

Temporary agency work

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Following the informal exchange of views by Ministers over lunch, the President announced that there was general recognition of the importance of the issue and broad agreement on the need for a Directive on working conditions for temporary agency workers. However, due to the divergent views amongst delegations concerning legislation, the degree of regulation, the role of the Social Partners, as well as the relative importance and characteristics of temporary agency work in Member States, further work was required in order to reach a balanced political compromise. The President welcomed the constructive contributions made by delegations and stressed the objective of overcoming the current difficulties and reaching a political agreement in public deliberation at the next Council Meeting on 2-3 June 2003. Delegations agreed on the importance of continuing to examine the following outstanding issues with a view to reaching an agreement: - Review of restrictions and prohibitions on temporary work: the draft Directive requires Member States to review restrictions and prohibitions should it be verified that these are no longer justified. A large number of delegations wish to examine further this provision as it is expected to have implications on their existing national legislation or collective agreements concerning restrictions on the use of temporary workers. - Application of the principle of equal treatment: the proposal sets out the principle of equal treatment under which temporary workers should be given the same 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 of a maximum period of 6 weeks is allowed in its provisions with regard to pay. Delegations question this exemption by either opposing it or requiring a longer period. - Temporary work as a labour market instrument: the draft Directive allows Member States not to apply its provisions to employment contracts concluded under special public or publicly funded programmes aimed at, inter alia, facilitating the integration of the long-term unemployed in the labour market. A few delegations would like the scope of this particular provision to be broader.