

23 May 2003

THE SECRETARY GENERAL

Dear Minister,

Proposal for a directive on temporary agency work

A compromise proposal prepared by the Greek presidency is currently discussed in the Council working group on social affairs ahead of the Social Affairs Council on 3 June 2003.

In UNICE's view, any EU text on temporary agency work should be a broad framework compatible with the great variety of choices in Member States, fully reflect the fact that the agency is the employer and encourage the removal of obstacles to the development of temporary agency work. Unfortunately, the compromise proposals for articles 4, 5 and 11 do not meet these requirements.

With regard to articles 5 and 11, we remain convinced that the best solution would be to avoid indicating any preferences in the European text, leaving the legislator or social partners in the Member States free to choose between two options (i.e. a comparable worker of the user company, or a comparable temporary worker of the same agency). The solutions suggested in the latest compromise proposals are insufficient to address UNICE's concerns.

With regard to article 4, restrictions and prohibitions should be limited to safety reasons. Moreover, the review mechanism should explicitly request the removal of restrictions and prohibitions which are no longer justified, and include an obligation to report on the results of these reviews at the EU level.

Temporary agency work can make a precious contribution to reaching the Lisbon objective of reaching an average employment rate of 70% in the European Union by 2010. We very much hope that Council will take our comments into account so as to allow this form of work to continue to play its valuable role on Europe's labour markets.

Yours sincerely,

(Original signed by:)
Philippe de Buck