



4 February 2014

## QUALITY FRAMEWORK FOR TRAINEESHIPS

### KEY MESSAGES

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- 1** Traineeships play a valuable role in helping young people to gain work experience that can facilitate their path into employment. As such, the primary focus of traineeships should be on learning and learning outcomes.
- 2** There are already structures and regulations in place for the governance of traineeships at the national level and, therefore, no additional EU guidance is needed. Moreover, minimum requirements for traineeships should not be set at the European level. The rules governing a traineeship, and the conditions under which it takes place, should be determined at the national level and take into account existing regulations, industrial relations and education practices.
- 3** Trainees, including those in open-market positions, should not have the same status as workers.

### WHAT DOES BUSINESSEUROPE AIM FOR?

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- Appropriate conditions, set at the national level, that increase the provision of traineeship opportunities for young people.
- Clearer information for employers about the skills and competences that a person has acquired during a traineeship.
- Greater provision of cross-border traineeship opportunities to increase the intra-EU mobility of young people



## POSITION PAPER

### Introduction

1. In 2012 the European Commission conducted a two stage social partner's consultation on proposals for a European quality framework for traineeships.
2. In the second stage consultation BUSINESSEUROPE responded that we were open to social dialogue on this issue in the context of the Framework of Actions on Youth Employment adopted by European social partners in June 2013 and in the form of joint advice or recommendations to national level actors. ETUC wanted to negotiate a standalone autonomous agreement on traineeships, so the file went back to the Commission.
3. This paper constitutes BUSINESSEUROPE's response to the Commission's proposal published on 4 December 2013, which concerns open-market traineeships and not those that take place as part of a formal education pathway.

### General comments

4. BUSINESSEUROPE is positive about the role that traineeships can play in giving young people practical work experience and a skills set that will ease their transition into the labour market.
5. We believe that traineeships should primarily be about the learning experience and, therefore, there needs to be a focus on the learning outcomes of such a placement.
6. BUSINESSEUROPE supports the objective of increasing the number of traineeships in the EU. It is vital that the proposed Council recommendation does not deter employers from offering traineeship opportunities by placing excessive requirements and legalities on them.
7. Traineeships can bring advantages for employers, both in terms of the tasks performed by the trainee during the traineeship and in identifying potential new recruits.
8. We support the opening up of possibilities for cross-border traineeships. This will not only enhance trainees' future employment prospects, but also increase their propensity to be mobile within the EU.
9. Minimum requirements for traineeships should not be set at the European level. Member States must be able to decide on how best to approach traineeships and how to prevent abuses.
10. It is artificial to base an argument around the quality of traineeships on whether or not they are paid. The results of the impact assessment show that an unpaid traineeship cannot be considered as substandard. It is important to stress that there are already structures and regulations in place for the governance of traineeships at the national level and that employers do already widely implement the points highlighted in the draft proposal.



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Therefore, it is not a case of starting from scratch and there is not a need for EU level action in this regard.

11. Efforts would be better targeted towards evaluating the effectiveness of traineeship scheme in terms of the future employability of trainees, such as through the employability benchmark.
12. An alternative to a quality framework would be to develop opportunities for an exchange of best practice and knowledge sharing about traineeship schemes at EU level, taking a similar approach to the European Alliance for Apprenticeships.

### **Specific comments**

#### Legal basis

13. Given the focus on learning, it is not logical, or desirable, to consider trainees, including those in open-market schemes, as workers. Therefore the legal basis of the proposed recommendation – Article 153 Treaty on the Functioning of the European Union (TFEU) – is highly questionable. Article 166 TFEU (vocational training policy) is also referred to and is much more appropriate.

#### Traineeship agreement

14. In line with BUSINESSEUROPE's view that the focus of traineeships should be on learning and the learning outcomes, it is appropriate that there would be a clear agreement between the trainee and the host organisation. Agreements should cover the tasks that the trainee will perform and, thereby, the skills that he/she will be able to develop.
15. Agreements should also cover the rights and obligations of the trainee and the employer during the course of the traineeship. This includes, where relevant, the host organisation's policies on confidentiality and the ownership of intellectual property rights.

#### Recognition of a traineeship

16. BUSINESSEUROPE supports the idea of the host organisation issuing a certificate or a letter of reference to the trainee which outlines the skills and competences that he/she has acquired. This will help trainees when they apply for jobs and aid the employer when assessing job applications.

#### Traineeship conditions and the status of trainees

17. As a matter of subsidiarity, minimum requirements for traineeships should not be set at the European level. The rules governing a traineeship and the conditions under which it takes place should be determined at the national level and take into account existing regulations, industrial relations and education practices.



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18. BUSINESSEUROPE considers that trainees can be compensated. The form that this takes is a matter for actors at the national level to determine. Should the Council agree on a recommendation, it is essential to avoid the term “remuneration” in relation to trainees. Not doing so would create confusion as “remuneration” applies only to workers, which should remain the case, and not trainees.
19. The recommendation proposes a six months maximum duration for traineeships and a duration of up to one year for those taking place in another Member State. The principle of a limited duration for traineeships is relevant, but it is for the Member States, not the EU, to determine what that should be.
20. Furthermore, there should be the possibility for companies and trainees to reach an agreement on extending a traineeship, if it is in the interest of both parties.
21. It is appropriate that the duration of cross-border traineeships should be longer than those taking place in the trainee’s country of origin so as to take account of settling in periods and adapting to a new culture and the working environment.
22. The EURES portal should contain easily accessible information about cross-border traineeship opportunities and the conditions under which they take place.

### **Conclusion**

23. BUSINESSEUROPE invites the Council and European Parliament to take into account the views expressed in this paper in their discussions on the quality framework for traineeships.
24. BUSINESSEUROPE also reminds the Council and European Parliament of the possibility envisaged by the European social partners in the Framework of Actions on Youth Employment of taking further joint actions based on the Commission’s proposal.

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