

I N F O R M A A T I O N (Social Policy)

TEMPORARY JOBS AND THEIR PROBLEMS

Temporary work is comparatively a newcomer. It made its appearance after the war and in recent years it has been spreading rapidly in Europe.

Work of this kind is necessarily intermittent in character, which makes it impossible to find precise statistics. In France, where the most information is available, the number of temporary workers is said to vary between 200,000 and 300,000. Since the temporary staff agencies are themselves interested mainly in office work, the majority of the people they employ at present are women. The range of jobs offered has, however, grown wider and nowadays there is an increasing demand for male personnel, both for engagement as labourers and at the technical level.

This consists of work done by temporary staff, who have an employment contract with a service undertaking and are working for its clients. This might therefore be described as a "triangular" arrangement between the temporary job agencies, their clients and the staff themselves. In more precise terms it is a case of an undertaking -- perhaps an individual or perhaps a private firm or a bigger company -- who enters into employment contracts with people in search of jobs, but does not itself provide their occupation. The sole aim of these contracts is to oblige the workers concerned to do specific jobs for a specific time in another firm as their employer may direct. Once the job in question is completed, the worker is required to put herself, or himself, once more at the disposal of the employer in expectation of another assignment.

This new form of working makes it possible to deal with changes in the rate of production, particularly in seasonal activities, and it also deals with the problem of absenteeism among the permanent staff. From the social standpoint, however, it does not escape criticism based on the insufficient protection of the workers' interests.

The fact that this is happening in various countries of the European Community, raises a number of points which require examination, both from the social standpoint described above, and in relation to the freedom of establishment clauses in the Rome Treaty. At the request of the European Commission, a study has been made of the question by M. Gérard Schnorr, professor in the University of Innsbruck, who analyses the legal aspect in each of the member countries and makes proposals for bringing the different legislations on the subject more closely together.

The author's argument may be summarised on the following lines :

- 1) The Treaty provides that the nationals of any member State may set up temporary employment agencies and engage, or hire, temporary workers in any of the other member States and under the same legal conditions as the nationals of the State concerned. Except in Germany, the national legislation currently in force, does not take sufficient account of these requirements of Community law.
- 2) The temporary employment agencies will find it difficult to set up their business on the Community level. The essential reason is the astonishing diversity of the legal provisions, regulations and administrative practices affecting the conditions in which such a business is carried on. It is desirable that these provisions should be coordinated.
- 3) The disparity in the conditions affecting the validity of temporary employment contracts, the putting of staff at the disposal of a client, may well work to the detriment of a country which subjects the employment of temporary workers to stricter conditions than another. This threat could be disposed of by harmonising the national legislations affecting it.
- 4) It does not seem that the worker is sufficiently protected in his conditions of work and social security when he enters into an employment contract with a temporary employment agency in one member State and occupies a job in the establishment of a third party in another member State.

In most cases, national legislation is unduly apt to neglect the fact that the third party who uses the labour is also playing the part of an employer. In all

member countries there should be a legal responsibility upon the user towards his temporary workers in regard to police and security laws, or legal provisions regarding the right to work. It should also be emphasised that in the event of the failure or disappearance of the temporary employment agency, the third party using the labour has a supporting responsibility. It should not be allowed to happen that the temporary worker should, in such a case, be deprived of his wage or salary and of the benefit of social security.

The point of view of the Commission regarding temporary work was stated recently in the reply to a parliamentary question set down by M. Couste. It considers that it would be desirable for the national rules in this matter to be coordinated at the Community level to the extent that Community objectives come into question. This refers, among other things, to the observation of freedom of establishment and offer of services, and to the protection of working personnel put at the disposal of a firm which is active in the territory of a different member country from that in which the temporary employment agency has its registered office.

The Commission foreshadows the possibility that it may take a definite attitude after hearing the views of the tripartite consultative committee, and the inter-government technical committee on the free movement of workers.