



Working conditions for trainees – Does a legal framework make a difference?

Lisbon 4th April 2019

dr Łukasz Sienkiewicz

TRAINEESHIPS WORKING CONDITIONS AND SOCIAL SECURITY COVERAGE – INTRODUCTION



Introduction



- While different types of work arrangements well described – there is limited information on legal frameworks and social security coverage of traineeships (also under YG)
- EC review of „Traineeships under YG” aimed at increasing understanding of these arrangements



Overview of legal frameworks in EU countries



- ❏ Traineeships are criticised for their poor terms and conditions, e.g. lack of social security and/or health/medical insurance coverage, no entitlement to holidays, no sick or holiday pay.
- ❏ In some cases heavy workloads and long working hours are imposed on trainees.
- ❏ Prolonged periods of traineeships might have significant negative social security consequences for young people, in particular in terms of pension right accumulation.
- ❏ There are also concerns about employers using traineeships as a form of unpaid employment, i.e. trainees being used for entry level jobs and/or other job vacancies without any learning content, instead of regular staff.

Lack of social security coverage by type of training arrangement



Social policy area/types of employment	Apprentices	Trainees	Vocational trainees
Unemployment benefits	BE, EL, HR, MT, NL, PL	EL, FR, IT, LT, MT, NL, PL, RO	
Sickness benefit	BE, HU, NL, PL	DK, FR, HU, LT, NL, PL	DK, EL, FR, HU, PL
Maternity benefit	BE, MT	FR, HU, IT, LT	EL, FR, HU, IT
Accident and occupational injuries			
Old age/survivors' pensions	BE, HR, MT	EL, FR, HU, IT, LT, MT	
Invalidity			

In some cases, the social security coverage of traineeships is incomplete, which weakens the social protection of trainees, in particular for people having done multiple traineeships.

Source: European Commission Staff Working Document - Accompanying the document: Proposal for a Council recommendation on access to social protection for workers and the self-employed (SWD(2018)70 final)

Quality Framework for Traineeships



❖ The Recommendation on the Quality Framework for Traineeships (QFT), adopted in March 2014, sets the standards for determining what can be considered a quality traineeship offer.

❖ The QFT is applicable to two main types of traineeship: those available on the open market and traineeships which are part of ALMP programmes.

27.3.2014

EN

Official Journal of the European Union

C 88/1

I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

COUNCIL

COUNCIL RECOMMENDATION

of 10 March 2014

on a Quality Framework for Traineeships

(2014/C 88/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292, in conjunction with Articles 153 and 166, thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Young people have been hit particularly hard during the crisis. Youth unemployment rates have reached historical peaks in the past years in several Member States, without any sign of decrease in the short term. Fostering the employability and productivity of young people is key to bringing them onto the labour market.

(2) A smooth transition from education to employment is crucial for enhancing the chances of young people on the labour market. Improving young people's education and facilitating their transition to employment are necessary

(3) Over the past two decades, traineeships have become an important entry point into the labour market.

(4) Socio-economic costs arise if traineeships, particularly repeated ones, replace regular employment, notably entry-level positions usually offered to trainees. Moreover, low-quality traineeships, especially those with little learning content, do not lead to significant productivity gains nor do they entail positive signalling effects. Social costs can also arise in connection with unpaid traineeships that may limit the career opportunities of those from disadvantaged backgrounds.

(5) There is evidence that links exist between the quality of the traineeship and the employment outcome. The value of traineeships in easing the transition to employment depends on their quality in terms of learning content and working conditions. Quality traineeships bring direct productivity benefits, improve labour market matching and promote mobility, notably by decreasing search and matching costs both for enterprises and for trainees.

(6) The Council Recommendation on establishing a Youth Guarantee (7) invites Member States to ensure that all

QFT recommendations



- ❏ QFT recommends 22 quality elements for traineeships outside formal education which can be incorporated in national legislation or social partner agreements, including proposals that:
 - ❏ Traineeships are based on a written traineeship agreement indicating educational objectives and working conditions.
 - ❏ A mentor/supervisor is assigned to the trainee, guiding him/her through the assigned tasks, monitoring and assessing his/her progress.
 - ❏ The duration of traineeships is limited and justified by the learning content.
 - ❏ Knowledge, skills and competences acquired during a traineeship are assessed and validated through a certificate.

Quality Framework for Traineeships



Although there have been positive developments at national level in regard to the QFT, a number of challenges remain, notably:

- ❑ the low level of regulation of open market traineeships, compared to ALMP-type traineeships,
- ❑ gaps in traineeship regulations (relating to: insufficient learning content, lack of transparency on hiring practices, possibility of traineeships longer than six months, and lack of rules on proper recognition of traineeships),
- ❑ inadequate cooperation with social partners.

Traineeships challenges



- ❑ Unclear regulatory framework for different types of traineeships can lower the quality and may also open doors to misuse of traineeships
- ❑ Open-market traineeships are rarely regulated, or are subject to general labour law provisions.
- ❑ Some employers see traineeships as an opportunity for ‘cheap labour’, instead of hiring trainees as regular employees.
- ❑ Poor quality traineeships do not provide sufficient learning content for the trainees to benefit.



Traineeships challenges



- ❑ Social partners are in general insufficiently involved in traineeship development and provision as well as quality assurance.
- ❑ Employers may be deterred by the regulations and procedures of traineeship schemes (especially in relation to ALMP-based traineeships) which they may consider complicated, cumbersome and time-consuming
- ❑ Renewal of successive traineeship contracts with no offer of a more permanent job once traineeship is completed entails the danger of young people being trapped in an endless series of such precarious placements.



Traineeships success factors



- ❑ Cooperation of stakeholders, including employers, social partners, educational institutions and the Public Employment Services, allows traineeships to be aligned to the labour market needs.
- ❑ Relevant quality assurance measures, including awareness-raising and the promotion of good practices increase the quality of traineeships.
- ❑ Appropriate matching of trainee to host organisation tends to increase likelihood of successful completion of the placement.



Traineeships success factors



- ❏ Clearly defined roles and responsibilities for all parties involved, set out in a written traineeship agreement, help ensure terms of the traineeship, the learning objectives, as well as other elements that contribute to good quality of the traineeship.
- ❏ Personalised guidance and support throughout the traineeship is essential.
- ❏ Proper recognition of traineeships by, for example, the employer/host organisation certifying the acquired knowledge, skills and competences, enhances the young person's employability.





**Thank you for your
attention!**

 **Contact:**

lukasz.sienkiewicz@iarp.edu.pl

