



EUROPEAN COMMISSION

PRESS RELEASE

Brussels, 21 March 2014

Working conditions: Commission reviews application of EU rules on temporary agency work

All Member States have adopted measures to implement [Directive 2008/104/EC](#) on temporary agency work and have in general done so correctly and applied its provisions in practice. These are the main findings of a report just published by the European Commission. The deadline for Member States to implement the Directive was December 2011. The report concludes that it is not necessary to amend the Directive but that the Commission will rather focus on ensuring its proper implementation.

"I am pleased to see that the Directive on temporary agency work has brought more decent working conditions for agency workers while providing businesses with the flexibility they need for their development" said László Andor, European Commissioner for Employment, Social Affairs and Inclusion. "However the Commission urges Member States to take further steps to ensure equal treatment for agency workers and to support the positive role that agency work can play in exiting from the crisis."

Thanks to the Directive, there is now in all Member States a framework providing for the effective protection of temporary agency workers, better quality agency work and recognition of agency work's positive contribution to the functioning of modern labour markets through its flexible use by employers.

The report also highlights that most Member States consider that the Directive does not give rise to additional costs on national authorities, temporary-work agencies or user companies, including small and medium-sized businesses.

However, the report indicates that further work is needed with Member States and social partners to ensure that the Directive fully achieves its goals, in particular in two areas:

- certain derogations from the principle of equal treatment allowed by the Directive may have been used in such a way as to prevent the application of the Directive from improving in practice the protection of agency workers
- the review of restrictions and prohibitions on the use of temporary agency work – although Member States have reviewed them as required by the Directive, and a few restrictive measures have been removed, in most cases Member States have maintained the status quo. In a number of Member States, the further removal of some restrictions and prohibitions is still being considered.

The Commission, in close co-operation with national governments and EU level employee and employer representatives, will continue to ensure that the Directive is correctly implemented in all EU Member States and that its goals are achieved. If necessary, the Commission will also launch infringement proceedings against Member States.

Background

Temporary agency work provides flexibility for companies. They may use agency workers for instance to manage production peaks or replace absent employees. Temporary agency workers can use such work as a stepping stone to more a permanent job. Temporary agency work contributes to job creation and to participation and integration in the labour market. At the same time, it is sometimes perceived as being a precarious form of work.

Temporary agency workers are employed by an agency in order to be assigned to user companies to work temporarily under their supervision and direction. Temporary agency work accounts for only approximately 1.6% of the total number of workers in the EU, but is a growing phenomenon. As one of the first sectors to register growth in times of recovery, agency work is a good indicator of the overall economic situation.

The Directive aims to strike a balance between the interests of workers and of employers. On the one side, it improves the protection of agency workers and the quality of agency work. On the other side, it contributes to the development of the agency work sector as a flexible option for employers and workers. In particular, the Directive:

- establishes the principle of equal treatment in user companies; limited derogations are allowed under strict conditions (for instance, specific conditions applicable to agency workers may be negotiated between the employee and employer representatives)
- provides for a review by the Member States of restrictions and prohibitions on the use of agency work; however, restrictive measures can be maintained if they are justified on grounds of general interest
- improves agency workers' access to permanent employment, to collective facilities in user undertakings and to training
- includes provisions on the representation of agency workers.

A Commission Staff Working Document complements the report. It provides an overview of options chosen by Member States to implement the Directive and summarises the national reports on the results of the review of restrictions and prohibitions on the use of agency work.

For more information

[News item on DG Employment website](#)

[László Andor's website](#)

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