

Project: **JOBS TO RENT – Migration and Temporary Agency Work in the EU welfare, tourist and agricultural sectors**

Executive Summary

Project Objectives and key knowledge goals:

The central aim of this project was to analyze the different forms that the flexibility of migrant labour may take in certain niches of the European economy, focusing on the role, status, contribution and form of temporary agency work(ers). This is a crucial topic for the future of European employment that has not been systematically explored, and requires a theoretically coherent and policy-relevant analysis – the intended outcome of the proposed project. In order to achieve this, the following subsidiary objectives were developed:

- to construct an interdisciplinary and empirically-based typology of the social, economic, political and legal factors that give rise to different forms of TAW;
- to provide an empirically informed policy analysis, and what synergies it takes between different policy actors on an EU and national level in order to protect the fundamental employment rights of TAWs.

The following knowledge goals have enabled the Fellow (Dr Maroukis) to meet the aforementioned project aims.

- In order to construct an interdisciplinary and empirically based typology of TAW, Jobs To Rent explores TAW in a comparative political economy setting across (local) labour markets with different settings of work, different skills and types of workers, and across two EU MS characterized by distinct industrial relations, welfare and migrant integration regimes. The project explains the forms of TAW identified by examining the ways in which the above factors interact and produce different forms and experiences of TAW in different sectors and countries.
- Framing the experiences of TAW against regulatory and policy regimes on a sectoral, national and EU level has enabled the Fellow to extend empirical knowledge and develop policy-relevant conclusions on a topic that is crucial for the future of employment and social cohesion in the EU.

Project results:

The European Commission proposed directives on TAW, dating as far back as 1982, made a breakthrough in 2008 under the EU Agency Workers Directive ([2008/104/EC](#)). This is a crucial component in the [European Union's](#) employment law package to protect atypical working.

This study explored TAW in two countries at the opposite ends of national legislation on agency work in the EU, with distinct welfare regimes and political economies traditionally characterized by limited (UK) to no (Greece) social dialogue and collective bargaining above the micro/company level and weak labour law control and enforcement. The EU Agency Worker Regulations in force in the UK since October 2011 stipulate that temporary agency workers who complete 12 weeks of continuous employment in a client firm are mainly entitled to equal pay with employees of the firm in equivalent positions. Concerns among temporary work agencies and employers that AWR would damage the recruitment industry trade were eventually addressed by the introduction of Swedish Derogation (SD) contracts; agency employment contracts which confer the worker a minimum of pay between assignments. Countries like Greece with no collective bargaining culture in the temporary work sector and late TAW equality provisions in labour legislation had little room for derogation from the equal employment conditions element.

The project found that, with the exception of British agriculture, the regulation of temporary employment agency activities is poor in both countries studied. Their restrictive migration policies have contributed in producing precarious categories of workers. The international growth of the temporary agency industry has also developed its own dynamic in perpetuating migrant worker exploitation.

Greek firms which use temporary agency labour may, on the one hand, be subjected to a stricter legal framework on TAW than the UK ones in the sense that they cannot legally avoid taking agency workers on permanent contracts after a certain period. On the other, the employment conditions of agency workers are practically not regulated. Agencies routinely charge workers for any placement, thrive of the flow of

undocumented migrant labour and essentially offer a cheaper alternative to undeclared directly-employed labour. In the case of night nurses in Greek hospitals, agencies have aggressively carved a market for themselves despite legal restrictions.

The AWR have been largely circumvented by businesses and agencies in the UK. Particularly in the case of food industry firms that recruit large numbers of agency temps, the AWR seem to have set a drawback from previous transition schemes from temporary to permanent employment decided at the company level. Firms and agencies switch agency workers to SD contracts which pay less and do not award equal employment rights with firm employees. Labour performance systems are routinely misused in order to discharge agency workers before they complete the AWR 12-week qualifying period for equal pay. At the same time, targeted initiatives such as the operation of the Gangmaster Licensing Authority in British agriculture have raised awareness about labour maltreatment in the sector during the last decade. Agency and firm strategies are poorly regulated in the hospitality and healthcare sectors. Due to high incidence of informal direct employment (hospitality) and the high cost of agency labour (both sectors), businesses end up using more directly employed Zero-Hour-Contract workers rather than agency workers. However, their labour recruitment relies substantially on collaborations with foreign and British agency supply chains who charge workers with illegal placement fees. All in all, the UK case study indicates that the close monitoring and enforcement of industrial cooperation on temporary labour protection may prove more effective than additional national legislation.

On the other side, the development of social and income support funds for temporary agency workers in certain continental EU Member States and the comparatively positive attitudes to TAW in these MS (most prominently France and the Netherlands) indicate the critical role of social partner initiatives and collective bargaining above the company level for the protection of agency workers' rights.

Policy recommendations:

- The momentum from the national level negotiation of AWR between social partners in the UK and the operational platform that GLA provided for agencies and employers to work together towards worker protection needs to be sustained and to expand across the sectors of the British economy. The development of social and income support funds and mechanisms for agency workers needs to be considered by British policy stakeholders.
- The strategies the agencies and end-user firms employ in order to derogate from or circumvent the equal pay element of the AWR call a) for a revision of the British government regulatory guidance on the legal minimum of hours that agencies are obliged to pay workers between assignments and b) larger investment in labour law enforcement authorities.
- TAW regulation in Greece needs to be supported by an investment in the labour and health inspectorates' workforce and an increase of their enforcement and prosecution legal powers. The development of an enforcement authority with agency licensing and prosecution powers along the lines of the UK GLA should be investigated. These actions need to be coupled with targeted anti-corruption measures against professional licensing and tax-collection authorities. Prohibiting the use of agency employment in certain areas like healthcare also needs to be considered.
- Labour market and welfare restrictions for legally resident migrants need to be lifted from both countries' migration policy regimes since they breed labour exploitation.

Dissemination/Impact:

The Project Final Report and Policy Briefs can be found, as of February 2015, in the project's webpage: <http://www.bath.ac.uk/casp/projects/migration-and-temporary-agency-work/index.html>. The findings of the project have been presented in several conferences and workshop venues in the UK and abroad and are currently under peer-review in scientific journals. The Greek case study findings on practices of trafficking of agency nurses in hospitals appear in [a published article](#) in the daily Greek newspaper Kathimerini and the newspaper [Real News](#). These research findings were also cited in a [New York Times article](#) in February 2015. Drawing on the project's findings, the Fellow gave a lecture/seminar on migrants and precarious labour to a geography class of 14-15 year old students at the King Edwards School, Bath, on the 30th of April 2014.

Dr Maroukis organised the final project Workshop on the 19th of September 2014 hosted by [the University of Bath Institute for Policy Research](#). This workshop has brought together academic experts on migration (Prof. Bridget Anderson), social policy and industrial relations (Prof. Hassel, Dr Carmel, Dr Papadopoulos) and temporary agency work (Dr Cremers, Dr Bessa, Dr Ferreira), several policy stakeholders and organisations (EUROFOUND, Association of Labour Providers, British Hospitality Association, Unite the Union, Organisation of National Statistics), representatives from enforcement institutions (GLA) and students.