

Temporary agency work

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The Council held a useful discussion on the proposal for a Directive concerning working conditions for temporary workers, which focused on a new compromise text from the Greek Presidency for a new article aimed at resolving the key outstanding issue of the nature and duration of the exemption to the principle of equal treatment. Delegations acknowledged the significant efforts made by the Presidency to resolve the outstanding questions, but it was recognised that fundamental differences remained. The President therefore concluded that the Council was unable at this stage to reach political agreement on a common position. Work on this dossier is to be continued on the basis of the following three parameters for a balanced political compromise: - how to address the need for a specific derogation with a view to fostering the insertion of the unemployed into the labour market (article 1); - reviewing and possibly removing restrictions to temporary agency work (article 4); - the nature of the exemption from the principle of equal treatment and the length of the "qualifying period" (article 5(4)/11(3) new). It should be recalled that, with regard to the application of the principle of equal treatment, the Commission's amended proposal set out the general principle of equal treatment under which temporary workers should be given the same basic working conditions that would apply if they had been directly contracted by the user undertaking to carry out the same job. An exemption for temporary workers on assignments for a period not exceeding 6 weeks ("qualifying period") was envisaged with respect to pay. In a spirit of compromise, a clear majority of delegations indicated their willingness to accept a transitional period of five years after the date of implementation of the Directive during which an exemption to the principle of equal treatment could be granted in view of the specific conditions of Member States' labour markets. However, four delegations considered that such an exemption should be permanent. With a view to bridging the gap between these positions, the Presidency compromise text provided for the exemption to continue pending a future decision by the Council and the European Parliament. However, this alternative was unacceptable to the majority of delegations and was only acceptable to the four other delegations if the "qualifying period" was at least 6 months.