

This supportive letter is intended for the Estonian social partners and the public authorities to whom it might concern.

Brussels, 9th September 2010

Dear friends,

As far as we know, the Estonian agency work industry is so far not relevantly regulated. Estonia has not yet ratified the ILO Convention n°181 on private employment agencies (PrEAs) and the implementation of the EU Directive on temporary agency work (2008/104/EC) has not been completed.

As a consequence, malafide and/or bogus temporary work agencies can operate within the Estonian labour market, leading to abuses and exploitation of workers but also creating unfair competition for the ethical and law abiding agencies. These unfair practices damage the reputation of the whole agency work industry, will weaken the economic recovery and harm employees trust and market competitiveness, which would rise through work in agencies with well regulated labour relations.

As the European confederation of private employment agencies, Eurociett is very much concerned about the lack of proper regulation for agency work in Estonia and calls for public authorities and social partners to engage into discussion in order to develop an appropriate regulatory framework. This framework should reach a balance between on the one hand the need to protect agency workers and on the other hand to allow for the sound development of the PrEA industry. Regulation on agency work can be achieved through a mix of different sources: labour law, self-regulation and/or collective bargaining.

What is certain is that the lack of legal recognition of the triangular employment relationship (a tripartite relationship where a worker has an employment relationship with a private employment agency and is posted to a user company to work under its supervision) leads to the development of less favourable forms of flexible employment like undeclared work, subcontracting, or bogus self-employment.

At the European level, Eurociett has developed a constructive social dialogue with trade unions (represented by UNI Europa) in order to build a better understanding of the reality of the agency work industry and to create the most suitable legal environment for the industry to operate in. Several Eurociett/UNI Europa joint declarations have been signed (on the Directive on Temporary Agency Work, flexicurity, vocational training) and research projects have been carried out jointly (especially on the regulation on TAW).

Eurociett represents the organised and ethical side of the agency work industry. Eurociett members have to abide to its Code of Conduct, they refuse to compete at the expense of workers' rights and work hand-in-hand with governments to fight illegal work and social dumping.

As the Eurociett member representing Estonia, ESAA (Estonian Staffing Agency Association / EPREL – Eesti Personalirendiettevõtete Liit) is fully entitled and legitimate to represent the agency work industry in Estonia and to enter into negotiations with public authorities and worker representatives on this issue. Through its Eurociett membership, ESAA represents the employers' side for the Agency Work industry within the EU sectoral social dialogue and has strong links with the EU institutions and other business organisations. There is no other employers' body representing the agency work industry in Estonia and therefore we suggest making the most of their competence and professional expertise.

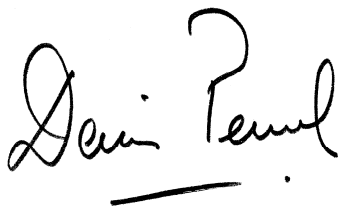
ESAA is also fully legitimate to advise the government and social partners on how best to implement the EU Directive on Temporary Agency Work Directive (to be completed by December 2011 at the latest). With the support of Eurociett, ESAA is also calling the Estonian government to ratify the ILO Convention 181 as a way to properly regulate private employment agencies in Estonia.

Indeed, services provided by Private Employment Agencies (and especially temporary agency work) can be part of the solution to improve the efficiency of the labour markets by:

- Providing work to job-seekers
- Acting as a stepping-stone to permanent employment
- Enhancing job opportunities and integration in the labour market, in particular for the most disadvantaged group of workers
- Improving labour market's fluidity
- Helping the creation of jobs that would not exist otherwise and therefore contributing to reduce unemployment
- Developing fruitful cooperation with the Public Employment Services
- Facilitating access to vocational training

As the EU 2008/104/EC Directive stipulates, "Temporary agency work meets not only undertakings' needs for flexibility but also the need of employees to reconcile their working and private lives. It thus contributes to job creation and to participation and integration in the labour market."

Yours sincerely,



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For further information please visit our website (www.eurociett.eu) or contact us directly (info@ciett.org).

