

Social Affairs

TEMPORARY AGENCY WORK

Directive [2008/104/EC](#) of the European Parliament and of the Council of 19 November 2008 on temporary agency work

Objective

The aim of this Directive is to improve the quality of temporary work and to establish a suitable framework for the use of temporary work to contribute to the smooth functioning of the labour and employment market.

Relevance for the hospitality industry

Despite low levels in the use of temporary agency workers in most of the EU countries (at 2% of EU employment in 2008), temporary agency work is developing very fast in the hotel, restaurant and café sector.

State of progress

The Directive was adopted on 19 November 2008. Member States must transpose this Directive by 5 December 2011 at the latest.

Content

The Directive applies:

- To workers with a contract of employment or employment relationship with a temporary work agency who are assigned to user undertakings to work temporarily under their supervision and direction; and
- To public and private undertakings which are temporary-work agencies or user undertakings engaged in economic activities whether or not they are operating for gain.

Member States may, after consulting the social partners, provide that the Directive does not apply to employment contracts or relationships concluded under a specific public or publicly supported vocational training, integration or retraining program.

To ensure the application of the principle of equal treatment to temporary agency workers, the Directive establishes that the basic working and employment conditions of temporary agency workers shall be at least the same that would have applied in case they would have been directly recruited by that undertaking to occupy the same job.

As regards pay, Member States may, after consulting the social partners, derogate from the principle of equal treatment, when a temporary worker who has a permanent contract continues to be paid between two postings.

The Directive stipulates that temporary agency workers shall be counted for the purposes of calculating the threshold above which bodies representing workers may be formed in the temporary work agency.

For a summary of this Directive you can visit the [SCADplus](#) website (European Commission).

HOTREC position

HOTREC took note of the adoption of the Directive. HOTREC is of the opinion that the text is still lacking clarity and might therefore cause problems in its interpretation and therefore implementation.

Official references

Directive [2008/104/EC](#) of the European Parliament and of the Council of 19 November 2008 on temporary agency work, O.J. L 327, 5.12.2008.