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Building the future of work together

Appropriate and less restrictive agency work regulation will drive economic and social recovery in Europe

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Ongoing attempts both at European and national level to restrict agency work risks jeopardizing the key contribution that the sector can make to the recovery of European economies and the sustainability of their labour markets.

The private employment services industry is a key actor in the European economies, helping to match demand and supply of labour, managing labour market risks and fostering more inclusive and dynamic labour markets. This positive role of our industry has been demonstrated again in the past months, as economic activity in the agency work sector showed a fast and strong recovery as the Covid-19 measures were eased, reaching pre-crisis levels in several European countries.

Yet, we see more and more attempts both at European and national level to restrict agency work, often motivated by the willingness to address working conditions of agency workers and to maintain/reinforce the temporary nature of agency work. This was a key element in the reforms in Germany that introduced a maximum length of assignments for temporary agency work and in Italy. Discussions on the temporary character of agency work and the protection of agency workers are also key elements of national discussions on agency work regulation in Spain, where there is a current debate around the range of labour contracts used in the agency work industry and in Sweden.

The private employment services sector fully supports appropriate agency work regulation in Europe. Providing decent and meaningful work is at the heart of our mission. There is already a wide array of EU regulations covering our sector: the Directive on temporary agency work, the

Directives on Health and Safety at work, the Posting of Workers Directive and EU legal instruments regulating the protection of third-country nationals. As World Employment Confederation-Europe, we consider that this framework is adequate and up-to-date. There is no need to amend or revise it.

At the same time, EU Directives can only unfold their full potential in unlocking the economic and social contribution of the temporary agency work and in ensuring adequate protection of agency workers if they are correctly transposed, applied and enforced at national level. For the Directive on temporary agency work for instance, this means that national regulation needs to be appropriate, and any unjustified restrictions must be lifted. At present, the agency work industry in Europe is still facing many unjustified restrictions that limit its contribution to more inclusive labour markets, such as sectoral bans, strict maximum length of assignments or restrictions on the range of labour contracts that can be offered to agency workers. Progress should be achieved in this area by reviewing existing, national regulation and working jointly at the national level to remove unjustified restrictions.


A second, equally important component of the Directive on temporary agency work is the principle of equal treatment. When assessing the implementation of the Directive in 2014, the European Commission concluded that the principles of equal treatment and equal pay have been correctly transposed by all EU Member States. Based on the Directive, derogations remain possible through collective labour agreements and this option is being used by several European countries. For example, when it comes to pay, derogations are allowed in the case of open-ended contracts, providing pay between assignments. The Posting of Workers Directive extends the protection granted by the Directive on temporary agency work to agency workers who move across borders in the EU single market when providing a service. These European rules ensuring the protection of agency workers, continue to be appropriate and we fully supported them.

The World Employment Confederation-Europe also encourages further dialogue and exchange between sectoral social partners at EU and national level to ensure that the dual objective of the Directive on temporary agency work - appropriate regulation of the sector and protection of agency workers – is reached. Reforms and changes in national regulation on temporary agency work should always be assessed in the light of the guiding principles of the Directive on temporary agency work. In many European countries, sectoral social partners have been committed to settling pay and working conditions for agency workers. An important role is played in this context by bipartite funds in the area of training, working conditions and social protection, which play a prominent role for example in The Netherlands, Belgium, France, Italy and Spain.


With regard to work mobility and the provision of services within the EU, the World Employment Confederation-Europe supports the EU Directives that are in place. Focus should be laid here on the application and enforcement of the existing acquis and on dialogue between social partners, national authorities and EU bodies, such as the European Labour Authority and the European Platform tackling undeclared work. The World Employment Confederation-Europe has an observer status at the Platform tackling undeclared work and is an alternate member of the Stakeholder Group of the European Labour Authority, thus contributing actively to discussions on the enforcement of existing EU law to ensure the protection of agency workers.

As Europe comes out of the Covid-19 crisis, actions that will support recovery are critical. Allowing the private employment services sector to fully play its role in fostering more dynamic, inclusive and adaptable labour markets is one of them. Only if this approach is followed, can our industry - and specifically agency work services – continue to be a key partner for not only recovery, but also to further reform our labour markets and make them more resilient for the “new normal”.

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