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### Positions

The Road to Recovery
A Decent Level Playing Field for Platform Work
WEC-Europe Position Paper on the EU Skills Agenda
WEC-Europe Position on minimum wages in Europe (second stage social partner consultation)

### Events

#### 9 November 2020

Presentation of Michael Freytag at international conference on mobility out of the box

#### 12 – 13 November 2020

World Employment Confederation-Europe contribution to workshop on tackling fraudulent agency work

#### 1 December 2020

WEC-Europe/UNI-Europa Conference "Social Innovation in the temporary agency work industry"

### Contact us

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You are looking for support or advice to cope with the impact of COVID-19 on the private employment services industry? *Consult our members' area and the topics pages on COVID-19 on our website!*

The World Employment Confederation-Europe Head Office Team is at your disposal for further requests. Please also join our regular committee meetings of which you might be a member and during which we address the impact of COVID-19.



## General Updates

### Alliance Project Update

As part of the 1<sup>st</sup> assignment of the WEC Safely Back to Work Alliance Taskforce, the National Federations are continuing to update each month the Country **Dashboard**. As the sanitary crisis continues to evolve, the aim is to provide a regular snapshot of national level developments as well as industry initiatives and regulatory changes.

Regarding the 2<sup>nd</sup> assignment of the Taskforce - **The 'Big Conversation'** – We are in the latter stages of conducting in-depth interviews with industry leaders and national federations. This unique content will drive repositioning activities during the second phase of the project. Priority areas raised during the latest round include:

- Taking a lead on retraining, reskilling and on facilitating career transitions;
- Making the case for a regulatory level playing field with other form of intermediaries;
- Innovative campaigns to demonstrate the industry's social and economic contribution;
- Pre-empting evolving client needs and new iterations of RPO and MSP models;
- Building on progress made with policy makers; the industry is a source of new solutions!

**Beyond the 'echo chamber'** – The steer from WEC members has been to ensure that we reach beyond our own echo-chamber by seeking external perspectives on the New Normal. Recent conversations and WEC webinars have provided valuable insight from international institutions, global consultancies and other stakeholders. The potential joint-research with Adapt will provide additional layers of external insight and challenge.

**Global pods** – We have released the first episode of the podcast '[World Views on the World of Work](#)'. These podcasts provide insight from around the world on emerging challenges and new opportunities for the global employment services sector. This episode features the insight of industry leaders from India, Ireland and Chile. Specific 'hot topics' covered include preempting future growth sectors, making an impact on labour market policies and taking stock of opportunities for the employment service providers in the so-called New Normal. As the Alliance Project Manager, Tom Hadley is also continuing to fuel the [Alliance's blog with Notes on the New Normal](#), containing insight and reflection upon the big conversation he had with national federations and corporate member leaders.

### WEC-Europe/BAP online event "The Road to Recovery"

As Germany holds the EU Council Presidency for the second half of 2020, the COVID-19 pandemic continues to dominate the European political questions. The debate centres on how to ensure a safe return to work in the new normal, on how labour markets needs to adapt in the context of the deep economic recession caused by economic lockdown and how to support the economic and social recovery. A key focus of the discussion and debate was laid on the need for appropriate and less restrictive agency work regulation and the need for skills enhancement and training.

On 27<sup>th</sup> October, the World Employment Confederation-Europe and its German Member, the Bundesarbeitgeberverband der Personaldienstleister (BAP), organised a webconference to discuss those questions and exchange with stakeholders on the policies and solutions needed to put Europe on the road to recovery.

Speakers of the event have been:

- Björn Böhning, State Secretary of the German Ministry of Employment and Social Affairs
- Sebastian Lazay, President Bundesarbeitgeberverband der Personaldienstleister
- Bettina Schaller, President of the World Employment Confederation-Europe
- Holger Schäfer, Senior Economist, IW Institute Cologne
- Ulrich Weiss, HR Director, Philips Medizin Systeme Böblingen GmbH

The webconference was moderated by Jan Ole Schneider, Vice-President of BAP. Sebastian Lazay BAP President opened up the online debate on EU policies needed for Covid19 recovery, highlighting impacts of the crisis on agency work in Germany and stressing the importance of applying short-time work schemes to agency workers.

State Secretary Börn Boehning suggested private employment services to work closer with education bodies and leverage its knowledge of work practices across a wide range of sectors. He underlined that skilling is key for road to recovery. In the debate, Holger Schäfer from the IW Institute underlined that data confirms that the rise of diverse forms of work is not at the expense of permanent employment, and thus shaded light on complementarity of all forms of work for efficiency of labour markets. World Employment Confederation-Europe President Bettina Schaller emphasised that the private employment services sector offers the safest form of flexible work, with social protection and skilling benefits attached. She stressed the key role the sector can play in New Normal. Ulrich Weiss showcased how agency work was essential in relocating workers to the medical equipment industry in the first wave of the COVID-19 pandemic and the periods of lockdown.

## Agency work sector continues gradual recovery in third quarter

Following the unprecedented contraction of agency work markets around the globe during the second quarter of 2020, developments are looking more positive in the third quarter. In the second quarter, due to severe restrictions implemented by governments to contain the spread of the pandemic, hours worked by agency workers had contracted by more than 30% in Europe and the US compared to the same quarter of 2019. The latest figures for the third quarter indicate an annual decline of around 20% for Europe and the US. Recently released financial results by global corporates for the third quarter of 2020 further underpin the trend observed on national markets, with revenue contractions of around 13% on an annual basis, compared to a nearly 30% decline in the second quarter.

Figure: Global agency work companies' quarterly results, y-o-y % change

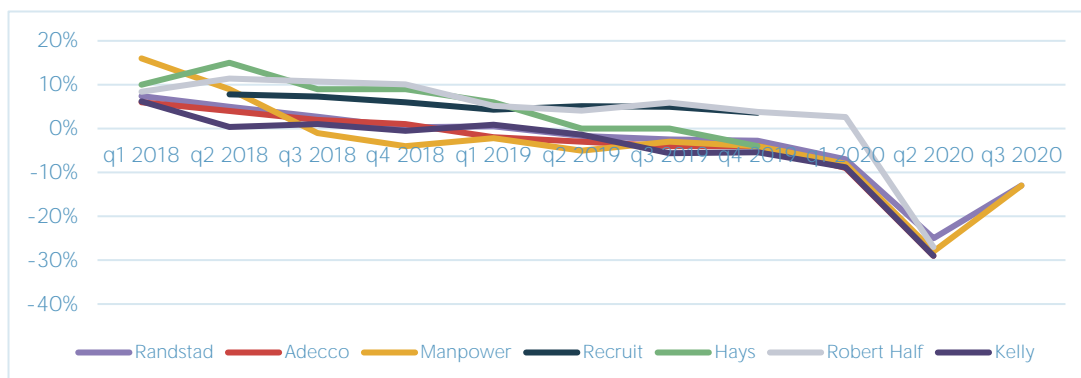


Figure: Europe – Agency work activity vs. GDP growth, 2008-2020, y-o-y % change

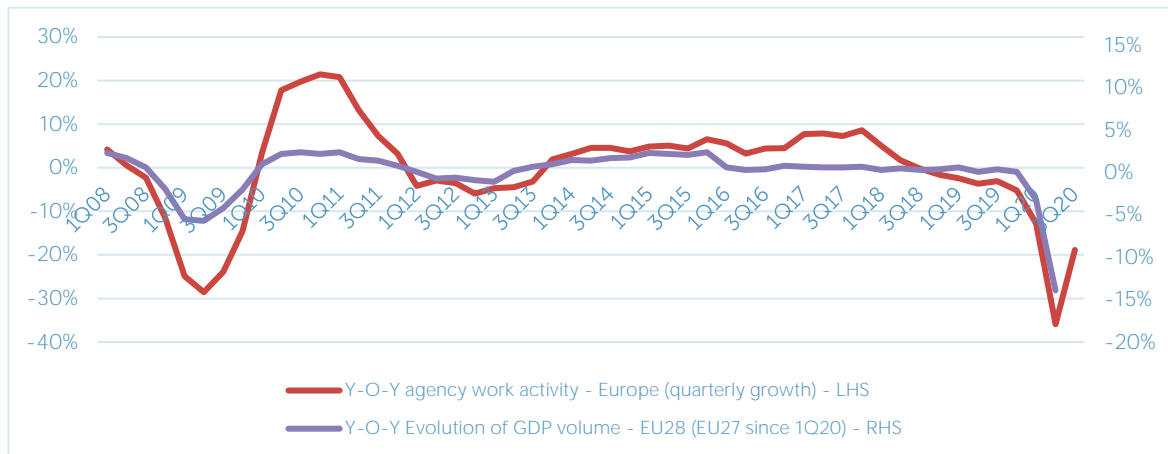
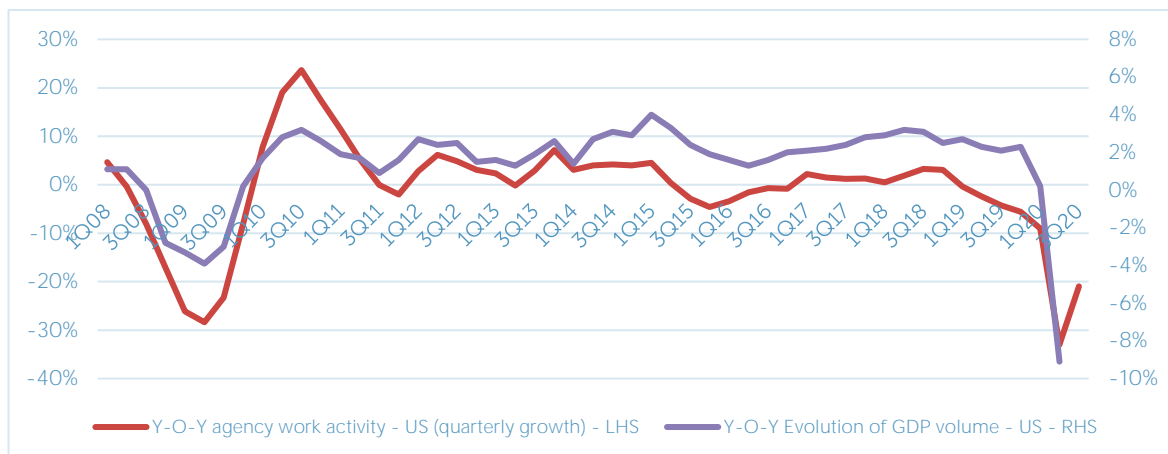


Figure: USA – Agency work activity vs. GDP growth, 2008-2020, y-o-y % change



[View the full statistical overview document here](#)

## Writing the rulebook: The regulatory trends that impact HR services

On 17<sup>th</sup> November WEC organises a **Members'Only** online event to discuss the regulatory trends that impact the private employment services. We'll look at the latest regulatory developments impacting our industry at the national level and try to identify international trends to support you to be ahead of the regulatory curve.

We would love to have you join the discussion and bring your legal and advocacy colleagues. If you want to learn more see this page on the WEC members' area, but you can also register directly!

**REGISTER NOW FOR WRITING THE RULEBOOK!!**

## Save the Date: WEC Awards Ceremony 2020

The WEC Awards Ceremony 2020 will be held online on the 10<sup>th</sup> of December at 13:30 CET. Check out the time in your location here. We would love for you all to join us in celebrating the success, achievements and initiatives of our National Federations through this awards ceremony.

The judging is currently open, and we are waiting with bated breath to see who our finalists will be. We will announce the finalists on the 17<sup>th</sup> of November, so keep an eye out on our social media channels and the WEC website.

More information on how to connect to follow very soon, but for now find all information on the Members Area.

# Global Public Affairs

## Executive Summary

### A quick reminder: Tracking National Covid-19 policy responses

If you wish to compare and analyse various employment policy responses to the Covid-19 pandemic or want to know how neighboring countries are reacting, these databases from OECD, Eurofound and ILO can be helpful:

- <https://oecd.github.io/OECD-covid-action-map/#Employmentandsocialmeasures>
- <https://www.eurofound.europa.eu/data/covid-19-eu-policywatch/database>
- <https://www.ilo.org/global/topics/coronavirus/regional-country/country-responses/lang--en/index.htm>

### BIAC sets business priorities for employment

- The Business community at OECD agreed on a set of priorities to drive its labour market advocacy to the OECD.
- It provides concrete recommendations to promote 'Dynamic labour markets', 'Skills and employability' and 'Inclusion and Diversity'.
- WEC Head Office and members were highly engaged in drafting these priorities and the outcome is very industry friendly.
- The focus will now shift towards bringing these priorities to OECD governance and secretariat.

### ILO and WEC conclude Webinar Series on Employment Services and Covid-19

- ILO and WEC jointly organized three webinars on employment services during and beyond the Covid-19 crisis.
- The series attracted a broad and diverse audience based and included speakers from ILO, OECD, WAPES, IOE, ITUC and of course WEC.
- This was a first joint activity of the ILO and WEC under the umbrella of the ILO liaison, Mr. Sangheon Lee. He was pleased with the series and highlighted the importance of private employment services for the recovery, including through partnership between public and private employment services and the ratification of ILO Convention 181.
- ILO and WEC will together look back on the series and look towards new joint activities.

### OECD work and research responding to Covid-19

- In October the OECD governance decided on the labour market priorities in the upcoming year. Much focus will be put on analyzing the Covid-19 impact and responses.
- Increased attention by the OECD lie on the effective implementation of Active Labour Market Policies by Public (and Private) Employment Services.
- WEC Head Office is in close contact with the OECD staff driving this work and will push for the promotion of partnership between public and private employment services.



## A quick reminder: tracking national Covid 19 responses

Across the world policymakers are responding to the Covid-19 crisis. Several tools provide very good comparison of these responses that allow you to track how different countries are responding. We want to again highlight these very useful and user-friendly tools that comprehensively allow you to track these responses.



- The OECD Covid-19 Policy tracker

<https://oecd.github.io/OECD-covid-action-map/#Employmentandsocialmeasures>

## COVID-19 EU PolicyWatch database

18 May 2020

About this database: COVID-19 EU PolicyWatch

Country	Category	Type	Target groups		
All	All	All	All		
Territorial scope	Sub-category	Funding	Involved actors		
All	All	All	All		
Region	Sectors	Occupations	Role of trade unions		
All	All	All	All		
Role of employers' organi...					
All					
Search		3/30/2020 - 10/21/2020	<b>774</b> cases found		
Number	Country	Title	Category	Case created	Last update
BE-2020-11/380	Belgium	Extension of temporary unemployment due to force majeure	Income support for people in employment (e.g. short-time work)	06 April 2020	27 October 2020
CZ-2020-10/253	Czechia	COVID-19 related state loan	Access to finance	09 April 2020	27 October 2020
CZ-2020-13/576	Czechia	Debt moratorium on loans and mortgages	Deferral of payments or liabilities	06 April 2020	27 October 2020
CZ-2020-13/587	Czechia	Crucial for the future - loan to support SMEs - Credit guarantee	Change of conditions/structure	17 April 2020	27 October 2020

- The Eurofound Covid-19 Policy Watch

<https://www.eurofound.europa.eu/data/covid-19-eu-policywatch/database>

- The ILO Country Policy Responses

<https://www.ilo.org/global/topics/coronavirus/regional-country/country-responses/lang--en/index.htm>



## BIAC set Business Priorities on Employment

Business at OECD (BIAC) has published its priorities for the future of work. It promotes Dynamic labour markets, Skills & Employability, and Inclusion & Diversity. It will serve as the foundation for the BIAC work on labour market policies and will be pushed to OECD governance, leadership and employment department. WEC Head Office and members were highly engaged with the draft of this document. The outcome is satisfactory indeed and sets the scene for a business advocacy campaign that is strongly aligned with the employment industry's messaging. The full document can be found [here](#).

The document is a response to both the Covid-19 crisis as well as the pre-existing trends in the world of work. In this there is a strong push for diverse forms of work and social innovation. In this there is a strong push to ensure labour market infrastructure support labour market transition by taking down barriers for transition and better integrating of lifelong learning and employability in social protection schemes.

Beyond the overall policy narrative, the document also addresses the conditions for effective implementation. In this it addresses the importance of (1.) the rule of law, (2.) a broad perspective on the various forms of social dialogue and industrial relations across the world, and (3.) effective Active Labour Market Policies. In this latter respect the role of private employment services is highlighted and the importance of partnership between public and private employment services.

### Assessments and next steps

This is a strong and forward looking business messaging. Through its high involvement in the process and draft, WEC was able to secure key industry friendly messaging. With the internal process concluded, focus will now need to shift towards the campaign to push these priorities to the OECD stakeholders.

## ILO and WEC conclude Webinar Series on Employment Services and Covid-19

ILO and WEC have concluded their three-part webinar series on the role of employment services in and beyond the crisis. Takeaways were best summarized by ILO industry Liaison Sangheon Lee (ILO Director Employment Department). In his conclusion on the series he highlighted that Public and Private Employment Services are equally important in saving jobs, the importance of partnership between public and private employment services, the important role of ILO Convention 181 and implementing innovative solutions for workers and businesses.

The webinar series has held from June to October and addressed three main topics: the impact of the crisis and the role of activation and social protection to shape the recovery. On average the webinars gathered around 100 participants from public and private employment services, social partners, international organisations, academics and ILO staff. The webinars brought together speakers from ILO, OECD, IOE, ITUC, WAPES and of course WEC.

The webinars are the first initiative that was developed as part of the collaboration with the ILO. It proved a good way to highlight the role of private employment services and push for industry priorities such as the promotion of Convention 181, Social Innovation and partnership between public and private employment services. Also, it allowed the WEC to acquaint new stakeholders and people to push the industry agenda. To review the full webinar series please find all information and presentations [here](#).

### Assessment

This co-branded activity with ILO was very positive and brought a good platform for WEC to engage with the ILO. WEC will evaluate the series with the ILO and develop new activities to discuss the role of the Private Employment Services. WEC will suggest to

shape a next series on online events that go into depth on Platform Work, Career Guidance and Convention 181.

## OECD work and research responding to Covid-19

The OECD Employment Committee (ELSAC) gathered to decide upon the future OECD work (the Programme and Budget), including the development of its response to the Covid-19 outbreak. The OECD will continue to track and analyze labour market policy developments related to Covid-19, but it will also focus more on active labour market policies. To discuss the labour market impact of the Covid-19 crisis and priorities for the OECD response, a ministerial and labour Ministerial will be planned in September 2021.

The ELSAC committee is comprised out of OECD member states representatives and sets the mandate for the OECD ELSA department. During these meetings representatives from workers and employers can attend some sessions and prove their input. WEC president Bettina Schaller – who is also a vice-chair of the Business at OECD ELSA Committee - provided her perspective on the ongoing work. This was fed by the Business Priorities for the Future of Work (see dedicated story in this Advocacy report).

### 2021 OECD Employment Outlook

The ELSAC decided upon the following outline for the 2021 OECD Employment Outlook:

- Chapter 1. The unfolding of the crisis: labour market effects of the COVID-19 epidemic
- Chapter 2. Job retention and job creation strategies during COVID-19
- Chapter 3. Ramping up employment services to face massive increase in caseloads and mitigate the rise in (long-term) unemployment
- Chapter 4. Enhancing productivity and workers' well-being through well-designed working time policy
- Chapter 5. Domestic outsourcing and the quality of work

Unsurprisingly much focus is put on mitigation of the Covid-19 crisis. Key new chapter is on building the capacity of employment services (see below). Already foreseen is the chapter on domestic outsourcing which will address how outsourcing of functions by firms impacts labour market outcomes. This will also address the role of agency work.

### Active Labour Market Policies and Employment Services

The OECD is currently in the process of researching the effectiveness of active labour market policies and Employment Services in order to mitigate the expected rise in unemployment. To this effect they have done a survey amongst all OECD countries together with the European Commission on how activation policies have changed. WEC Head Office is in contact with the OECD Activation Team that does this analysis and will input this work and provide the private employment services perspective.

## Assessment

The OECD is shifting its focus towards the impact of the Covid-19 crisis and supporting its membership to mitigate high numbers of unemployed. In this there is an opportunity for WEC to highlight its role in activation and career guidance.

## European Public Affairs

### Executive Summary

European public affairs in October 2020 focused on the following main priorities and actions:

- The organisation of the WEC-Europe/BAP online event “The Road to Recovery” to position the private employment services industry on the recovery during and after the COVID-19 pandemic (see also the general updates section)
- The assessment of the European Commission proposal for a Directive on minimum wages in Europe
- The WEC-Europe advocacy on social protection for diverse forms of work with several high-level meetings at the level of DG Employment and a joint statement of several European employers organisations.
- The World Employment Confederation-Europe outreach on the EU Skills Agenda and the discussion on possible area of cooperation between DG Employment and the World Employment Confederation.
- An online event on public procurement organised jointly with the European Business Services Alliance, of which the World Employment Confederation-Europe is a founding member and which Michael Freytag is chairing.
- The European Commission Work Programme, which was published on 20<sup>th</sup> October and defines the EU Commission priorities for 2021.
- Advocacy on artificial intelligence and the World Employment Confederation-Europe contribution to a related consultation, which resulted in the offer of co-organising an event on platform work and artificial intelligence with the Member of the European Parliament Adam Kosa.

### European Commission publishes concerning and controversial proposal for a Directive on minimum, wages in Europe

On 28<sup>th</sup> of October, the European Commission published its initiative on minimum wages in Europe. This proposal for a Directive is the follow-up of the European Pillar of Social Rights proclaimed by the previous European Commission and endorsed by the European Parliament and Council. The proposed Directive on minimum wages will now be subject to the ordinary legislative procedure at EU level.

Prior to the adoption of the proposal, a two-stage consultation with EU Social Partners was held, to which the World Employment Confederation-Europe contributed.

With a view to improving working and living conditions in the Union, the proposed Directive establishes a framework for:

- (a) setting adequate levels of minimum wages;
- (b) access of workers to minimum wage protection, in the form of wages set out by collective agreements or in the form of a statutory minimum wage where it exists.

The Directive states in Article 1 that it shall be without prejudice to the full respect of the autonomy of social partners, as well as their right to negotiate and conclude collective agreements, while several European social partners have questioned on the day of the publication of the Directive whether the provisions of the Directive respect this aim.

Following a set of definitions, a first main provision of the Directive focuses on the promotion of collective bargaining on wage setting (Article 4), whereas a second chapter (Articles 5 to 8) sets principles for statutory minimum wages, focusing on adequacy, variations and deductions, the involvement of social partners in statutory minimum wage setting and updating, as well as the effective access of workers to statutory minimum wages.

Following the European Commission proposal, the debate on file at the level of the European Parliament and the EU Council will start in the coming months. At this stage, it is impossible to predict if and when this Directive will be adopted.

Text of the EU Commission proposal for a Directive and the European Commission press release on the proposal are available [here](#). The WEC-Europe website statement that has been published on our [website](#).

### Assessment and next steps

A first assessment of the proposal has been developed by the World Employment Confederation-Europe Head Office. Based on this assessment, the proposal includes several critical and negative aspects:

- In terms of legal instrument, the Commission has put forward a proposal for a Directive, rather than a non-binding instrument. This is certainly not supported by European employers' organisations, as also reflected in the contributions to the consultation and in our earlier positions.
- Politically, it can be seriously questioned whether this initiative comes at the right time in the current crisis context.
- A point of strong concern is furthermore the focus on addressing "non-standard forms of work" in the explanatory text to the Commission proposal. This shows that the Commission is still not endorsing the concept of diverse forms of work.
- Provisions on the adequacy of minimum wages are also sensitive, as these are likely to interfere in existing, national schemes for setting and adapting minimum wages and the role of social partners.
- There is a major, general risk of interference in collective bargaining for those countries, in which minimum wages are set by social partners.
- Finally, there are important provisions on the enforcement of minimum wages. These provisions require further discussion in the next PA Committee. While WEC-Europe supports compliance and enforcement, it is important to ensure that EU policies on enforcement of minimum wages do not lead to further obligations and burdens for the private employment services industry, especially for small and medium sized enterprises.

There are also some more positive elements. These include general provisions on the role of social partners in setting minimum wages, the focus on capacity building for social partners and the provisions on ensuring access to minimum wages. On the role of social partners, there is a need to assess in the Public Affairs Committee whether the freedom of collective bargaining is sufficiently protected and guaranteed based on the provisions of the draft Directive. Furthermore, it is positive to note that platform workers are explicitly covered by the Directive, as long as platform workers are classified at national level as workers and not self-employed. This corresponds to the WEC-Europe/UNI-Europa Joint Recommendations on online talent platforms, which calls for treating similar services in the similar way.

As next step, a World Employment Confederation-Europe position paper will be developed jointly with the European Public Affairs Committee and the advocacy work will start, also liaising closely with other European employers organisations.

## World Employment Confederation-Europe Advocacy on social protection for diverse forms of work

This month, the World Employment Confederation-Europe held an online meeting with Dana-Carmen Bachmann, the new Head of Unit for the modernisation of social protection systems at DG Employment/European Commission. A key theme of the meeting was a discussion on social protection for diverse forms of work.

Starting from the key messages of the World Employment Confederation Policy Paper “The Road to Recovery”, the discussions focused on how to ensure social protection for diverse forms of work and what measures have and should be taken to address the impact of the pandemic. Besides short-time working schemes and other instruments put in place by national governments and the EU Council Recommendation on access to social protection for workers and self-employed, also the initiatives put in place in the private employment services industry have been presented and discussed. Dana Carmen Bachmann welcomed the concrete examples and requested to organise meetings every six months with the World Employment Confederation to discuss the topic of social protection in the agency work industry and for diverse forms of work

Social protection, the impact of the COVID-19 crisis and the road to recovery have also been at the centre of a strategic meeting with Stefan Olsson, Director for Employment at DG Employment. The Road to Recovery position paper and the WEC-Europe/UNI-Europa joint Recommendations have been at the center of this meeting, as well as best-practices and initiatives implemented by World Employment Confederation-Europe members and sectoral social partners. A key focus in the discussion was on activation, the allocation role of temporary agency work and the need for cooperation between public and private employment services. Stefan Olsson highlighted the opportunities for the private employment services industry linked to the Next Generation EU Recovery Fund and recommended that the World Employment Confederation-Europe should get in touch with the Taskforce managing this fund. In parallel, the private employment services industry, via the national federations and/or via the World Employment Confederation-Europe, should get in touch with the national governments of the EU Member States to ensure that the private employment services industry is taking into account as partner for the recovery and when setting up the national criteria for the eligibility to the funding under the next Generation EU initiative.

### Assessment and next steps

The meetings implemented, policy papers developed, and the new instruments put in place by the European Commission are essential to support the private employment services industry in the pandemic and during the recovery phase. The meetings clearly showed that the private employment services industry is seen as a labour market enabler, which is able to support transitions, upskills workers and acts as partner of public employment services. Also the need for appropriate, less restrictions regulation on temporary agency work has clearly been recognised, while the legal means of the European Commission to effectively address adverse, national regulation is limited based on the wording of Article 4 of the Directive on temporary agency work and the limited EU competence in the area of employment and social affairs.



## World Employment Confederation-Europe outreach on the EU Skills Agenda

**This month, the World Employment Confederation-Europe published a comprehensive position paper on the EU Skills Agenda issued by the European Commission in July 2020 and launched the advocacy.**

The World Employment Confederation-Europe welcomes the European Skills Agenda for sustainable competitiveness, social fairness and resilience of the EU Commission. The key messages put forward in the position paper are the following:

- The private employment services industry contributes to labour market transparency, faster and more targeted job matching and to the lifelong skilling of workers, thus paving the way for the economic and social recovery after the COVID-19 pandemic and in the new normal. Through its career management segment alone, the private employment services industry facilitates the transition of 3 million workers every year including the provision of skilling and guidance.
- As also highlighted in the European Commission's Communication, the COVID-19 pandemic has accelerated the digital transition in Europe, requiring workers to acquire new, digital and ICT skills to succeed on the labour market. The private employment services industry acts as labour market intermediary supporting both companies and workers in managing this transition.
- The World Employment Confederation-Europe would certainly be willing to work together with the European Commission, the EU Member States, Social Partners and other actors to implement some of the key actions proposed by the European Commission under the European Skills Agenda. Key actions proposed by the European Commission that are of interest to the private employment services industry include the pact for skills (action 1), the strengthening of skills intelligence (action 2), which explicitly refers to the private employment services industry, the proposal for a Council Recommendation on vocational education and training (action 4), skills that support transitions (action 6), the focus to enhance STEM and transversal skills (action 7) and actions to foster adult learning and skills for life (action 8). The World Employment Confederation-Europe would also be willing to contribute to the action 9 on individual learning accounts, while an initiative in this field would certainly have to reflect the different, national traditions and practices linked to individual learning accounts.
- The European Skills Agenda should be built on the principle of subsidiarity and proportionality. Actions at European level should be developed in close cooperation with national, regional and local authorities and involve social partners at the appropriate levels.
- Bipartite training funds that have been established in several European countries play an important role in organising and funding training for temporary agency workers. In France, the bipartite training fund FAF-TT offered 59,133 training courses in 2018 and 84% of participants are in employment 12 months after the training course.
- Beyond upskilling/reskilling, it is essential that individuals develop a lifelong learning attitude to secure their employability in an increasingly uncertain world of work. The private employment services industry also plays a key role there through its career management segment, notably through its labour market expertise, its knowledge of clients' potentials and skills.

## Assessment

The World Employment Confederation-Europe position paper on the EU Skills Agenda received a very positive feedback from policymakers and stakeholders. Michael Freytag has been invited to present and discuss the position with other employers and a meeting to discuss the skills agenda has been implemented with the Director for Skills, Manuela Geleng and the Head of Unit for Skills and Qualifications, Alisson Crabb. A further meeting took place on 28 October with two members of the cabinet of Nicolas Schmit. As further, next step more detailed positions on some of the concrete proposals, such as individual learning accounts or actions on improved skills intelligence.

## Italian legal case on the Agency Work Directive decided by the European Court of Justice

In October 2020, the European Court of Justice issued a judgement on the EU Directive on temporary agency work, addressing the issue of preventing abuse of agency work through successive temporary assignments.

The Court ruled that “the first sentence of Article 5(5) of Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work must be interpreted as not precluding national legislation which does not limit the number of successive assignments that the same temporary agency worker may fulfil at the same user undertaking and does not make the lawfulness of the use of temporary agency work subject to the prerequisite that it must be justified by technical, production, organisation or replacement-related reasons. On the other hand, that provision must be interpreted as precluding a Member State from taking no measures at all to preserve the temporary nature of temporary agency work and as precluding national legislation which does not lay down any measure to prevent successive assignments of the same temporary agency worker to the same user undertaking in order to circumvent the provisions of Directive 2008/104 as a whole.[...]”

## Assessment

Based on a first assessment of the World Employment Confederation-Europe Head Office, the European Court of Justice judgment is quite balanced. It is very good to see that successive assignments to the same user company are allowed under the Directive. It is also positive that there is no general need based on the Directive to justify the successive nature of the assignment under a reason for use system (in countries where it is in place).

At the same time, the judgment reconfirms that the Directive on temporary agency work classifies agency work as temporary. This is of course stipulated in the Directive itself and was also referred to in an earlier judgement on the Directive in a Finnish case. With temporary agency work being of a temporary nature, governments must take measures to secure the temporary nature of (albeit successive) agency work assignment and prevent abuse to circumvent the purpose of the Directive.

Jointly with the legal experts from Assolavoro (Italy) and Asembleo (Spain, where a legal complaint to the Commission is currently still pending), a more detailed assessment of the complaint is being prepared, which will be made available to members. Furthermore, given renewed discussions on the Agency Work Directive and pressure from the European Parliament to revise the Directive to better enforce equal treatment and improve protection of seasonal and cross-border workers, a special World Employment Confederation-Europe Taskforce will be set up to address these issues.



## Artificial Intelligence and platform form: Meeting with Adam Kosa and opportunity to organise an event

Following the adoption of the World Employment Confederation-Europe position paper on artificial intelligence in July, the outreach and advocacy programme has started. A World Employment Confederation-Europe delegation had a virtual meeting with Adam Kosa (MEP/EPP/HU). Adam Kosa has been leading work in the European Parliament on artificial intelligence and will be focusing in the coming months on platform work.

Michael Freytag and Jochem de Boer from the World Employment Confederation-Europe presented the main messages of the World Employment Confederation-Europe position, whereas Glen Cathey and Helen Hulsker (both Randstad) provided concrete examples from the private employment services industry.

Adam Kosa suggested that the World Employment Confederation-Europe and his office could organise a webinar on platform and artificial intelligence. Such an event could include two sessions, one on artificial intelligence and one on platform work. For each session, there would be an input from the World Employment Confederation-Europe and industry experts followed by a discussion with Members of the European Parliament. A date for the event still has to be identified and the programme will be further developed in cooperation with Adam Kosa and his team.

### Assessment

The World Employment Confederation-Europe position paper on artificial intelligence, developed in cooperation with the Data Protection and AI Taskforce, has been instrumental to broaden the public affairs outreach of the private employment services industry to a new and rising topic. The first feedback from the Member of the European Parliament shows that this contribution is valued by the EU policymakers and stakeholders. The planned online event with Members of the European Parliament and stakeholders will be instrumental to further broaden and deepen this outreach and positioning.

## European Business Services Alliance event on public procurement

**On 8 October 2020, European Business Services Alliance organised an online Seminar on "Public Procurement in the EU: the road forward".**

The event set the scene for an in-depth analysis of the 2014 Public Procurement Package's implementation by a representative from the Commission (Anna Lupi, Unit G1, DG GROW of the European Commission) and authors of the European (Michael Rainey, partner at Addleshaw Goddard), German (Jan Bonhage, partner at Hengeller Mueller) and Spanish (José Alberto Navarro, partner at Uría Menéndez) chapters of "[The Government Procurement Review](#)". It was also an occasion to gather success stories in the procurement of business services from the Catalan Government (Mercè Corretja, Director General for Public Procurement) as well as from the consulting engineering (Jaap de Koning, President of EFCA's Internal Market Committee) and private security sectors (Li Jansson and Andreas Gyllestrand, Säkerhetsföretagen). Please find here a [conclusions summary](#) document analyzing the main outputs of the online seminar from the EBSA perspective.

As Chair of the European Business Services Alliance, Michael Freytag gave the introductory presentation of the webinar, which was attended by around 60 participants. The discussion part was then moderated by the EBSA Vice-Chair Isabel Iglesias, from the European Federation of Cleaning and Facility Services.

## Assessment

The European Business Services Alliance webconference is a good example on how the World Employment Confederation-Europe is cooperating and partnering with other stakeholders to cover topics that are important for the private employment services industry, while not in the central focus of the European affairs advocacy of the World Employment Confederation-Europe. With the support of the European Federation of the Cleaning and Facility Services industry and the contract catering federation Foodservice Europe, a very interesting event with high-level speakers and experts could be implemented.

## European Commission Work Programme 2021

**On 19<sup>th</sup> October, the European Commission published the 2021 work programme "A Union of vitality in a world of fragility".**

The Work Programme focuses on the following key themes:

- Repairing the world of today by shaping the world of tomorrow
- Delivering on the six headline ambitions of the strategic priorities of the von der Leyen Commission, namely the European Green Deal, a Europe fit for the digital age, an economy that works for people, a stronger Europe in the world, promoting the European way of life and a push for European democracy.

In terms of concrete policy priorities for 2021, it is important to differentiate between priorities which have been started in 2020 or are ongoing and new topics that will be in the focus next year. The ongoing or already started priorities include:

- The European Semester process for labour market reforms and convergence
- The EU debates on minimum wages in Europe, where a Commission proposal for a framework Directive is announced for 28<sup>th</sup> October 2020.
- The EU Skills Agenda published before summer and the actions prosed therein.
- The policies to address the COVID-19 pandemic, especially the EU Recovery Fund Next Generation EU, which was agreed in principle in July

New topics and initiatives of the European Commission of interest to the private employment services industry in 2021 will focus on:

- A Commission initiative to improve working conditions of online platform workers
- An action plan on the implementation of the European Pillar of Social Rights. A related action plan on the social economy could also be of interest

## Assessment

The European Commission Work Programme offers a range of opportunities for the private employment services industry. The only key priority which has to be monitored carefully is the initiative for a framework Directive on minimum wages (see article above), which is certainly a topic of concern especially for Nordic World Employment Confederation members. A public affairs and advocacy programme for 2021 is being developed by the Head Office and will be presented during the Governing Body meeting in December 2020.

## Abbreviations

BIAC	Business at OECD (Employers' advisory committee to the OECD)
DG	Directorate General, policy department of the European Commission
EPP	European People's Party
EU	European Union
HU	Hungary
ICT	Information and Communication technology
ILO	International Labour Organisation
MEP	Member of the European Parliament