

Consultation of Sectoral Social Partners

Review of the EU Sectoral Social Dialogue

13th July 2021

EXECUTIVE SUMMARY

EU Sectoral Social Dialogue is of central importance to the temporary agency work industry and the sectoral social partners have had a constructive, sectoral social dialogue in the past 20 years. The organisation, structure and impact of the EU sectoral social dialogue could however be further improved as outlined in this position paper, which provides a reply to the EU Social Partner consultation on the topic.

Performance of the sectoral social dialogue at EU level at present

- The EU Sectoral Social Dialogue on temporary agency work has been constructive and well performing in the past 20 years. The World Employment Confederation-Europe and UNI-Europa have put a strong focus on joint research, most recently with the 2020 project on "Social innovation in the temporary agency work industry".
- Each of the joint projects of the past years has been completed with a set of joint recommendations of the sectoral social partners, providing constructive contributions to current and often pressing EU policy debates. The World Employment Confederation-Europe and UNI-Europa also signed joint recommendations linked to the Covid-19 pandemic, not only addressing the immediate crisis of 2020 and 2021, but looking strategically ahead at the economic and social recovery.

Main challenges that sectoral social dialogue faces structurally and beyond Covid-19?

- For the sectoral social dialogue on temporary agency work, an important structural challenge is linked to capacity building for sectoral social partners. Sectoral employers' organisations and trade unions in many European countries are still fairly small and, in several countries, less or not involved in sectoral social dialogue and collective bargaining. Social dialogue and collective bargaining certainly reflects the different industrial relations systems across Europe and there is no one-size fits all approach.
- A second major challenge is to adapt to the fast-changing world of work and to the trends of diversification of the world of work, digitalisation and the rise of online platforms, automation and the need for new skills on the labour market. The sectoral social partners of the temporary agency work industry have been pioneering in fostering new solutions for working, learning and social protection, while the Covid-19 pandemic has accelerated the path of change in the world of work.

Can the contribution of EU sectoral social dialogue to EU policy-making be improved and how?

- The EU Treaty and related EU policies on social dialogue and the consultation of EU sectoral social partners offer the appropriate framework for the involvement of social partners in EU policy-making.
- A challenge for EU sectoral social partners is sometimes the sequency and time available to reply to social partners consultations and hearings. A more coherent and long-term planning across the different policy areas of employment and social affairs would be welcomed.

Can the outcomes and impact of EU sectoral social dialogue be strengthened?

- While the procedures for consulting EU sectoral social partners are appropriate, the impact of the consultation processes could be further strengthened by taking account of social partner input in EU policymaking.
- With regard to the autonomous activities of EU Sectoral social partners, a stronger focus could be laid on sharing social dialogue outcomes and results in the framework of European conferences and through EU websites.

Can the organisation of the sectoral social dialogue be modernised?

- The Covid-19 pandemic has forced social partners to move from physical meetings to online format. Moving to a post-pandemic environment, the European Commission and social partners should discuss which meetings require a physical presence and which could continue to take place online. Pre-requisite for efficient online meetings are modern, efficient and user-friendly technical solutions for webconferences that allow and foster interaction, exchange and dialogue.

How should the Commission organise the support for sectoral social dialogue?

- The European Commission support to social dialogue should respect the autonomy of social partners and the specific needs of each sector, based on the principle of equal support to all sectoral social dialogue committees.
- The format, organisation and settings for sectoral dialogue meetings should allow for and foster more interactive formats, including smaller working groups, group discussions and the use of interactive tools. The European Commission should continue to support social partners in securing guest speakers for social dialogue meetings.

1. Assessment of the performance of social dialogue at EU level

- 1.1. The World Employment Confederation-Europe welcomes the consultation of the social partners launched by DG Employment in 2021 on the review of the EU sectoral social dialogue. The World Employment Confederation-Europe recalls that the review of the sectoral social dialogue has been launched by the von der Leyen Commission with a report on the “Strengthening the Social Dialogue” prepared by Andrea Nahles. The World Employment Confederation-Europe was strongly involved in the consultations that led to this report and welcomes its main conclusions.
- 1.2. The World Employment Confederation-Europe and UNI-Europa have been engaged in the sectoral social dialogue for temporary agency work since 2001. Over the past 20 years, the sectoral social dialogue has been overall very constructive, engaging and result driven. As sectoral social partners, the focus has been laid on joint statements and joint recommendations to contribute to EU policies and regulatory initiatives, joint research projects, conference and events and capacity building. The table below provides an overview on the main joint projects since 2005, when the permanent Head Office of the World Employment Confederation-Europe was established in Brussels.

Year of publication	Project	Outcomes
2020	Social Innovation in the temporary agency work industry	Compendium of practices, conference, joint recommendations
2018	Online talent platforms, labour market intermediaries and the changing world of work	Research report, conference and joint recommendations
2015	Comparing temporary agency work with other forms of work	Research report, conference and joint recommendations
2013	Temporary agency work and labour market transitions	Research report, conference and joint recommendations
2009	Cross-border activities in temporary agency work	Research Report and European observatory
2008	Vocational training for temporary agency workers	Research report, conference and joint declaration
2008	Temporary agency work and collective bargaining	Research report conducted in cooperation with Eurofound
2006	Temporary agency work in the enlarged European Union	Research report conducted in cooperation with Eurofound

- 1.3. The World Employment Confederation-Europe and UNI-Europa also concluded several joint declarations which have been independent from research projects but linked to EU policy debates. The most important ones are the following:

Year	Joint Declaration
2020	Joint Recommendations on protecting workers in the COVID-19 pandemic, safeguarding work and preparing for an inclusive economic and social recovery
2020	Joint Statement of UNI-Europa and several services sectors sectoral employers on Strengthening sectoral social dialogue in the services industry: The all-important role of social partners in building a resilient Europe.

Year	Joint Declaration
2012	Joint Statement of UNI-Europa and several services sectoral employers, including the World Employment Confederation-Europe on Strengthening sectoral social dialogue in the services industry: The all-important role of social partners in building a resilient Europe
2008	Joint Declaration the Directive on temporary agency work
2007	Joint Declaration the context of the flexicurity debate as launched and defined by the European Commission

1.4. The EU sectoral social dialogue for temporary agency work has been characterised by three main strengths in the past years:

- It contributed to important, EU policy debates on skills, labour market transitions, social innovation and online talent platforms, building on the expertise and knowledge of the EU sectoral social partners from across Europe.
- It provided a forum for exchange among the sectoral social partners, identifying both strength and good practices as well as current challenges and area where improvements of sectoral practices are needed.
- Through the sectoral social dialogue, the sharing of practices and round table events, the social partners contributed to strengthening the capacity building for constructive, effective and efficient sectoral social dialogue at the national level.

1.5. While the sectoral social dialogue for temporary agency work has been overall constructive, effective and result driven, there are also some areas for improvements:

- The sectoral social dialogue for temporary agency work is strongly impacted and influenced by the different, national approaches and level of engagements in social dialogue at sectoral level for the temporary agency work industry. While in several countries, sectoral social partners negotiate on pay and working conditions and conclude collective labour agreements, sectoral social dialogue in other countries (such as Belgium, France, Spain and Italy) excludes negotiations on pay and focuses on complementary rights and benefits, which are often established through collective labour agreements. In other parts of Europe, especially in central and Eastern Europe, sectoral social dialogue on temporary agency work is underdeveloped or non-existing. Reflecting on and respecting these difference in the EU Social Dialogue is essential.
- The sectoral social dialogue on temporary agency work is and should remain an autonomous, social dialogue at sectoral level, while policy debates and EU regulatory initiatives for temporary agency work often have a cross-industry or multi-sectoral dimension. This certainly applies to the current policy debates on online talent platforms and the changing world of work, to discussions around work mobility and the posting of workers and the EU debates on the proposal for an EU Directive on adequate minimum wages. In this context, it can be a challenge to balance the interest and roles of the EU cross-industry and sectoral social partners and to make sure that both the sectoral and cross-industry social partners have their appropriate role, space and freedom to contribute to EU policy debates.
- An effective and efficient sectoral social dialogue on temporary agency work should on the one hand develop own, autonomous activities, such as joint projects, but also contribute to EU policy debates in the context of EU social partner consultations, hearings and events. Given the significant differences in the size of the temporary agency work industry social partner organisations and the different traditions and level of involvement in sectoral social dialogue, it is

sometimes challenging to involve national, sectoral social partners in an appropriate and meaningful way in these debates, especially when EU social partner consultations are launched at the same time or within a short period of time.

2. Main structural challenges for social dialogue

2.1. For the sectoral social dialogue on temporary agency work, an important structural challenge is linked to capacity building for sectoral social partners, as also reflected in the recently adopted work programme 2021 – 2023 with the theme “Partners”.¹

2.2. As outline before, **sectoral employers’ organisations** for temporary agency work and sectoral trade unions in many European countries are still fairly small and, in several countries, less or not involved in sectoral social dialogue and collective bargaining at the national level. While fully respecting these differences, the structure of sectoral social dialogue at national level clearly impact on the debates held in the context of the sectoral social dialogue on temporary agency work.

The differences in national traditions and approaches to social dialogue can also be illustrated by the approach to equal treatment and equal pay for temporary agency workers. While sectoral social partners for temporary agency work in several European countries negotiate on pay and working conditions and conclude collective labour agreements to settle these elements of temporary agency work regulation, others apply the principles of equal treatment and equal pay by law without negotiation on pay at the level of the temporary agency work industry.

2.3. A further major challenge is to adapt to the fast-changing world of work and to the trends of diversification of the world of work, digitalisation, automation and the need for new skills on the labour market. Sectoral social partners of the temporary agency work industry have been pioneering in fostering new solutions for working, learning and social protection, while the Covid-19 pandemic has accelerated the path of change in the world of work. The recently completed joint project on “Social Innovation in the temporary agency work industry”² clearly provided useful insights into national practices and solutions to adapt to the changing world of work.

2.4. The Covid-19 pandemic of 2020 and 2021 clearly highlights key trends of the changing world of work, while accelerating the speed and path of change. Remote working, collaboration at work though new online tools and new health and safety protocols strongly impacted the world of work. Social partners at various level including the cross-industry and sectoral level, have played a key role in shaping and managing this change, by concluding joint statements and agreements, by mobilising funding through bipartite structures such as training or social funds or by acting as interlocutors for governments and public administrations to shape the world of work in the new normal. Many of the measures that have been put in place during the Covid-19 pandemic are likely to be more than a short-term crisis response, but more structural shift leading to change in the way we work in the years to come. For white collar workers, coming to the office might for example be much more focused on interactive and cooperative parts of their work, while other tasks will continue to be performed remotely and from their homes. Sectoral Social Dialogue and collective labour agreements can be an important dimension to discuss these fundamental, long-term shifts in the way we work and provide guidance to companies and workers.

¹ The work programme is available here: [EU SSDC TAW Work Programme 2021-2023 \(weceurope.org\)](https://www.weceurope.org/eu-ssdc-taw-work-programme-2021-2023)

² The project results are available here: [Social Dialogue - World Employment Confederation Europe \(weceurope.org\)](https://www.weceurope.org/social-dialogue-world-employment-confederation-europe)

- 2.5. A rising debate at EU level beyond the core area of employment and social affairs is certainly also the greening of the economy and the green transition. Sectoral social partners should be involved and associated to the debate in accordance with their respective expertise and sectoral knowledge.

3. Can the outcomes and impact of EU sectoral social dialogue be strengthened?

- 3.1. The Treaty on the functioning of the European Union and related EU policies on social dialogue and the consultation of EU sectoral social partners offer the appropriate framework for the involvement of social partners in EU policy-making.
- 3.2. The World Employment Confederation-Europe does not see a need to structurally change the contribution of the EU sectoral social dialogue to the EU policy-making. An area of potential interest could be the consultation of EU Sectoral Social Partners on topics outside the policy domain of employment and social affairs if an initiative is of key interest and relevance to the social partners of a sector. For the sector of temporary agency work, this could for example be the case for the use of artificial intelligence in the private employment services industry or with regard to certain policies linked to the single market and business services as well as the green economy and the green transition.

That being said, sectoral social partners have their core competence in the area of employment and social affairs and therefore, there have been good reasons to focus and limit the formal consultation of EU sectoral social partners to the social field. Broadening the scope of social partner consultations would also increase the frequency and number of consultations of sectoral social partners, which needs to be considered carefully.

- 3.3. Already today, a challenge for EU sectoral social partners is sometimes the sequency and time available to reply to social partners consultations and hearings. As many sectoral social partner organisations at EU level are fairly small and have to rely on active and committed of national member organisations to get the input from the national level, it is essential to allow for sufficient time to gather the input, expertise and national examples on a specific policy initiative or planned legislative file. A more strategic and coherent planning across the different policy fields covered would therefore be welcomed.

4. Can the organisation of sectoral social dialogue be modernised and contribute to future-proof sectorial social dialogue?

- 4.1. The format, structure and focus of the sectoral social dialogue meetings of course fall within the prerogative of the EU Sectoral Social Partners and their respective secretariats.
- 4.2. The three main meeting per year for the sectoral social dialogue on temporary agency work currently often have had a highly institutionalised, formal and less interactive format. This has been even more the case in the context of the Covid-19 pandemic since March 2020 when all meetings were held online.
- 4.3. Moving to a post-pandemic environment, the European Commission and the sectoral social partners should discuss which meetings require a physical presence and which could continue to take place online. Pre-requisite for efficient online meetings are modern technical solutions for webconference

that allow and foster interaction and dialogue. It can be questioned whether the currently used “interactio” platform is the best solution to achieve this. If some meetings would continue to be held online, modern technology should be made available to the sectoral social partners that allows for efficient and interactive meetings. Using new tools such as sli.do, mural or online voting platforms could be tested to reach more interactive formats.

- 4.4. If a main objective of the sectoral social dialogue meetings is dialogue, exchange and where possible a convergence of views among employers and trade unions, more interactive and flexible formats should be tested by sectoral social partners, giving room for experimentation. This should include the option of break-out sessions and work in smaller groups between employers and trade unions.
- 4.5. The World Employment Confederation-Europe would welcome if the European Commission could support the social partners in disseminating and promoting the main results of the sectoral social dialogue, for example through modern and user-friendly websites and EU level meetings such as the Liaison Forum or thematic conferences.

5. How to organise the support for social dialogue to achieve the objectives?

- 5.1. The European Commission/DG Employment should continue to support the sectoral social dialogue, while at the same time respecting the autonomy of sectoral social partners and the specific needs of each sector. An important focus of support by the DG Employment to sectoral social partners should be to secure guest speakers for social dialogue meetings.
- 5.2. Providing the financial support for delegations to come to Brussels and the technical support for online meetings and interpretation are essential to ensure a constructive and fruitful sectoral social dialogue.
- 5.3. The World Employment Confederation-Europe supports in principle and approach of equal support to call committees, as giving preferential treatment to some committees does not seem appropriate. At the same time, the European Commission could consider putting in place a system of targeted support measures (for example for social partner workshops, small scale events or the dialogue with external experts). These targeted support measures should however be in principle be available to all sectoral social dialogue committee, potentially based on a first-come, first serve approach and be based on a simplified application procedure.

About the World Employment Confederation-Europe

The World Employment Confederation-Europe is the voice of the employment industry at European level, representing labour market enablers.

The World Employment Confederation-Europe includes in its membership national federations from all across Europe, as well as several of the largest international workforce solutions companies. It is therefore fully representative of the industry, both in size and diversity. The World Employment Confederation-Europe brings a unique access to and engagement with European policymakers (EU Commission, European Parliament, and Council) and stakeholders (trade unions, academic world, think tanks).

The World Employment Confederation-Europe strives for a recognition of the economic and social role played by the industry in enabling work, adaptation, security and prosperity in our societies. Its members provide access to the labour market and meaningful work to almost 11 million of people in Europe.

