



Euro-CIETT/Uni-Europa Joint Declaration Objectives of the European Directive on Private Agency Work

UNI-Europa and Euro-CIETT would like to communicate to the EU authorities their views on the objectives to be pursued by the future European Directive on agency work.

The European directive on agency work should have as fundamental aim to reach a fair balance between the protection of agency workers and enhancing the positive role that agency work may play in the European labour market.

This legislation should be a framework directive, promoting implementation through legislation and/or agreements.

The objective of the legislation should be:

1. To reiterate the view that non-agency employment and contracts of an indefinite duration remain the most common forms of employment, while recognising and respecting the contribution that agency work can make to the European Union's employment and economic objectives.
2. To promote the quality of employment opportunities and employment relationships in agency work, taking into account the needs of workers, user-enterprises and employment agencies, with regard to flexibility and security.
3. To recognise the use of agency employment as a means to enhance job-opportunities and integration in the labour market in particular for special and/or disadvantaged groups, for instance through training and development opportunities.
4. To enhance the quality of agency work by establishing the principle of equal treatment, at two levels:
 - 4.1 The equal treatment obligations which arise from the employment relationship between an employer and the worker, being the agency and the agency worker.
 - 4.2 The equal treatment obligations which arise from the fact that agency workers are assigned to work for and under the control of a user-enterprise.
- 5.1 To ask Member States, following consultations with the Social Partners in accordance with national law or practice, to periodically identify and review obstacles of a legal or administrative nature (whether prohibitions, restrictions and/or regulations) which may limit the opportunities for agency work to play a positive role on the labour market, and, where appropriate, eliminate them.



- 5.2 To recognise that certain prohibitions, restrictions and/or regulations may be considered necessary in order to prevent potential abuses, such as the potential undermining of employment conditions of workers in the user enterprise and/or any other worker in non agency employment.
6. To ensure that employment through agencies respects the EU and national principles of non-discrimination on all issues taking into account that the triangular character of agency work calls for specific regulations.
7. To ensure that employment agencies do not make workers available to a user enterprise to replace workers of that enterprise who are on strike.
8. To ensure that Member States, after consultation with the social partners and/or the social partners, take steps to promote the exercise of individual and collective rights of agency workers, including trade union rights.
9. To state clearly that agency workers are employed by the employment agencies, recognising that agencies have the obligations of an employer and that agency workers are protected by applicable labour legislation.
10. To ensure that agency workers have access to appropriate training and development opportunities in the agency and facilitate access to training in the user enterprise.
11. To ensure that employment agencies do not charge directly or indirectly any fees or costs to workers for job-finding services.
12. To encourage social partners to negotiate the implementation of the principles included in the directive.
13. To recognise that innovations in occupational benefits systems are necessary in order to adapt them to current conditions, and in particular to provide for continuity of rights.

On the basis that agency work may play a positive role in the labour market, the sectoral social dialogue will continue to work towards improving the employment and working conditions of agency-supplied workers.

With this declaration the social partners intend to contribute with their expertise to the work carried out for the elaboration of a proposal for a directive on agency work.

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