

EFFAT GUIDANCE ON THE USE OF TEMPORARY AGENCY WORKERS

The use of temporary agency workers (or ‘temps’) is becoming more and more common in the agriculture, tourism and food sectors. This is causing normal working arrangements to be replaced by temporary employment relationships and it is bad news for all concerned. Here is a checklist for trade unionists who want to address the problem of temporary work in their workplace:

1 Raise the issue through your union and employee representation bodies.

Talk to your colleagues and to management. If possible make sure it is raised at the highest level, so that the whole company is concerned. In big multinational companies European works councils can try to address the issue. See if you can come up with principles on temp work that can apply throughout the entire company (nationally, Europe-wide as even globally).

2 Explain to management why prioritising permanent jobs is in the interest of the company, as well its workforce. Compared to the option of using permanent workers, temps are not likely to be:

- as experienced at the job they are being asked to do or as familiar with the company’s culture;
- as motivated, with the same loyalty towards the company (temps have higher absenteeism rates than company employees);



- so well acquainted with safety and quality standards (increasing risk of accidents and mistakes);
- as cost effective - very often being costlier for the company, not cheaper;
- actually needed - most work for which temporary agency workers are hired could be done by the company’s own staff.

3 Make it clear that the primary form of employment should always be permanent, open-ended and direct employment.

Temporary agency workers should only be deployed in cases of legitimate need, such as exceptional work peaks or when sickness cover is required. Make sure that management and workers all know that it is not acceptable to use temps to replace or eliminate permanent jobs, to diminish the terms and conditions under which work is performed, to replace striking workers or undermine industrial action. The primary form of employment in all companies and organizations should be permanent, open-ended and direct employment. If management don’t agree with this they should be asked to explain their position clear.

4 Find out what employment rights temp workers are already entitled to in law and try to make sure they get them.

The new EU Temporary Agency Workers Directive provides rights for temps - and all employers that use temps have to prove that they are complying with them. Ensuring that agency workers get the rights they are entitled to can discourage employers from misusing them – and this is in the interest of the whole workforce - permanent and temporary. It is also helpful to know when an employer is engaging in good practice on the use of temps and when they are simply complying with the legal minimums. According to EU law temporary agency workers should:

- be accorded equal treatment and opportunities (including equal pay for equal work) with regular and permanent employees when it comes to terms and conditions of employment;
- have recognized and enforceable written contracts specifying their terms and conditions of employment;
- be given access to information about their rights and to the health and safety regulations in the workplace;
- be given the same equipment, inductions and training as permanent workers.

Additional rights may apply to temps in your country through national laws or collective agreements. Try to find out!

5 Ask about what standards your company applies when deciding on which employment agencies they are going to use.

Reputable employers should only cooperate with reputable temporary employment agencies, which should be properly regulated (such as through licensing/certifying). Acceptable agencies do not obstruct trade unions – in fact they will negotiate collective agreements covering their workers. Find out which agencies your employer wants to deal with and what standards they apply to ensure that temp workers are being treated correctly.





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6 Try to get an agreement with your employer on the use of temporary workers.

EFFAT believes that employers who want to use temps should consult with trade unions and works councils and that - whenever possible - any use of temporary agency workers should be governed by agreements that include:

- firm limits on the maximum usage of temps (e.g. 10% or less of the workforce);
- a maximum length of time that a worker can stay in a 'temporary' position;
- the minimum standards expected from any temporary employment agencies being used;
- rules on training and on health and safety standards that temps must meet, along with procedures to ensure that they are met;
- a list of the jobs that temporary agency workers can provisionally be deployed in;
- a mechanism for permanent job vacancies to be offered to suitably qualified temps (along with others who are already in the workforce) when they arise.

Such agreements should also leave no doubt that the use of temps will not undermine existing terms and conditions of workers, collective agreements or negatively impact on collective bargaining - and that temps will not be used to hinder workers (nor will the temps themselves be obstructed from) joining and being active in trade unions.

FIGHT PRECARIOUS WORK

SOCIAL JUSTICE FROM FARM TO FORK

EFFAT represents the interests of more than 2.6 million members, affiliated to 130 national trade unions in 38 European countries in agriculture, food production and tourism.

