



Temporary agency work in an enlarged European Union

Industrial Relations in Poland

Warsaw – 28 September 2007

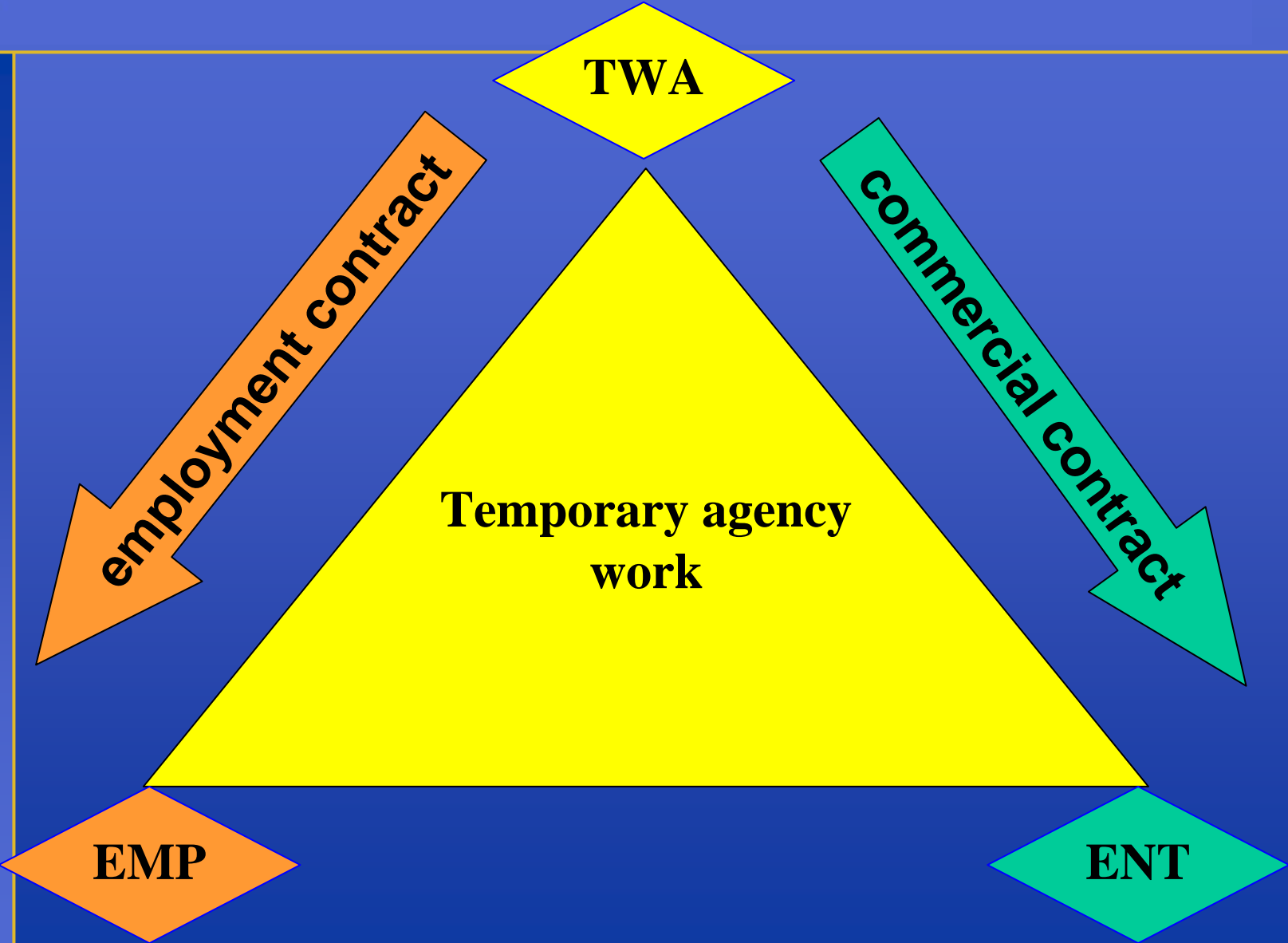
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Outline

- I. Methodology (EU 15/12)**
- II. Nature and extent**
- III. Statutory regulation**
- IV. Systems of self-regulation**
- V. Conclusions**





I. Methodology

- **EIRO thematic feature in EU 27+ Norway (NO)**
 - ▶ **structured written questionnaire**
 - . **in cooperation with SP of SSSC TAW**
 - . **Eurociett**
 - . **Uni-Europa**
 - ▶ **28 national reports + 1 overview report**
 - . **checked and approved by SP**



II. Nature and extent (EU 15)

- **small, but significant sector**
- **in terms of full-time equivalents (FTE)**
 - ▶ **an average of 1.3% total employment**
 - ▶ **from 0.3% (DK) to 2.6% for the UK**
 - ▶ **other high users are NL, BE, FR**
- **total employment between 2.5 and 3 million FTE**
- **about 20,000 firms**
 - ▶ **annual turnover of at least €75 billion**



II. Nature and extent (EU15)

- **rapid growth has occurred**
 - ▶ **especially in the mid- to late-1990s**
- **sectoral distribution differs between countries**
 - ▶ **1/3 industry/manufacturing**
 - ▶ **1/3 services**
 - ▶ **remainder more mixed**
 - ▶ **minority have significant public sector usage**



II. Nature and extent (EU 15)

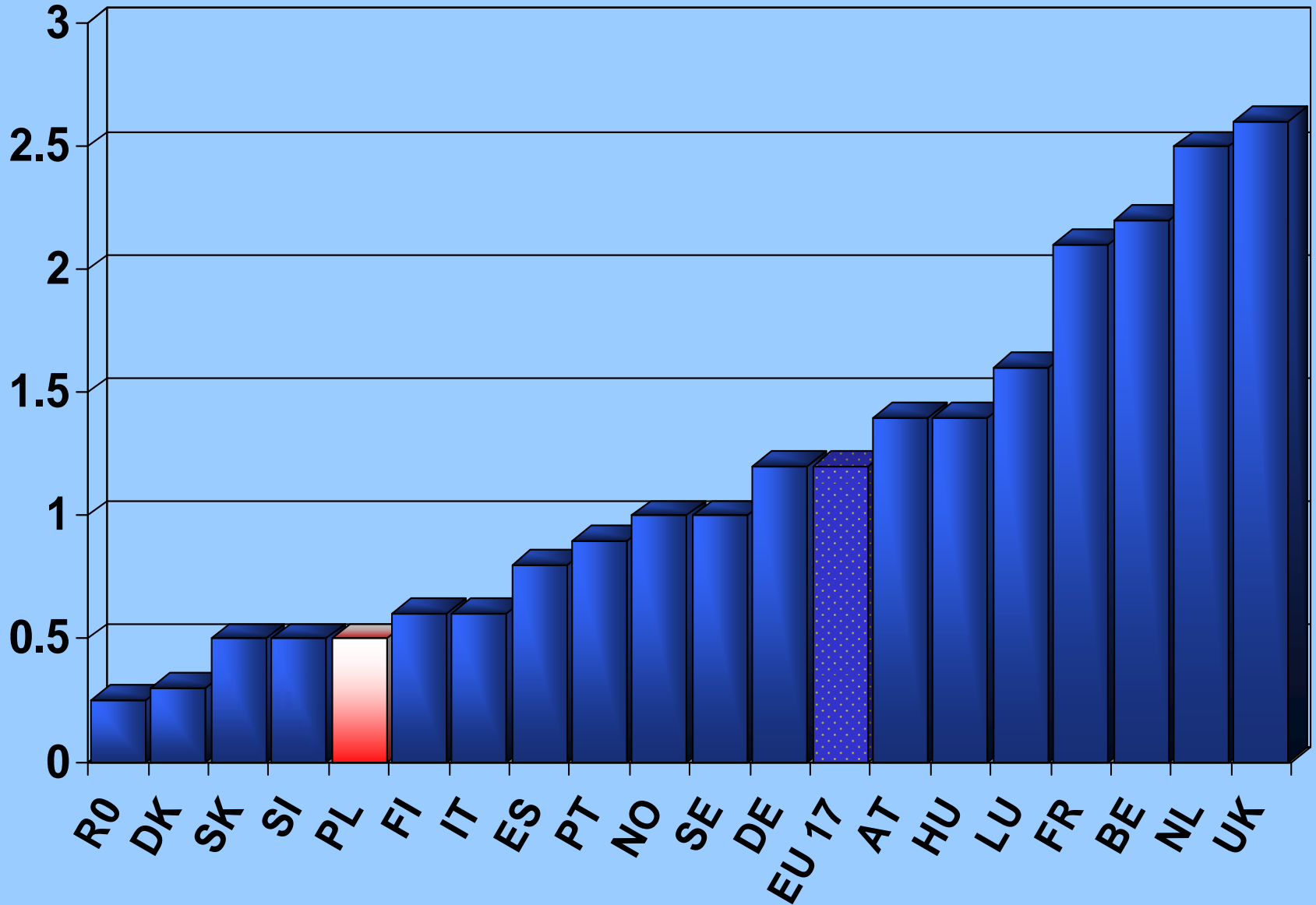
- **assignments are mainly of short duration**
 - ▶ **a number of MS (AT, BE, IE, NL, PT, UK) also have significant longer placements**
- **in 2/3 of MS majority of TAW are men**



II. Nature and extent (EU 12)

- most MS can provide only very limited data
- TAW accounts for around 0.5% of employment in 3 of the NMS (PL, SK, SI)
 - ▶ rising to 1.4% for HU
- where data > rapid recent growth is observed
 - ▶ (HU, PL, SK, SI)
- manufacturing rather than services
 - (HU, SK, SI)

II. TAW in FTE in EU 27 (+ Norway) - proportion of total workforce in % -





III. Statutory regulation (EU 15)

- **2 main waves**
 - ▶ **1. late 60/mid 70s (BE, DE, DK, FR, IE, NL, UK, NO)**
 - ▶ **2. the late 80s – 2000 (AT, EL, ES, FI, IT, LU, PT, SE)**
- **various revisions from the late 90s**
 - ▶ **mainly to do with liberalisation (e.g. NL, DE, NO)**
 - ▶ **but also to extend employment protection (e.g. PT, ES)**



III. Statutory regulation (EU 15)

- **TWA is the legal employer of agency workers**
 - ▶ **more ambiguous in the UK**
 - ▶ **in IE: dismissals > user enterprise / WC > TWA**
- **open-ended contracts are generally permitted**
 - ▶ **but rather rare (mainly SE/DE)**
 - ▶ **partially: in ES (TWA office staff), BE (disadvantaged workers)**
 - ▶ **long-term assigned workers under the CA in NL**



III. Statutory regulation (EU 15)

- **most MS have a licensing scheme for TAW**
 - ▶ **vary in stringency**
 - ▶ **often provide for a bond to cover**
 - **tax and social security obligations in the event of business failure**



III. Statutory regulation (EU 15)

- **3 sets of principal restrictions**
 - ▶ **1. limits on the sector/ occupation**
 - ▶ **2. maximum assignment duration and/or limits the use of successive contracting**
 - ▶ **3. define the reasons for TAW**
 - **e.g. limiting it to peak workload**
 - **prohibiting placements in an establishment on strike**



III. Statutory regulation (EU 15)

- **common requirements refer to employment protection measures**
 - ▶ **most significant condition = equal pay and employment conditions as comparable permanent staff of the user enterprise**
 - ▶ **others include references**
 - **to occupational health & safety**
 - **written employment contracts**
 - **the principals of no-fee, etc.**



III. Statutory regulation (EU 12)

- **TWA = legal employer of TA workers**
 - ▶ usually on a FTC basis
- **most NMS have introduced a licensing scheme**
- **legal restrictions refer to use in strikes, equal treatment and duration of assignment**
- **NMS are less likely to regulate reasons for use or sector / occupation than the EU 15**

Country	Equal treatment	Reasons for use	Limits on duration	Sector/ occupation restrictions
BE	✓	✓	✓	✓
PT	✓	✓	✓	✓
FR	✓	✓	✓	X
ES	✓	✓	X	✓
LU	✓	✓	✓	X
EL	✓	X	✓	X
DE	✓	X	X	✓
IT	✓	✓	X	X
AT, FI, NL*	✓	X	X	X
NO	X	✓	X	X
UK, DK, SE, IE**	X	X	X	X

Country	Dates	Equal treatment	Reasons for use	Limits on duration	Prohibition on use in strikes
RO	2003-5	✓	✓	✓	✓
PL	2004	✓	✓	✓	✓
CZ	2004	✓	X	✓	✓
SI	1998, 2002-3	✓	X	✓	✓
SK	2004	✓	X	X	X
HU	2001	X	X	X	✓



IV. Self-regulation (EU 15)

- **codes of conduct and professional accreditation are a significant form of sector-level governance**
 - ▶ **codes stipulate conditions relating to, inter alia:**
 - **the internal management of TWAs**
 - **relations with user companies/agency workers**
 - **training and safety at work**
 - **principle of non-discrimination**



IV. Self-regulation (EU 15)

- **EU 15 MS plus NO have employers' associations**
- **trade union presence varies in the MS**
 - ▶ **membership density is usually low**
 - **given that TWAs are often active across different sectors**
 - ▶ **no specialist unions representing TA workers**



IV. Self-regulation (EU 15)

- **sector-level CB is observed in most of the EU 15 +NO**
- **CB assumes an important regulatory role both where the law is strong (e.g. BE, FR) and where there are weak statutory provisions (e.g. DK, NL)**
- **MS without sector-level CB**
 - **IE, NO, PT, UK**
 - **though company-level CA may apply**



IV. Self-regulation (EU 12)

- no sector-level CB in EU 12
- more than 1/2 of them do not have an employers' associations
- employers associations exist in:
 - ▶ EE, CZ, HU, PL



V. Conclusions

- **TAW is an important and increasingly significant form of employment in the EU**
- **TAW is largely a well-regulated sector at MS level**
 - ▶ **regulation in the EU 15 + NO largely involves a balance of both statutes and collective agreements**
 - ▶ **regulation in the EU 12**
 - **statute law**
 - **absence of sector-level CA**



VII. Further information

- <http://www.eurofound.eu.int/publications>
- → 2006
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