe is convinced that adequate, European rules on the health and safety protection of temporary agency workers are already in place.
- This includes particularly the EU Directive on temporary agency work and the EU Council Directive of June 1991 on 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.
- The European Labour Authority and national labour inspectorates need to play an important role in ensuring compliance with and enforcement of the standards and working conditions for temporary agency workers, especially with regard to cross-border and seasonal workers.

European rules on the protection of workers complement comprehensive, national regulation

- In addition to the EU Directives protecting temporary agency workers and their health and safety at work, the World Employment Confederation-Europe would like to underline that a comprehensive set of national legislation and provisions in collective labour agreements ensure the health and safety protection of temporary agency workers, including those temporary agency workers who are involved in cross-border and seasonal work.
- In the debate on the appropriate protection for cross-border and seasonal workers, the World Employment Confederation-Europe calls for clearly differentiating between the regulated and established agency work industry and other intermediaries and subcontractors.

The World Employment Confederation-Europe is a partner in the fair recruitment initiative

- Complementary to the existing and adequate, European and national legal frameworks to ensure the protection of temporary agency workers, including those involved in cross-border and seasonal work, the World Employment Confederation supports the fair recruitment initiative launched by the International Labour Organisation.
- In response to challenges of work migration and seasonal work, the ILO launched a global “Fair Recruitment Initiative” to protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment process (including pre-selection, selection, transportation, placement and possibility to return) and reduce the cost of labour migration and enhance development outcomes for migrant workers and their families.⁴

About the World Employment Confederation-Europe

The World Employment Confederation-Europe is the voice of the employment industry at European level, representing labour market enablers.

The World Employment Confederation-Europe includes in its membership national federations from all across Europe, as well as several of the largest international workforce solutions companies. The World Employment Confederation-Europe is fully representative of the industry, both in size and diversity. It brings a unique access to and engagement with European policymakers (EU Commission, European Parliament, and Council) and stakeholders (trade unions, academic world, think tanks).



The World Employment Confederation-Europe strives for a recognition of the economic and social role played by the industry in enabling work, adaptation, security and prosperity in our societies. Its members provide access to the labour market and meaningful work to more than 11 million of people in Europe and serve around 1,5 million organisations on a yearly basis.

⁴ <https://wecglobal.org/topics-global/fair-recruitment-and-migration/>