

Temporary agency work

2002/0072(COD) - 05/12/2007

The Council sought to reach political agreement on the draft Directive aimed at establishing working conditions for temporary agency workers.

Already, in July, the Presidency announced that it would consult with different Member States in order to evaluate the conditions for balanced solutions concerning the legislative files under discussion in the (EPSCO) Council.

After extensive bilateral consultations with different Member States and the Commission, the Presidency decided to present compromise proposals for the Directive “temporary agency workers” as well as the Directive on “working time” (see [COD/2004/0209](#)). Both draft directives had been discussed separately, but the Presidency considered they were linked since they deal with central aspects of the regulation of contemporary labour markets.

Given the difficulties in finding separate solutions for each of the files, the Presidency decided that there would be added value in working on a simultaneous and integrated solution, thus allowing Member States to find a balance between the two directives that would be acceptable from the political point of view.

This joint approach was widely accepted by a large majority of Member States, in the Council. The connection between the two directives, and more specifically the proposals presented by the Presidency, was considered a solid and viable basis for negotiation towards an agreement on both.

The Presidency explored different solutions, within the balanced framework underlying the proposals, to reach an enlarged consensus that would be politically desirable.

Bearing in mind the fact that this linked proposal was still very recent, as well as the sensitive nature of these directives for some Member States and the importance of exploring all attempts to reach as broad an agreement as possible before the final decision was taken, the Council agreed that the best option at this moment was to **postpone a decision**, in order to further pursue the dialogue.

Nevertheless, the Presidency noted that a vast majority of Member States had spoken in favour of an **integrated solution for the directives**, building an overall equilibrium between the two. Thus, and respecting the dominant orientation within the Council, the Presidency stressed that this openness to dialogue and consensus sought only to strengthen the conditions for a solution that reflected the position of a clear and strong majority. The proposals presented are a major step forward, because they now open up an appropriate way of reaching a solution on these files. **There is a real margin for political decision in 2008**, building on the solid basis for progress that the Council has just established. The forthcoming presidencies and the Commission might proceed with efforts to achieve a positive and final outcome on both directives, given the importance of the issues at stake and the specific needs of many Member States.

Progress on the “temporary agency workers” Directive: the draft Directive aims to establish, at European level, a common legal framework to regulate temporary agency work. It seeks to strike a balance between flexibility and job security, while completing a package of measures aimed at regulating working conditions for so-called "atypical" workers. It will, in its turn, be complemented by Directive 91/383/EEC of 25 June 1991, supplementing the measures to encourage improvements in safety and health at work.

The draft Directive would apply to workers who have an employment relationship with a temporary agency and who would perform temporary work under the supervision and direction of a user undertaking. It aims to ensure the protection of temporary agency workers and to improve the quality of agency work by ensuring, in particular, that the principle of equal treatment – in relation to workers recruited by the user undertaking to occupy the same job – is applied. Temporary agencies would be recognised as employers.

The main outstanding issues may be summarised as follows:

- prohibitions and restrictions on temporary agency work, in particular, their review or removal;
- the principle of equal treatment, possible exceptions to that principle and the maximum length of assignments to which such exceptions can apply.