

## ***Temporary agency work is a non-precarious form of work***

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### **Arguments to fight 10 misconceptions on temporary agency work as a precarious form of employment**

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#### **Misconception 1: Temporary agency work does not provide work security**

- **In several countries, temporary agency workers can be employed on the basis of a permanent contract** (Japan, Austria, Czech Republic, Finland, Germany, Greece, Hungary, Ireland, Netherlands, Portugal, Slovakia and Sweden).
- **Agency work is an effective way of finding a permanent contract**, as it facilitates the transition from temporary contracts to more permanent ones.
- **Temporary agency work provides more work security than any other form of flexible employment**
  - It is in the interest of agency work companies to ensure work stability for the agency workers. They act as impresarios, seeking to find new employment opportunities at the end of each assignment and support workers in their job search.
  - Contrary to temporary agency workers, workers employed on direct fixed-term contracts do not obtain any guidance or support in finding their next work opportunities at the end of the contract.  
  
Similarly, workers on low-paid open-ended contracts for low-skilled and menial tasks lack opportunities are often trapped in precarious situations, as they lack the opportunity of making transitions pay.
- **Temporary agency work contributes to making transitions pay**
  - Temporary agency work improves labour market transparency and accessibility of information. Based on a network of 47,000 branches, 215,000 internal staff and daily contacts to employers and workers, the agency work industry has a precise knowledge of labour market needs and offer work opportunities from hundreds of thousands of companies.
  - Temporary agency work facilitates access to vocational training. Vocational training is based on company level training schemes and sector level-training funds, which exist in seven European countries. Just based on these funds, more than € 520 million have been invested in training in 2008.
  - Temporary agency work offers secure social rights and career security, allowing workers to progress in decent and quality jobs.

#### **Misconception 2: Temporary agency workers suffer from irregular or changing working hours**

- **A large share of temporary agency workers have a real preference for working in a flexible way**
  - 18% of the agency workers in the Netherlands, 40% of the agency workers in France and 47% of the agency workers in Finland indicated that they have a real preference for working in a flexible way to meet their current needs.
  - It is essential to look at the profile of agency workers. Most of these are young (percentage of workers aged 25 or below accounts for 37% in Belgium, 40% in Poland, 45% in Brazil and 47% in the Netherlands).

Most agency workers are medium to low-skilled, using agency work to gain work experience and develop their skills (percentage of low-skilled workers in Spain 56%, in UK 36%, Belgium 27% and the USA 26%. Share of medium skilled workers (having completed secondary education) accounts for 48% in Norway, 40% in Australia, 51% in Hungary and 53% in the Netherlands.

- Particularly in the Netherlands and Belgium, a large share of temporary agency workers is students, who have a real preference for temporary agency work to combine professional experience and studies.
- A survey carried out by ECORYS in 2009 amongst 8,000 agency workers in the Netherlands showed that agency workers are satisfied with their work. The study shows that agency workers often consciously chose agency work and that the working atmosphere at the user company and the contact with permanent staff were judged positively by more than 80% of the workers. As for the working conditions, agency workers are satisfied as well. 80% are satisfied with the number of hours worked per week and 61% with the wages. Only a minority of 16% are dissatisfied with wages and a fourth have a neutral opinion.
- A French survey carried out in 2011 showed that agency workers are satisfied with their work. Among the people surveyed, 93% are satisfied or very satisfied with the interest in the work carried out, 91% were satisfied or very satisfied with the relationship to the private employment agency, 89% indicated that they are satisfied or very satisfied with the work-life balance offered through agency work, 81% have been satisfied or very satisfied with the periods between assignments and 79% are satisfied or very satisfied with their remuneration.
- **The working hours of temporary agency workers are comprehensively regulated by national labour law and do not differ substantially from other workers employed on a flexible employment contract**

### Misconception 3: Temporary agency workers suffer from irregular and uncertain earnings

- In several European countries, temporary agency workers are allowed or – after a certain time period – obliged to **offer open-ended contracts to temporary agency workers** (e.g. NL, Germany, Italy, Japan and Sweden), which offer pay between assignments, thus providing stable and predictable earnings.
- **It is in the interest of the temporary work agency to provide work to the agency worker whenever he/she aims to work and according to the skills and qualifications of the worker.** Acting as impresario and “transition manager”, the advisors and councillors in the agency work branches secure the transition between different jobs and assignments for the agency workers.
- Contrary to other forms of flexible employment, temporary agency work is **based on the concept of the transferability and portability of rights and social benefits** for the worker. As the temporary work agency remains the employer, while the worker is moving from one assignment to the next one, rights and benefits are accumulated.
- Agency workers are fully covered by national regulation and social partners agreements on minimum wages, thus providing an accepted, minimum income level.
- In France, agency workers benefit from an end-of assignment compensation, accounting for 10% of the total wage.

#### Misconception 4: Temporary agency workers do not have access to non-wage benefits

- **The equal treatment provisions of the EU Directive on temporary agency work protects the employment and working conditions of temporary agency workers**
  - It establishes the principle of equal treatment with regard to pay and basic working conditions of the temporary agency workers (Article 5).
  - The Directive regulates the access to amenities and collective facilities in the user undertaking (including canteen, child-care facilities and transport services) under the same conditions as workers employed directly by the company, unless the difference is justified by an objective reason.
  - The Directive encourages Member States to promote the sectoral social dialogue between social partners in accordance with national traditions and practice to improve the agency workers access to training and to child-care facilities.
- **Agency workers have the same rights as permanent workers with regard to access to unemployment benefits, social security and pensions.**
- **Temporary agency work is the only form of external, flexible employment, which is organised as a sector, being able to provide specific, non-wage benefits to its workers**
  - Social partners have signed agreements to set up bipartite vocational training schemes in seven European countries (AT, B, F, IT, ES, NL and L).
  - In France, a social fund has been established based on a agreement of social partners. Funded by the agency work industry, FAS.TT offers employees services and benefits to facilitate access to housing, to facilitate mobility and access to employment, secure access to credit and, more broadly, improve their daily lives. In 2009, the issued 114 000 FAS.TT benefits and mobilized €33 million. FAS.TT's advisers have responded to more than 500,000 requests for information and advice
  - Complementary health and pension schemes have been set up by social partners in France, Italy and the Netherlands

#### Misconception 5: Temporary agency workers are not adequately represented and lack coverage by collective labour agreements

- **Temporary agency work is the only form of external, flexible work, which is organised as a sector with representative employers' organisations and trade unions to represent the companies' and workers' interest.**
  - At national level, social dialogue plays a prominent role in many European countries (including AT, B, DE, ES, F, IT, NL, SW, FI, NO and PT). Social partners therefore contribute to appropriate agency work regulation and offer more rights to the temporary agency workers.
  - At European level, Eurociett and Uni-Europa are engaged in a constructive social dialogue since the year 2000.
    - Joint declarations have been signed for example in the context of the Flexicurity debate (2007), on the access to vocational training (2009) and in the context of the political debate on the EU Directive on temporary agency work (2001 & 2008).
    - Joint research has been conducted on regulation on temporary agency work (2005 + 2008), vocational training (2008) and cross-border activities within temporary agency work (2009).
    - Furthermore, round tables are being organised to promote sectoral social dialogue in emerging markets
  - **Constructive sectoral social dialogue has led to the conclusion of collective labour agreements on pay and working conditions for the temporary agency workers in several EU countries (e.g. DE, DK, NL and SW).**

- **Complementary benefits and working conditions are determined by collective labour agreements in a significant number of countries** (particularly Brazil, NL, B, F, IT, FI, SW, NO and L).
- **At global level, Ciett is engaged into an open and constructive dialogue trade unions (ITUC, UNI Global, some of the other GUFs) to exchange views on the industry.**

#### **Misconception 6: Temporary agency workers do not have access to vocational training**

- **Temporary agency workers have a unique opportunity to acquire professional experience in various, different working environments and companies by moving from one assignment to another one. This helps to multiply their skills and enhances their future employability.**
- **Access to vocational training for temporary agency workers is furthermore facilitated based on two main challenges:**
  - **Company-level training schemes and programmes have been set up in most European countries within the agency work industry, providing targeted assistance and training to the temporary agency work**
  - **Sector-level training funds have been set up in seven European countries (AT, B, F, IT, ES, NL and L). In 2008, more than € 520 million have been invested in vocational training by these funds.**
  - **Access to vocational training opportunities for low-skilled workers is particularly frequent in France and Belgium.**
- **The European sectoral social partners for the temporary agency work industry, Eurociett and Uni-Europa, have signed in 2008 a joint declaration on vocational training, highlighting the commitment of the industry to facilitate access to training and proposing recommendations to further enhance access to training.**

#### **Misconception 7: Temporary agency workers are at particular risks of accidents at work**

- **Temporary agency work is fully covered by the national legislation and public policies to protect health and safety at work. At EU level, the Directive on health and safety for workers on fixed-term and temporary contracts provides appropriate protection.**
- **In several countries, the agency work industry has developed specific programmes to promote health and safety for temporary agency workers.** In Belgium, for example, a specific, bi-partite organisation has been set-up for health and safety of temporary agency workers (Prevention & Interim). Awareness-raising and educational campaigns on health and safety at work of P&I have led to a reduction of accidents at work within the agency work industry by -12% in 2010, compared to 2009. The gravity of accidents among temporary agency workers, measured by the number of days taken off work fell by -5% in 2010 compared to 2009.
- **In several EU countries (Czech Republic, Estonia, France, Greece, Lithuania and Poland), the national legislator has prohibited the assignment of temporary agency workers for dangerous tasks and risk sectors.**

#### **Misconception 8: Temporary agency workers do more shift work and have less time to complete jobs**

- **Temporary agency workers are employed in various different sectors, covering manufacturing, services, construction, public administration and others. A concentration on sectors that predominantly use shift-work is not common.**
- **Companies use temporary agency work particularly for flexibility related reasons to meet peaks in demand (as mentioned by 75% of the employers using TAW in the Netherlands) or to cover short-term leaves (as quoted by 60% of the employers using TAW in the Netherlands).** This implies that temporary agency work actually leads to a better distribution and allocation of the work to be carried out and provides more time and resources to carry out the required tasks.

**Misconception 9: The employment contract for temporary agency workers is unclear or implicit**

- **Temporary agency work is based on a unique, triangular work relationship, in which the responsibilities and duties of all parties involved are clearly defined.** The worker is employed by the temporary work agency to perform work at the user company under its supervision and direction. This triangular work relationship is clearly recognised under European and national labour law.
- **In almost all countries, temporary agency workers have a written employment contract with the temporary work agency.** While these employment contracts can take different forms which are established under national law (such as full-time contracts, part-time contracts, apprenticeship contracts, and welfare-to-work contracts), the rights and obligations of the temporary agency workers are always clearly defined in accordance with national law.
- **In several European countries, specific temporary agency work contracts have been introduced (CZ, F, IRE, NL, PT and Spain).** As for other forms of labour contracts, the rights and obligations of temporary agency workers and employers are comprehensively regulated and clearly defined within these temporary agency work contracts. In addition, it is usually not possible to terminate the job before the end of the assignment or to change the function of the temporary agency worker during the assignment.
- **Reasons for use of temporary agency work are applied in 13 countries based on national law or collective labour agreements, maximum length of assignments defined in 12 countries and limitations on the renewal of temporary contracts foreseen in four countries** defining clear conditions hiring and assigning temporary agency workers.

**Misconception 10: Young temporary agency workers are trapped in precarious jobs**

- **Young workers take advantage of the double stepping-stone function of temporary agency work: From unemployment to work and from temporary contracts to more permanent ones**
  - Young people are significantly over-represented among the temporary agency work population. 50% of the agency workers in Poland, 47% of the workers in the Netherlands, 43% of the workers in Mexico and 37% of the workers in Belgium are aged 25 or below.
  - Surveys over the past years show that within the total agency work population, young people remain over-represented. This means that most young people do not remain agency workers for a long period, but move to more permanent jobs once gained relevant work experience.
  - According to a poll carried out among 5,373 European citizens, the overwhelming majority confirmed that temporary agency work is an effective way to find a first job (percentage of people agreeing to the statement: 93% in the UK, 86% in Belgium, 85% in Poland, 84% in France and 82% in Spain).
  - Statistics show that the majority of workers remain employed after engaging in temporary agency work (80% in Norway, 77% in Belgium and 74% in France).
- **In many countries, young people chose for temporary agency work to combine education and work, for instance to obtain additional income while studying. Agency work is therefore not a trap, but often a life-style choice for young people.**