

## **WRITTEN MINISTERIAL STATEMENT**

**PAT MCFADDEN MP: MINISTER OF STATE FOR EMPLOYMENT  
RELATIONS AND POSTAL SERVICES**

**22 MAY 2008**

### **TEMPORARY AGENCY WORKERS – JOINT DECLARATION BY THE GOVERNMENT, THE CBI AND THE TUC**

The Government is pleased to be able to inform Parliament that the CBI and TUC have reached an agreement on the way forward regarding equal treatment of Agency Workers. A copy of the joint declaration they agreed on 20 May 2008, with Government support, has been placed in the libraries of both Houses.

The Government considers that this declaration provides the basis for the introduction of measures to promote fairer treatment for agency workers while retaining the important flexibility that agency work can offer both employers and workers. One of the key issues on which agreement has been reached between the Social Partners is that there should be equal treatment of agency workers after 12 weeks in a given job.

The Government hopes this declaration can pave the way to agreement in the EU on the draft Agency Workers Directive, and will now work with its European partners to that end, in order to bring the agreement between the CBI and the TUC into legal effect in the United Kingdom. The Government hopes that EU agreement will be obtained in time for the necessary UK implementing legislation to be introduced in the next Parliamentary session.

## **AGENCY WORKERS: JOINT DECLARATION BY GOVERNMENT, THE CBI AND THE TUC**

The CBI and TUC have reached agreement on how fairer treatment for agency workers in the United Kingdom should be promoted, while not removing the important flexibility that agency work can offer both employers and workers. Agreement has been reached on the following points.

- (a) After 12 weeks in a given job there will be an entitlement to equal treatment.
- (b) Equal treatment will be defined to mean at least the basic working and employment conditions that would apply to the workers concerned if they had been recruited directly by that undertaking to occupy the same job. It will not cover occupational social security schemes.
- (c) The Government will consult the social partners regarding the implementation of the Directive more generally, in particular:
  - (i) mechanisms for resolving disputes regarding the definition of equal treatment and compliance with the new rules that avoid undue delays for workers and unnecessary administrative burdens for business;
  - (ii) appropriate arrangements to enable the two sides of industry and also public services to reach appropriate agreements on the treatment of agency workers, while respecting the overall protection of agency workers; and
  - (iii) appropriate anti-avoidance measures reflecting Art 9 (2), in particular relating to the treatment of repeat contracts for the same worker and the position of workers with permanent contracts of employment with agencies who continue to be paid between assignments; it is not intended that article 5 (2) will be used to evade the aims of the Directive.
- (d) The new arrangements will be reviewed at an appropriate point in the light of experience.

The Government will now engage with its European partners to seek agreement on the terms of the Agency Workers Directive that will enable this agreement to be brought into legal effect in the United Kingdom. The Government hopes that EU agreement will be obtained in time for the necessary UK implementing legislation to be introduced in the next parliamentary session.

**20 May 2008**