



**EUROPEAN COMMISSION**

**PRESS RELEASE**

Brussels, 21 June 2012

## **Temporary work: Commission requests Cyprus and Sweden to implement rules to protect temp agency workers**

The European Commission has requested Cyprus and Sweden to implement into their national law new EU legislation which defines conditions for temporary agency workers ([Directive 2008/104/EC](#)). The Directive guarantees a minimum level of protection to temporary agency workers while supporting the positive role played by temporary agency work by providing flexibility in the labour market.

The deadline for Member States to implement the new Directive was 5 December 2011. Cyprus and Sweden have still not done so. Although the process of adopting national implementing measures is under way in both countries, there are no precise indications when this process will be completed.

As a result temporary agency workers in Sweden and Cyprus may be denied the guaranteed working conditions to which they are entitled under the Directive.

The request takes the form of a 'reasoned opinion' under EU infringement procedures. Cyprus and Sweden now have two months to notify the Commission of measures taken to implement the Directive. Otherwise, the Commission may decide to refer these Member States to the EU's Court of Justice.

### **Background**

There are over three million temporary agency workers working across the EU.

EU [Directive 2008/104/EC](#) on temporary agency work defines a general framework for the working conditions of temporary agency workers in the EU (see [IP/08/1561](#)). Temporary agency workers who are assigned to a user undertaking to work temporarily under its supervision and direction benefit from the principle of equal treatment on basic working and employment conditions (pay, working time, overtime, breaks, rest periods, night work, holidays) from the first day of their assignment. Under very strict conditions, the Directive allows for certain derogations from equal treatment, with the involvement of national trade union and employer representatives.

The Directive also sets out an obligation for Member States to review existing prohibitions and restrictions imposed on the use of temporary agency work. Such restrictions can be justified only on grounds of general interest.

Besides, the Directive contains provisions aimed at improving the access of temporary agency workers to permanent employment, collective facilities and vocational training, on the representation of those workers and on the information of workers' representatives on the use of temporary agency workers.

In January 2012, the Commission sent letters of formal notice to 15 Member States that had not implemented the Directive before the 5 December 2011 deadline that had been agreed by the EU's Council of Ministers and the European Parliament. Of these infringement cases, seven cases have been closed (Bulgaria, Estonia, Greece, Finland, Italy, Luxembourg and Portugal) Ireland, Netherlands, UK have also implemented the Directive into national law in the meantime so that the infringement cases may be closed in the near future.

## **Further information**

Temporary agency workers:

<http://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPageId=207>

Directive 2008/104/EC on temporary agency work:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:327:0009:0014:EN:PDF>

For more information on EU infringement procedures, see:

[http://ec.europa.eu/eu\\_law/infringements/infringements\\_en.htm](http://ec.europa.eu/eu_law/infringements/infringements_en.htm) + [MEMO/12/464](#)

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