



COMMISSION OF THE EUROPEAN COMMUNITIES

# STUDIES

## **Temporary-employment business**

**Comparative Study  
of provisions laid down  
by law and regulation  
in force in the Member States  
of the European Communities**



**With regard to the development of the activities of temporary work agencies within the Member countries of the European Community, several Member States have adopted laws, regulations and administrative provisions to control either more effectively, or to limit, or even prohibit the activities of the temporary work agencies.**

**This development has also created problems in the intra-Community movement of labour, through the movement of workers across national frontiers, or by the creation of foreign branches, agencies or subsidiaries.**

**This study is intended to help to clarify the problems of temporary employment. It contains essentially the existing and future statutory provisions on the law relating to temporary employment.**

**The intention is to provide with the present study, in convenient form, a survey of the various arrangements in the individual Member States. However, no evaluation is made of temporary-employment business or of the arrangements made in the Member States.**

# **Temporary-employment business**

Comparative Study  
of provisions laid down  
by law and regulation  
in force in the Member States  
of the European Communities

(prepared under the responsibility of  
Georg Sandmann and Mr Dieter Marschall  
and national rapporteurs)

**“The Commission of the European Communities declines any responsibility as to the use which may be made of the present work.”**

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## A. OBJECT OF THE STUDY

Temporary-employment business, i.e. the temporary hire of an employee (temporary worker) for monetary reward by his employer (hirer-out) to a third party (hirer), in whose business and according to whose instructions the employee must do his work, was rare up to the end of the 1950s in the Member States of the European Communities. Since then, it has acquired an importance, economically and in social policy, that has given rise to legislation in all of the Member States; temporary employment is either already regulated by special laws or such statutory regulations are in course of preparation.

Because international temporary employment has created special problems in a number of Member States, the Commission of the European Communities has already begun to deal with this question, succeeding in bringing about an agreement between the Member States on the exchange of information concerning questions of international temporary employment and mutual administrative assistance.

This study is intended to help to clarify the problems of temporary employment. It contains essentially the existing and future statutory provisions on the law relating to temporary employment, and is based upon contributions by national rapporteurs who, as practising experts on temporary-employment law in their own country, have described comprehensively the system in their respective Member States. The following national rapporteurs have participated:

Belgium :  
Mr Paul Breyne

Denmark :  
Mrs Else Lambaek

F.R.Germany :  
Georg Sandmann  
Dieter Marschall

Ireland :  
Mr Pascal Leonard

France :  
Mr Jean Botrel

Luxembourg :  
Mr Francis Nimax

Netherlands :  
Mr von Dooijeweert (deceased)  
Mr Wijnstra

United Kingdom :  
Mr Eric Norcross

Synthesis :

Mr Georg Sandmann

Mr Dieter Marschall

Some of the national contributions inevitably contain gaps in their treatment of particular problems, because in some Member States there are no specific arrangements for certain questions, or none covered by established case law and jurisprudence.

The intention is to provide with the present study, in convenient form, a survey of the various arrangements in the individual Member States. No evaluation is made of temporary-employment business or of the arrangements made in the Member States.

The study concentrates upon the two main aspects from which the Member States of the European Communities have regulated temporary-employment business, one object of the statutory provisions being supervision of temporary-employment agencies and their business practices, in the interest of public order and of a properly functioning labour market. The other object has been to give social protection to the temporary worker. Member States have employed a variety of means to achieve these two ends.

Within the sphere of social protection of temporary workers, some Member States have made a large number of special provisions with separate regulations for temporary workers, while other Member States have regulations which ensure that the general provisions for social security also apply to temporary workers, and others again consider the existing general provisions adequate without any explicit reiteration of their application to temporary workers.



## B. FORM OF PRESENTATION

This study does not describe the general systems of social protection in the Member States of the European Communities; they are covered by the relevant publications of the Commission of the European Communities, to which the reader can refer.

It confines itself, rather, to describing the special provisions for temporary workers; but these provisions are also reproduced when they merely state explicitly that the general provisions apply. The study also endeavours to reveal the gaps in the statutory regulation of social protection of temporary workers where no regulation has been made in a particular Member State or the regulation is unclear.

In order to enable the reader to obtain a general picture, and to break down the wealth of material for easy reading, extensive use is made of synopses in the following account. No detailed knowledge of the legal systems or systems of social protection within the Member States is assumed in this study, nor does it make any appraisal of the legal provisions of the Member States from the standpoints of legal theory or doctrine; for this, the reader can refer to the comprehensive study made by Professor Schnorr for the Commission of the European Communities. The study takes as its starting point the position of the law in all the Member States at 1 October 1975. For the United Kingdom, the legal position described is as it will be after the Employment Agencies Act 1973 comes into force, this being expected to take place in early summer of 1976. It should be noted that the Employment Agencies Act 1973 does not apply in Northern Ireland nor in those parts of the United Kingdom to which the law of the European Communities does not apply completely (Channel Islands, Isle of Man). For Belgium, the existing legal position and the position expected after the tabling of the bill in Parliament on 20 June 1975 are described.

In Luxembourg the Government's programme provides for a specific law which will regulate the activity of temporary-employment businesses thus completing the more general aspects of the legal provisions.

The Minister for Labour and Social Security has already set up a commission to make a complete study of the question. The basis used in this study in the case of Luxembourg will be exclusively the law as it stands at present.

The following individual account contains first the legal bases of temporary-employment business in each Member State, describing the system of statutory regulation and its sources, any more important amendments of the law that are planned, the legal interpretation of the concept of temporary-employment business and the actual scope of temporary-employment business, in so far as this is known or can be estimated.

This is followed by a description of the individual arrangements to safeguard public order and a properly functioning labour market. They

include, for example, the personal and material prerequisites for the operation of a temporary-employment business, limitation of the subject matter of temporary-employment business and the obligation of temporary-employment business and the obligation of temporary-employment agencies to prepare statistical and all other useful data for the public authorities.

Next, the regulations on the social protection of temporary workers and the penalties for contravention of the regulations are described.

Finally, the available information from Member States on international temporary employment is summarized and the authorities responsible for the dissemination of information between the Member States of the European Communities are specified.

## C. REGULATION IN THE MEMBER STATES

### I. GENERAL INTRODUCTION

In order to ensure public order within the sphere of temporary-employment service and the social protection of temporary workers, the Member States of the European Communities have made or envisage making various regulations. All of these regulations include limitation of temporary-employment business.

This limitation ranges from

- complete prohibition of temporary-employment business in Italy, through
- prohibition in certain sectors of the economy, combined with the obligation to obtain an official licence for temporary-employment business in other fields in Denmark and the Netherlands, through
- general compulsory licensing in F.R. Germany, the United Kingdom, Ireland, and in Belgium (according to the draft law and also through
- compulsory notification, with the obligation to comply with numerous regulations in France, in Belgium and also in Luxembourg where it will be added to the existing more general legal provisions.

The subject matter of temporary-employment business - in so far as it is permitted - also varies in the Member States of the European Communities. Some Member States make licensing subject essentially to compliance with certain regulations on the establishment and layout of the premises from which the temporary-employment agency will operate, while regulating temporary-employment business itself only to a minor extent. Other Member States subject temporary-employment business to a great variety of practical restrictions. In France, for example, the duration of the employment relationship of the temporary worker with the hirer-out or temporary-employment agency is confined to the duration of the hire to the hirer, whereas in the Federal Republic of Germany confining the duration of the employment relationship between temporary workers and temporary-employment agencies to the duration of hire to a hirer is expressly prohibited. In other Member States, such as the United Kingdom and Ireland, there are no time limitations.

In all existing or planned regulations of the Member States, provisions are made to a greater or lesser extent for the social protection of temporary workers. The legislators assume that this category of employed persons require special protective measures for their social security.

The scope of these regulations varies widely, however. There are Member States that have virtually created, with a welter of special regulations for temporary workers, a specific system, ranging from special provisions concerning holidays, employment compensation, wage levels and introduction to social insurance institutions, to special regulations on notice of termination. Other Member States, on the other

hand, consider it important to ensure the application of the general regulations to temporary workers and assume that the general legal principles ensure that temporary workers have social protection.

At a quite general level, it should be noted that a lack of special statutory regulation for temporary-employment business does not necessarily mean that in the Member State with no special regulations the social protection of temporary workers is not ensured or is endangered. In these cases, the general legal principles apply, and they may be entirely adequate. In the following summaries, the general regulations for temporary-employment business are also stated where there is a lack of any special legislation, in so far as this can be done without describing the entire social protection system in an individual Member State. It is true that in many cases where special legislation is lacking, there are still no legal precedents, or no firmly established case law, on the effect of the general principles upon the protection of temporary workers, so that the rapporteur of the system of national law has not been able to base his reporting upon any generally applicable legal view substantiated by legal precedents. This fact, too, is stated in the following summaries.

The regulation of temporary-employment business between the Member States of the Community and from and to non-Community countries is particularly important for the European Communities. In some Member States (e.g. Denmark, Ireland) there is neither any regulation of international temporary-employment business nor any practical experience in this field. In other Member States, international temporary work is prohibited (Netherlands for temporary workers going out of the country) or is subject only to the general restrictions (Luxembourg) or to general restrictions applying to the activity of foreign workers (United Kingdom).

## II. INDIVIDUAL REGULATIONS

### 1. THE LEGAL BASES OF TEMPORARY-EMPLOYMENT BUSINESS

#### 1.1 Statutory regulation, with sources

In all of the Member States statutory provisions on temporary work either exist or are in the course of preparation.

The legal provisions that apply are as follows (position at 1 October 1975):

#### Belgium

##### a) Existing legal position

Statutory regulation exists only with respect to the social security of temporary workers.

Article 3 of the Royal Decree of 28 Novembre 1969 ("Moniteur" of 5 December 1969) provides that the regulations on social security apply to "persons sent as temporary workers to work with third parties, and also to the persons who send them and remunerate them". Thus, the hirers-out must pay social security contributions for their temporary workers as though they (the hirers-out) were employers.

##### b) Future law

A comprehensive bill exists on the provisional regulation of hired labour and the supply of labour to hirers or borrowing employers. This bill was tabled in the Belgian Chamber of Deputies on 20 June 1975 (Doc. 1974-75/627/1). (1)

#### Denmark

Temporary-employment business is regulated by law, being prohibited in principle by the Labour Act. However, the Labour Act does make it possible for the Minister of Labour to permit temporary-employment business where temporary work seems to be necessary within particular sectors of the economy or localized areas. Temporary employment is permitted in the business sector and for office jobs, on the conditions laid down in the Ministry of Labour Order of 17 April 1970 applying to temporary employment offices within the commercial and clerical sector.

The Labour Act was published in the "Lovtidende" of 1973 and the Ministry of Labour Order of 17 April 1970 in the "Lovtidende" of 1970.

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(1) Adopted by the Chamber of Deputies on 18 March 1976.

## F.R. Germany

Temporary work is regulated in the law on the regulation of temporary - employment business ("Arbeitnehmerüberlassungsgesetz - AUG) of 7 August 1972, which was amended by the Introductory Law to the Penal Code ("EGStGB) of 2 March 1974 and the law on the amendment of the AFG and AUG of 25 June 1975. The AUG is published in the "Bundesgesetzblatt", Part I, page 1393, the EGStGB in the "Bundesgesetzblatt", Part I, page 469, and the amending law in the "Bundesgesetzblatt", Part I, page 1542.

## Ireland

Temporary-employment business is regulated together with placement service in the Employment Agencies Act 1971. The Act was published as No. 27, 1971. Implementing regulations have been issued for the Act, published as S.I. 255 of 1972.

## France

Temporary-employment business is regulated by the law on temporary work, No. 72-1 of 3 January 1972 ("Moniteur" of 5 January 1972), amended by Law No. 72-167 of 5 July 1972. A further law, the law on the restraint of trade with labour, No. 73-608 of 6 July 1973, amplified the regulations.

Several statutory orders have been passed in connexion with the laws. Order No. 73-53 of 5 January 1973 governs the explanations, justifications and information that are to be submitted to the authorities. It is published in the "Moniteur" of 13 January 1973. Order No. 73-305 of 13 March 1973 ("Moniteur" of 20 March 1973) lays down the conditions for the application of Article 8 of the law of 3 January 1972, in so far as it concerns substitution of the hirer for the hirer-out in the event of the latter's insolvency. Further statutory orders are Order No. 74-430 of 14 May 1974 (published in "Moniteur" of 16 May 1974) and Order No. 75-326 of 5 May 1975 ("Moniteur" of 7 May 1975).

## Luxembourg

In Luxembourg, temporary-employment business is not yet specifically regulated by law. Legal provisions of general implications are however implemented. (1)

## Italy

The statutory prohibition of temporary-employment business in Italy arises from Law No. 1369 of 23 October 1960 and also from Presidential Decree No. 1192 of 22 November 1961. Law No. 1369 is published in the

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(1) Law of 2 June 1962 on access and practise of certain professions ILO - Convention No. 96 on the prohibition of paying employment agencies.

"Gazetta Ufficial" No 289 of 25 November 1960 and Presidential Decree No. 1192 in the "Gazetta Ufficiale" No 293 of 25 November 1961.

## Netherlands

Temporary-employment business is regulated by the Law on temporary employment (Wet op het ter beschikking stellen van arbeidskrachten") of 31 July 1965.

The law is published in the Law Gazette of 1965, No. 379. The Royal Decree of 10 December 1970 concerning implementation of Article 2 § 1 a) of the Law on temporary employment is published in the Law Gazette 410.

There is no statutory regulation of temporary-employment business at present. However, a law has already been passed which will regulate placement service and temporary-employment business. It will probably come into force in early summer 1976. This is the Employment Agencies Act 1973.

### 1.2 The definition of temporary-employment business

The definition of temporary-employment business in the legal systems of the Member States is particularly important, because it defines the sphere to which the legal provisions for the benefit of the labour market and the protective regulations for temporary workers apply.

The detailed definitions of temporary-employment business are as follows :

## Belgium

In Belgian law there is no legal definition of temporary-employment business. However, established case law has evolved certain principles of distinction between placement service and temporary-employment business.

According to these principles, the despatch of workers who remain under the direction of the lending employer does not constitute for the lending employer the operation of an office for remunerated placement service (Lüttich Court of Appeal decision of 27 June 1973). An employer-employee relationship exists between a lending business and the temporary worker (Supreme Court of Appeal decisions of 7 January 1965 and 6 June 1968). It is therefore assumed by the legal experts and in most established case law that a legal relationship as between employer and employee exists between lending employer and temporary worker, in which the lending employer sends the temporary worker to work with a third party and pays him.

The parliamentary bill defines temporary-employment service, which it regards as a special form of temporary work, first in general terms.

Temporary work is work done under a contract of employment, the purpose of which is either to replace a permanent employee or to deal with an exceptionally heavy volume of work or to perform an unusual task.

Temporary employment is a form of temporary work in which an employee, the temporary worker, is made available under an agreement concluded for this purpose between the proprietor of a business, the borrowing employer, and a lending employer, the temporary worker being bound to the lending employer by a contract of employment.

### Denmark

The Labour Act stipulates that temporary-employment exists when two firms conclude an agreement according to which one of the firms (the lending employer) undertakes to make labour available to the other firm (the borrowing employer).

The lending employer undertakes to provide the borrowing employer with workers at his own risk and expense. The lending employer employs and pays the temporary worker during the period of his employment with the borrowing employer, the temporary worker being subject to the supervision and under the direction of the borrowing employer.

### F.R. Germany

No explicit legal definition of temporary-employment business exists. The law on temporary employment defines temporary-employment business negatively, by distinguishing it from placement service. According to this law, temporary-employment businesses are employers (hirers-out) who hire out for reward employees (temporary workers) to third parties (hirers), without thereby performing placement service (1). Placement service within the meaning of German law is any activity with the aim of bringing together persons seeking employment and employers, to establish employment relationships. (2)

German established case law and jurisprudence accordingly define temporary-employment business as "the hiring out for reward of employees (temporary workers) by their employers (hirers-out) to perform work for a third party (hirer)".

### Ireland

The Employment Agencies Act defines the activity of a placement agency (employment agency) and temporary-employment business in the same regulation as follows :  
"The business of seeking, whether for reward or otherwise, on behalf of others, persons who will give or accept employment, including the obtaining or supplying for reward of persons who will accept employment from or render services to others".

### France

Temporary-employment business is defined in Article 1 of Law No. 72-1 of 3 January 1972, according to which a temporary-employment agent (hirer-out) is any natural or legal person whose work is devoted solely

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(1) § 1 par. 1 AÜG

(2) § 13 par. 1 AFG



to making available to hirers (borrowing employers), for temporary use, workers whom the hirer-out engages for an agreed employment for profit, and pays for this purpose.

Temporary-employment service not for profit is also subject to certain restrictions.

### Italy

Italy law contains no explicit statutory definition of temporary - employment business; nor is placement service ("collocamento / mediazione") defined in law . Placement service is interpreted very widely, being related to every kind of employment of labour ("avviamento al lavoro").

Placement service is a public function reserved for the Labour Administration (1). Moreover, Law No. 1369 of 23 October 1960 prohibits explicitly the assignment purely of jobs, by means of contracts for work or sub-contracting agreements, or in any other way, even co-operatively, to workers who are employed and paid by an employment officer or placement officer.

### Luxembourg

In Luxembourg, there is no special statutory regulation of the activities of temporary-employment businesses, and therefore no formal definition of temporary -employment business, either. However, experts on employment matters all agree that service enterprises which employ and remunerate persons in order to make them available to third parties (hirers) to perform work can be regarded as temporary-employment businesses.

### Netherlands

Article 1, paragraph 1, b) of the law on temporary employment defines temporary-employment business as the transfer of employees to another person, in return for payment, to perform normal work in the business of that other person, other than under a contract of employment concluded with that other person. (2)

### United Kingdom

The Employment Agencies Act 1973 defines an employment business as "the business of supplying persons in the employment of the person carrying on the business, to act for, and under the control of other persons..."

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(1) Article 1 Law No. 264 of 29 April 1949

(2) Law of 31 Jul- 1965, law gazette 1965, 379

### 1.3 Distinction from other types of contract

In a number of Member States the distinction between temporary employment and other forms of contract does not give rise to any problems, while in other Member States considerable legal or practical difficulties exist in distinguishing temporary employment from other forms of contract. Special difficulties arise in some Member States in distinguishing it from placement service or from certain forms of contracts for work.

These difficulties are described in the following summary account.

#### Belgium

According to the present legal position, distinguishing between temporary-employment business and placement service is a considerable problem. The operation of offices placing people in jobs in return for payment is prohibited in principle. The Belgian Government holds the view that within the meaning of the Royal Decree of 10 April 1954, any private business that procures work for a worker and demands payment in any form for its service either from the employer or from the worker, must be regarded as an office for paid placement service. In the light of this definition, persons who carry on temporary - employment business for profit, too, would come under the prohibition of offices for paid placement service. However, the Government holds the view that there is a fundamental difference between temporary - employment business and placement service, because the temporary worker remains subject to the hirer-out (temporary-employment agency) while he is doing his work in another business, whereas this is not so in the case of placement service.

No legal problems arise in distinguishing temporary-employment from the contract for work. The existence of a sub-contract is assumed when a sub-contractor undertakes to carry out for a main contractor, by means of a contract for work, certain jobs with the aid of his personnel (and plant and equipment), for the account of the main contractor. No supplying of the main contractor with workers takes place. The workers remain bound to the sub-contractor, under a conventional contract of employment.

#### Denmark

Placement service exists when an intermediary acts solely as an "instrument" in the conclusion of a contract of employment between an employer and a wage- or salary-earner, without the intermediary being a party to the contract. Since the temporary-employment office (hirer-out) employs and pays the temporary worker in temporary - employment business, the distinction between placement service and temporary-employment business is clear.

The distinction between a contractor for work and a hirer-out of labour is simple in law, too. The work contractor or sub-contractor undertakes to produce a work result agreed in precise terms, and in producing this result the work contractor exercises the executive function, deciding how many and what personnel will be employed in producing the work, and these workers remain employees of the work contractor.

## F.R. Germany

Placement service is an activity directed towards bringing together persons seeking work and employers in order to establish employment relationships. The placement agent is not an employer of the labour that he provides. In temporary-employment business, on the other hand, the hirer-out is an employer of the temporary workers provided.

Although the distinction between placement service and temporary - employment business is relatively easy to make, practical difficulties arise in distinguishing between temporary-employment business and certain forms of contract for work.

Legally, under a contract for work the contractor owes to the client a certain result, the work, to produce which he uses his own employees as assistants in performance of the contract (1). The temporary - employment business, on the other hand, is obliged only to provide a worker for a particular period of time.

In practice, however, these distinctions do not have to be closely observed. Under German civil law a work contractor can also exclude contractually the liability for the work that he owes. In these cases it is often hardly possible to distinguish, in business terms, between a contract for work and temporary-employment business.

## Ireland

There are no difficulties in distinguishing between temporary - employment business and placement service, since both activities are subject to the same regulations. (2)

In distinguishing between a contractor for a specific job and temporary -work businesses, the crucial question is who directs and supervises the workers. If the workers are instructed and supervised by the customer (hirer), the providing agency is held to be a temporary-work agency, but if the contractor directs and supervises them, a contract for work is assumed to exist.

## France

There are no problems of distinction between placement service and temporary-employment business. Placement service exists when the placement agent endeavours to fill applications for jobs by acting as an intermediary between those seeking work and those offering jobs (Supreme Court of Appeal decision of 13 May 1953).

Under a contract for work or business, a self-employed person undertakes to carry out a specific job for another person in return for agreed remuneration, whereas the temporary-employment business (hirer -out) makes workers available to the hirer, charging the hirer only for the hours worked.

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(1) §§ 631, 278 BGB

(2) Employment Agency Regulation 1972  
(S.I. 255 of 1972)

## Italy

The distinction between placement service and temporary-employment service is unimportant, since both forms of activity for private persons are prohibited.

Italian law recognizes two kinds of contract which correspond to the contract for work in the legal systems of other Member States. A contract for work ("contratto d'opera") exists when anyone undertakes to carry out a job or a service, chiefly through his own work, without an employer/employee relationship being obligatory. (1) Thus, with this type of contract, in contrast with temporary-employment, there is no subordination of the temporary worker to the client for the work.

An "appalto", which is also equivalent to the contract for work, exists when a party to a contract undertakes to perform a job or service for money, providing the necessary equipment and supplies himself and acting at his own risk. (2)

An "appalto" which relates to the performance merely of jobs through the use of labour belonging to the undertaker of the work ("appaltatore") is illegal. (3) A typical attempt to circumvent this is explicitly prohibited by law also. If the undertaker of the work (contractor) obtains from the client for the work the capital and plant and machinery that he uses, then illegal temporary-employment business is assumed.

The prohibition applies even if the undertaker of the work (contractor) makes a payment for the equipment (plant or machinery) provided by the client. (4)

## Luxembourg

Any activity is regarded as placement service which has the aim of bringing together persons seeking work and employers, for the purpose of their entering into employment relationships.

A temporary-employment business, on the other hand, assumes all of the obligations of an employer.

In distinguishing between temporary employment and a contract for work or a sub-contracting agreement, the crucial point is whether the employer-employee relationship is maintained.

## Netherlands

Placement service is defined in law as "continual efforts to assist employers and those seeking work in finding labour and employment". (5) In temporary-employment business, on the other hand, the agency or hirer-out is the employer of the labour.

(1) Article 2222 codice civile

(2) Article 1665 codice civile

(3) Article 1 Law No. 1369 of 23 October 1960

(4) Article 1 § 3 Law No. 1369

(5) Placement service law of 29 November 1930, law gazette 433

Distinguishing between a contract for work and temporary employment is more difficult.

In a contract for work, a particular tangible result must be produced, whereas in temporary employment only the provision of suitable workers is the subject of the contract. In a contract for work the undertaker of the work (contractor) is responsible for the quality of the work done and for supervising the work. A fixed remuneration is usually agreed in advance, whereas in temporary employment payment is usually on the basis of an hourly wage. Finally, another criterion is whether the workers sent to the other firm do work that is customary there - which would indicate temporary employment - or whether they do a job that is unusual in the firm in which it is carried out.

### United Kingdom

A placement agency provides the service of introducing an employer to a worker with a view to the two parties entering into a direct contract between themselves. The employment business, on the other hand, itself enters directly into contractual relations with the workers.

A temporary-employment business exists only where no legal responsibility for the work done by the worker for a borrowing employer is assumed. If a business that sends its employees to another firm assumes liability for the work, then it is not a case of the operation of an employment business, but rather of another type of contract - a contract for work, for example.

### 1.4 Changes envisaged in the law

#### Belgium

A bill for the regulation of temporary-employment business has been tabled in Parliament.

#### Denmark

At the request of the Ministry of Labour the Directorate of Labour has formed a committee on which representatives of the employers' and workers' organizations serve, in order to investigate problems connected with temporary employment. The committee has not yet made any definitive decision on any amendment of the existing legal provisions concerning temporary employment.

In the middle of May 1975 a minor opposition party tabled a bill on temporary-employment offices for more liberalization of temporary - employment business. After a first reading, the bill has been referred to Parliament's Labour Market Committee for further discussion.

## F.R. Germany

The Federal Government, in a report to Parliament, has announced amendments of the law on temporary employment, with a view, in particular, to preventing circumvention of the regulations. (1)

To this end, the amending law will probably provide in future that for certain contracts involving the employment of personnel in places of work other than their own, the existence of temporary employment will be presumed in law. In addition, administrative regulations and regulations relating to fines will be made more stringent.

## Ireland, France, Italy, Netherlands

There are at the moment no intentions of amending the statutory regulations.

## Luxembourg

The Government's programme provides for the introduction of legislation on the activities of temporary-employment businesses. The Minister of Labour and Social Security has already appointed a commission to make an overall study of these questions.

## United Kingdom

The Employment Agencies Act 1973 is not yet in force. It is expected to come into operation in the early summer of 1976 but it has already been amended by the Employment Protection Act 1975 so that the licensing of employment businesses will be carried out by the Department of Employment instead of by local authorities. The Government will continue to be responsible for making the regulations on the operation of employment businesses.

## 1.5 Present extent of temporary-employment business

Temporary-employment business exists in most of the Member States. Some Member States have exact statistics on the extent of this business, while other Member States have only approximate data. Finally, there are Member States that have only estimates or even no data at all on the number of employment businesses and temporary workers. These include especially Member States in which temporary employment is prohibited or not regulated. The number of illegal temporary workers is not known in any Member State.

It has been possible to obtain the following data :

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(1) Bundestagsdrucksache 7/2365

## Belgium

Official statistics are unobtainable for Belgium. The Federation of Employment Businesses (U.P.E.D.I.) has submitted comprehensive statistical data, however, and it can be assumed that the members of this organization employ about two-thirds of the temporary workers from white-collar occupations and about one-third of the temporary manual workers.

In 1974 the members of the U.P.E.D.I. employed a total of 25 310 temporary workers, 11 523 women and 13 787 men. 12 860 of the temporary workers worked as white-collar employees and 12 450 as manual workers.

The U.P.E.D.I. arrived at the number of temporary workers working for its members by addition, and numerous temporary workers entered into more than one employment relationship within the year. The number of temporary workers determined statistically is therefore about twice the number of temporary workers actually employed. The number of temporary workers in Belgium in 1974 was accordingly about 28 300 in members of the U.P.E.D.I.

The individual periods of hire of temporary workers to hirers varied, some being longer than 250 days, while the bulk were less than 25 days and from 26 to 75 days.

## Denmark

In Denmark, temporary-employment business is permitted only for office jobs and commercial occupations. In 1974 there were 26 licensed temporary-employment agencies, employing about 6 300 temporary workers for a total of 1 227 000 hours of work.

## F.R. Germany

At 30 June 1975 there were 812 temporary-employment businesses in the Federal Republic of Germany, 87 of them with their principal place of business in other Member States of the European Community (77 in France 10 in the United Kingdom). The agencies employed 11 805 temporary workers; 1 556 of them were non-nationals, and 1 273 of these were nationals of other Member States.

## Ireland

In the Republic of Ireland at 1 January 1975 there were 92 agencies licensed under the Employment Agencies Act. 41 of these agencies were working in temporary-employment business.

In the 6-months period ended 31 January 1975, temporary-employment agencies concluded contracts for 3 500 temporary workers. Most of the temporary-employment agencies work in the field of secretarial and office personnel, with the 5 largest agencies holding about 80% of the business.

So far as is known, there is no Irish temporary-employment agency operating outside the country, and no agency with its principal place of business in another country sends temporary workers to Ireland.

### France

In France at 31 December 1974 there were 1020 registered temporary - employment businesses, with a total of 2105 branches. 545 of the agencies - i.e. more than one-half- had their principal place of business within the Paris area.

### Italy

Temporary-employment business is prohibited in Italy. No figures are available on detected cases of unlawful temporary-employment business. Notifications by the labour inspectorates ("ispettorati del lavoro") of offences against labour law are combined statistically in a way that prevents the extraction of any cases of unlawful temporary - employment business.

### Luxembourg

There are two temporary-employment agencies operating in the Grand Duchy of Luxembourg.

### Netherlands

In the Netherlands at 30 June 1975 about 550 licences were held for temporary-employment business. About 160 of the licence-holders are engaged exclusively in temporary-employment business, and the remainder are what are called "mixed businesses", i.e. they employ their workers chiefly in their own business and sometimes lend them to other firms.

The number of temporary workers hired out averages, in general, 35 000.

## 2. REGULATIONS TO ENSURE PUBLIC ORDER AND A PROPERLY-FUNCTIONING LABOUR MARKET

The arrangements made by the individual Member States as to the admissibility of temporary-employment businesses range from allowing such businesses almost complete freedom, through numerous licensing requirements to the complete prohibition of temporary employment. Where official licensing or notification is prescribed, the labour authorities have usually been declared to be the competent authorities.

### 2.1 Licensing of temporary-employment businesses

#### Belgium

It is assumed in Belgian established case law and jurisprudence that the prohibition of placement offices for reward does not extend to the operation of a business for temporary-employment business. No official



licence or registration is granted for the operation of a temporary - employment business, nor is it necessary, according to case law and jurisprudence.

The parliamentary bill provides that during the period of validity of the law, initially limited to 4 years, temporary-employment business is permissible where a business is licensed by the Minister for Employment and Labour, after a Licensing Commission comprising representatives of workers, hiring employers and temporary-employment businesses, as well as officials of the ministries concerned and of the National Employment Bureau, has submitted an experts' report.

### Denmark

Temporary-employment business is prohibited in principle. Within the clerical and commercial sector, temporary-employment business is permitted until further notice, provided that the agency conforms to the conditions laid down in the Ministry of Labour Order of 17 April 1970 and has obtained a licence. The licence is issued by the Directorate of Labour, which is bound to issue a licence on application to those temporary-employment businesses that conform to the provisions of the Order.

### F.R. Germany

Temporary-employment business is permissible only after official licensing (1), the licence being issued, on application in writing, by the offices of the Federal Labour Institution (regional labour offices). (2)

The licence is limited initially to one year (3), but when an agency has been in licensed operation for 3 successive years, the licence can be obtained for an unlimited period. (4)

### Ireland

Temporary-employment business is permissible only with a licence from the Ministry of Labour.

The licences are issued for a period of one year, for a fee of £ 5 annually.

### France

Advance notification of the establishment of any temporary-employment business or branch, sub-agency or sub-office must be given to the appropriate labour inspectorate for the principal place of business of the temporary-employment agency, on the prescribed printed form. The notification must contain certain specified particulars.

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- (1) § 1 par.1 AÜG
  - (2) § 2 par.1, § 17 1st sentence AÜG
  - (3) § 2 par. 4 AÜG
  - (4) § 2 par. 5 AÜG

A temporary-employment business may commence operation only when the labour inspectorate returns a copy of the application to the applicant, endorsed with his stamp, or after a period normally of 15 days after notification. (1)

### Italy

Temporary-employment business is prohibited, any business person being expressly forbidden by law to transfer the performance of work to a work contractor or placement agency through the employment of his personnel. (2)

Moreover, it is forbidden to assign to own employees or third parties jobs that are to be done as piece-work by personnel who are employed and paid by a company's own employees acting as placement agents or by the third parties. This prohibition also applies to the involvement of co-operatives. (3) The categorical prohibition of temporary-employment business is suspended, within a limited sector only, in that small farmers may exchange labour or services with other small farmers in accordance with the practices of customary law. (4)

The prohibition of temporary-employment business even embraces certain closely-related activities. Contracts for work ("appalto") for which the work contractor ("appaltatore") uses capital, machinery or equipment placed at his disposal by the client ("appaltante") are also prohibited as temporary-employment business, even if the work contractor pays the client for the equipment or capital provided. (5)

### Luxembourg

Temporary-employment business is not prohibited, provided that the obligations which usually fall on an employer are fulfilled.

In Luxembourg, anyone who wishes to establish himself as a trader, industrialist or craftsman must have a licence from the Minister for Economic Affairs (Articles 1 and 6 of the law of 2 June 1962 on the conditions of access to and practice of certain professions and on the establishment and operation of businesses). This regulation also applies to temporary-employment businesses.

### Netherlands

There is no general prohibition in Dutch legislation. However, the law provides that, by means of a general administrative order, in the interests of good relations on the labour market or of the labour concerned in general, or in particular cases, either the transfer of workers without an official licence can be prohibited or the hiring employer can be obliged to give written notification to an authority of the transfer of labour.

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- (1) Article L 124-10, R 124-1 and 124-2 Labour Law
  - (2) Article 1 par. 1 Law No. 1369
  - (3) Article 1 par. 2 Law No 1369
  - (4) Article 2139 Codice civile
  - (5) Article 1 par. 3 Law No. 1369

The Royal Decree of 10 September 1970 prohibited the temporary employment of labour without a licence issued by the Ministry for Social Affairs. (1)

### United Kingdom

An employment business will require a licence to operate.

The Employment Agencies Act 1973 provided for the issue of licences by local authorities. This provision has been amended so that when the Act comes into force licenses will be issued by the Department of Employment. It is expected that the Department will require a substantial fee in respect of the licence.

### 2.2 Preconditions for the issue of the licence

#### 2.2.1 Requirements for the agency operator

##### 2.2.1.1 Nationality

In a number of Member States the nationality of the operator of a temporary-employment business is important for the issue of a licence or for permission to operate as an employment agent.

### Belgium

There are no legal provisions at present by which the nationality of an employment-agency operator influences permission to carry on temporary-employment business.

However, non-nationals who are not subjects of a Member State of the European Communities require for self-employed work a permit ("carte professionnelle") issued by the Ministry for the Self-Employed.

For the issue of a licence under the new bill, the nationality of the agency operator is not a criterion.

### Denmark, Ireland, Netherlands

The nationality of the agency operator is irrelevant for the granting of a licence.

### F.R. Germany

The licence can be refused if the applicant is a non-national or if a company or legal person making the application is neither established in accordance with German law nor has its principal place of business as specified in its Articles, nor its head or main office in the Federal Republic of Germany (2). This restriction does not apply to

(1) Law gazette 410

(2) § 3 par. 3 AUG

nationals and companies of Member States of the European Communities, who can obtain the licence under the same conditions as German nationals. (1)

All applications by other non-nationals and other foreign companies or legal persons are rejected.

### France

There is no restriction upon operating a temporary-employment business for non-nationals in France, apart from the general regulations on the limitation of foreign financial investment and the provisions of the commercial code, particularly those relating to the trading permit for non-nationals. (2)

### Italy

Temporary-employment business is prohibited for both nationals and non-nationals.

### Luxembourg

The trading permit that is required for carrying on any self-employed occupation is issued to non-nationals only if they are subjects of a country which accords reciprocity to nationals of Luxembourg in this sector or if they have no particular nationality. National subjects of Member States of the European Communities are on an equal footing with Luxembourg nationals in this respect.

### United Kingdom

The legislation does not make any special reference to the nationality of the applicant for a licence to operate a temporary-employment business. If the applicant has a place of business in the United Kingdom then that place of business will require a licence.

#### 2.2.1.2 Legal form of the operator

In the Member States, both natural persons and legal persons may in general operate a temporary-employment business, if no prohibition exists.

#### 2.2.1.3 Reliability (suitability and fitness)

In a number of Member States, the operator of a temporary-employment agency is required to satisfy certain personal requirements.

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(1) § 3 par. 4 AUG

(2) Law of 12 November 1938 amended by order No. 69-815 of 28 August 1969.

### Belgium

As the law stands at present, no requirements exist as to the personal reliability or qualification of a temporary-employment agency operator.

The parliamentary bill stipulates that only trading companies may obtain a licence. It does not stipulate any special personal requirements for the operator of a licensed agency.

### Denmark

No requirements exist as to the personal qualifications or reliability of an agency operator.

### F.R. Germany

The operator must be reliable. He must not have been convicted by the courts and must produce a certificate of good conduct with his application. (1)

Licences are also refused where, during two years immediately preceding an application for an agency licence, the applicant has gone bankrupt or distress has been levied unsuccessfully upon him by the court.

### Ireland

An agency operator must conform to the following standards of suitability and fitness : (2)

1. He must not be an undischarged bankrupt.
2. He must not have been, during the 5 years immediately preceding his application, convicted of an offence under the Employment Agency Act 1972.
3. He must not have been the holder of a licence which was revoked or be a person who was refused confirmation of a licence on appeal to the High Court otherwise than on grounds of unsuitability of premises.
4. He must not at any time have been convicted of an indictable offence.

The application must be accompanied by character references from two persons resident in the Republic of Ireland who are prepared to support the application.

### France

No one who has been sentenced to certain specified penalties of imprisonment may carry on a business or trade. Prohibition of the operation of a trading company is likewise provided for in certain

(1) § 3 par. 1 No. 1 AUG

(2) Employment Agency Regulation 1972 (S.I. 255 of 1972)

cases of insolvency, winding-up or bankruptcy. A corresponding provisional prohibition applies to certain tax offences.

### Italy

Not applicable, owing to the general prohibition.

### Luxembourg

The general trading licence is issued by the Ministry for the National Economy to private individuals only if they can provide the necessary guarantees of reliability and professional qualification.

### Netherlands

The agency operator must submit a certificate of good conduct.

### United Kingdom

The licence to operate an employment business may be refused if

- the applicant is unsuitable because of previous misconduct or other sufficient reason, or
- some other person connected with the operation of the employment business is unsuitable, or
- the employment business has been or is being improperly conducted.

There is no definite rule about what is "unsuitable" or "improper". Where an applicant disputes the Secretary of State's proposal to refuse or revoke a licence the Secretary of State will refer the matter to an independent person for advice.

## 2.2.2 Practical requirements

In addition to the personal qualities of the operator of a temporary - employment agency, the legal systems of most of the Member States also require certain practical requirements to be fulfilled for the operation of an agency.

### 2.2.2.1 Suitable premises

### Belgium

There are at present no specific requirements regarding the premises or office facilities of an agency. The bill tabled in Parliament does not provide for any requirements in this respect, either.

### Denmark, France, Luxembourg

There are no requirements regarding the premises or facilities of a temporary-employment office.

### F.R. Germany

The business organization of an agency operator must be such as to enable him properly to fulfil the normal obligations of an employer. He must have a permanent place of business, i.e. permanent premises(1).

### Ireland

The premises from which the business of the temporary-employment agency is carried on must conform to the following requirements :

1. the means of access and egress must be adequate having regard to the anticipated volume of business;
2. they must be kept in a clean and tidy condition, equipped with adequate heating, lighting and ventilation and must not constitute a danger to persons using them;
3. they must contain accommodation to enable persons to be interviewed in privacy and be equipped with adequate seating for the number of persons likely to attend at the premises.

### Italy

Not applicable, owing to the prohibition.

### Netherlands

No conditions are laid down concerning the premises or fittings of the temporary work business. In accordance with legal criteria, however, the absence or presumed absence of premises can constitute a reason for revoking or withholding the licence.

### United Kingdom

The premises from which the employment business is to be operated must be suitable. The licence is granted for the premises from which the business is to be operated.

#### 2.2.2.2 Minimum capital

### Belgium

There are at present no specific requirements regarding the minimum capital of a temporary-employment business.

According to the parliamentary bill, however, trading companies operating a temporary-employment business must have a capital of at least 1 250 000 Belgian francs.

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(1) § 3 par. 1 No. 2 AÜG

Denmark, Ireland, France, Luxembourg, United Kingdom

There are no special regulations on the minimum capital for temporary -employment agencies.

F.R. Germany

There are no explicit legal provisions on minimum capital; but the licensing authority requires the agency to have a capital of at least DM 2000 per temporary worker employed, with an overall minimum of at least DM 10 000.

Italy

Not applicable, because of the prohibition.

Netherlands

The financial position of the agency is generally taken into account for the issue of a licence; but no specified minimum amount of capital is necessary.

2.2.2.3 Registration with social security institution

Belgium

Temporary-employment businesses have to be registered with the social security institution and pay social insurance contributions. According to the draft law, foreign temporary-employment businesses without place of business in Belgium have to be members of a Belgian Federation of Employers.

Denmark, Ireland

Prior registration with a social security institution is not a requirement for the issue of a licence.

F.R. Germany

The agency operator must furnish proof of having notified a social security institution before he can obtain a licence. (1)

France

When notice is given of the commencement of temporary-employment business, the operator must state the social security institution to which he intends to pay social insurance contributions, and also his employer-number. (2)

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(1) §§ 317, 520, 1427 Reichsversicherungsordnung

(2) Article R 124-1 Labour Law



## Italy

Not applicable, because of prohibition.

## Luxembourg

For the trading licence, previous registration of the person running the business with a social security institution is not necessary.

## Netherlands

A licence is granted only if the agency operator has registered with a social security institution (business association).

## United Kingdom

Registration with a social security institution is not explicitly prescribed under the Employment Agencies Act. However, the operator of a temporary-employment business who does not fulfill his social insurance obligations as an employer may be denied a licence.

### 2.3 Restrictions on temporary-employment business

Several Member States in which temporary-employment business is permitted under licence or after registration (notification) have laid down certain restrictions under the law.

#### 2.3.1 Restriction to particular areas

## Belgium

There are no restrictions under existing Belgian law. The parliamentary bill does not provide for any geographical restrictions on business, but it does provide for the prevention by statutory order of temporary workers working in certain occupations, trades or industries.

## Denmark

There are no geographical restrictions. Temporary-employment business is permitted only within the commercial and clerical sphere. The Minister of Labour has not used the opportunity, accorded to him under the Labour Act, to allow such business in other economic sphere.

## F.R. Germany, Ireland, France, Luxembourg, United Kingdom

There are no geographical restrictions on temporary-employment business or restrictions to specific economic sectors.

## Italy

Not applicable, because of prohibition.

## Netherlands

The licences contain conditions which prohibit the hiring-out of temporary workers in certain economic sectors or geographical locations. At the moment, these are the building industries in the whole country and metal industries in Rotterdam and district and in Dordrecht and district. (1)

### 2.3.2 Restrictions in time

## Belgium

There are no time restrictions at present. Under the parliamentary bill, temporary-employment business is permitted only for specific purposes. If the temporary worker replaces a permanent worker whose contract of employment is suspended, there is no limit to the duration of the hire.

Where an employee, whose contract of employment has been terminated otherwise than by dismissal with prior notice, is replaced, the maximum hire period is 3 months, but this period can be extended by a further 3 months by special permission. Where temporary work is done to help in dealing with an exceptional increase in the volume of work, the maximum period is 650 hours per annum, if the hire is based upon an agreement with the trade union delegation and the Social Welfare inspectorate. If it applies to extra work that has been stipulated by statutory order, the duration of hire is limited to 3 months.

## Denmark

The duration of the individual hire must not exceed 3 months.

## F.R. Germany

The agency (hirer-out) must not hire out a temporary worker to a hirer for more than 3 months in succession (2). The agency must conclude a contract of employment, unlimited in time, with the temporary worker, unless the temporary worker himself provides proper grounds for time - limitation of the contract (3).

The agency is prohibited from limiting the contract with the temporary worker to the period of hire to a hirer. A temporary worker must thus be employed for a period longer than the period of his hire to a hirer. (4)

(1) Conditions of allowance nos. 13 and 14, published in official gazette of 1 december 1975

(2) § 3 par. 1 No. 6 AÜG

(3) § 3 par. 1 No. 3 AÜG

(4) § 3 par. 1 No. 5 AÜG

## France

Temporary-employment is permissible only for certain purposes. The duration of temporary employment is confined to the duration of the situation to eliminate which the temporary employment is permitted.

In three cases where temporary employment is permitted, the duration of hire must not exceed 3 months, unless reasons justifying extension are submitted to the administrative authority.

The three cases are as follows :

- a) temporary employment to replace a permanent worker whose contract of employment has been terminated; until arrival of a new permanent worker;
- b) a temporary increase in the volume of work;
- c) commencement of new work (1).

## Ireland, Luxembourg, United Kingdom

There are no time limitations for the hire of a temporary worker.

## Italy

Not applicable, because of the prohibition.

## Netherlands

In principle, the hire must not exceed 3 months. If, owing to special circumstances, it is necessary for the hire to exceed 3 months, the agency must inform the Minister for Social Affairs. Should hire for more than 6 months be necessary, the longer period of hire must be specially approved by the Minister for Social Affairs. (2)

### 2.3.3 Restrictions regarding the purpose of temporary employment

## Belgium

The parliamentary bill provides that temporary employment is permitted only for the purpose of

- a) temporarily replacing a permanent employee whose contract of employment is suspended; (unlimited duration of hire)
- b) temporarily replacing an employee whose contract of employment has not been terminated by dismissal with prior notice; (maximum duration 3 months, with possibility of 3 months' extension)
- c) dealing with an exceptional increase in work; (maximum duration 650 hours per calendar year)

(1) Article L 124-2 Labour Law

(2) Condition of allowance no. 12, published in official gazette of 1 december 1975

- d) performing exceptional work stipulated by statutory order; (maximum duration 3 months)
- e) performing certain work defined by statutory order.

#### France

Temporary employment is permitted only in the following cases :

- a) for the duration of the temporary absence of a permanent employee;
- b) for the duration of suspension of a permanent employee's contract of employment
- c) pending resumption of work by a permanent employee whose contract has been terminated;
- d) where there is a temporary increase in the volume of work;
- e) on the commencement of new work; (1)
- f) for urgent work that must be done immediately to avoid accidents, for carrying out safety measures or averting danger to workers.

For cases c), d), and e), the maximum period is 3 months, unless there are grounds which justify an extension.

#### 2.3.3.1 Restrictions in the event of labour disputes

#### Belgium

No restriction on temporary employment in the event of a labour dispute exists at present. However, the parliamentary bill provides that the hirer-out of temporary workers must undertake not to hire out workers to an employer in the event of a lock-out or a strike, and to withdraw temporary workers if the strikes or lock-outs are being conducted with the consent or support of one of the trade union organizations represented on the National Labour Council.

#### Denmark

There is no statutory prohibition of the employment of temporary workers in strike-bound factories.

#### F.R. Germany

There is no prohibition of temporary employment in the event of a labour dispute. However, a temporary worker is not bound to work with a hiring or borrowing employer who is directly affected by a labour dispute (strike or lock-out). (2)

#### Ireland

No special legal provision exists.

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(1) Article L 124<sup>1</sup>/<sub>2</sub> Labour Law  
(2) § 11 par. 5 AUG

## France

In the event of general industrial action, a temporary worker must not be employed in order to replace a permanent employee whose contract of employment is suspended because of the strike. (1)

## Italy

Not applicable, because of the prohibition.

## Luxembourg

There are no special legal provisions in Luxembourg. The right to strike is however guaranteed and regulated by law. A strike can be held only after compulsory arbitration proceedings.

## Netherlands

The hiring or lending of temporary workers to a strike-bound firm to do work that has been done by participants in the strike is prohibited. (2)

## United Kingdom

No restrictions exist at present. However, it is understood that the Government will propose a regulation to prohibit the hiring out of temporary workers to do the work of other employees involved in a labour dispute after the Employment Agencies Act 1973 comes into force.

## 2.4 Compulsory reporting

In order to be able to monitor the extent of temporary-employment business and to make control of licensed agencies easier, most of the Member States require the agencies to submit statistical reports.

## Belgium

No reporting obligations exist at present. However, the parliamentary bill provides for imposition by statutory order of the obligation, for temporary-employment businesses and their customers, to maintain records of the employment of temporary workers and to supply information thereon.

## Denmark

Once a year, the agency must report the number of temporary workers employed, the hours worked and the economic sectors to which the workers have been hired.

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(1) Article L 124-2 Labour Law

(2) Condition of allowance no. 7, published in official gazette of 1 december 1975

## F.R. Germany

The agency must furnish on request all the necessary information for implementation of the law on temporary employment (1). It must also submit six-monthly statistical reports on the prescribed printed forms, containing the following data (2) :

- a) the number of workers hired out, analysed according to sex, nationality, occupational groups and the nature of the employment prior to the establishment of the contractual relationship with the agency;
- b) the number of hirings, broken down by branches of economic activity;
- c) the number of hirers to whom the agency has hired temporary workers, analysed over economic activities;
- d) the number and duration of employment relationships entered into with each temporary worker;
- e) the number of days of employment of each temporary worker hired out, analysed over hirings.

## Ireland

Agencies must submit six-monthly reports containing : (3)

- a) the number of persons that they have contacted regarding a job (for placement or for hire as temporary workers), analysed over major employment categories;
- b) the numbers of persons hired out;
- c) the number of persons placed in jobs or hired out abroad.

## France

The agency must submit weekly reports of the contracts concluded with workers for temporary employment. The statement must contain the surname, forenames, professional qualifications, sex, nationality and date of commencement of temporary employment for each worker.

The agency must submit monthly a statement of temporary-employment contracts concluded with hirers during the preceding month, showing the duration of the contracts, the nature of the jobs taken by the temporary workers and the nature of the hirers.

The agency must submit quarterly proof of payment of social insurance contributions for the preceding quarter. (4)

## Italy

Not applicable, because of the prohibition.

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(1) § 7 par. 2 AUG

(2) § 8 AUG

(3) Employment Agency Regulation 1972 (S.I. 255 of 1972)

(4) Article R 124-4 Labour Law

## Luxembourg

No special reporting obligations exist for temporary-employment businesses. However, all employers must notify vacancies and every engagement of a worker to the employment agencies.

## Netherlands

Each agency must submit, monthly, on a prescribed form the following data :

- the number of hired workers during the relevant month and man-hours
- the number of workers hired on a fixed day, subdivided by men and women with indications of their age; and, for women, indication of their marital status;
- the number of placings achieved in temporary work during the relevant month. (1)

## United Kingdom

No special reporting obligations exist at present. However, after the Employment Agencies Act comes into force every employment business will have to submit, on request by the licensing authority, such information as is reasonably necessary to determine whether the provisions of the Employment Agencies Act and the implementing statutory orders on it have been complied with.

### 3. SOCIAL PROTECTION OF TEMPORARY WORKERS

Member States have attempted to secure the social protection of temporary workers in a great variety of ways.

#### 3.1 Prohibition on the hiring-out of certain persons

In some Member States, non-nationals and young workers must not be hired out as temporary workers or are subject to special regulations.

#### Belgium, Denmark, Luxembourg, United Kingdom

No restrictions exist regarding the nationality or age of temporary workers.

#### F.R. Germany

Generally speaking, non-nationals must not be employed as temporary workers (2). This does not apply to nationals of Member States of the European Communities, among others. There are no restrictions regarding the age of temporary workers.

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(1) Condition of allowance no. 15, published in official gazette of 1 december 1975

(2) § 6 par. 1 2nd sentence of Arbeitserlaubnisverordnung of 2nd of March 1971 (Law Gazette Part I p. 152) modified by the 2nd Regulation amending the Arbeitserlaubnisverordnung of 22nd February 1974 (Law Gazette I, p. 365).

## Ireland

No restrictions regarding the nationality or age of temporary workers.

Temporary workers below the age of 18 who are to be hired out abroad must be informed in writing, in advance of the offer of employment abroad, as to the prospective employer, the nature of the job, the rates of wages, and other particulars. In addition, the agency must have the written consent of the parent or guardian of the person under 18. (1)

## France

Temporary employment of non-nationals is prohibited, the only exception being for nationals of Member States of the European Communities. There are no restrictions regarding the age of temporary workers. (2)

## Italy

Not applicable, owing to the prohibition.

## Netherlands

No restrictions regarding the nationality of temporary workers. However, the hiring-out of workers less than 18 years of age as temporary workers is prohibited, with the exception of summer-vacation work. (3)

### 3.2 Form and content of temporary-employment contracts

Temporary workers can more easily prove their rights arising out of the contract of employment with the temporary-employment agency or hirer - out if a specific form is prescribed for the contract. Regulations on the form of the contract between hiring employer and hirer-out serve to protect the temporary worker, because they make control of the agency by the authorities easier.

## Belgium

No regulations as to the form of contract exist at present. According to the parliamentary bill, the contract between temporary worker and agency must be in writing and contain the following particulars :

Reason for and duration of the contract,  
Purpose of the temporary employment,  
Professional qualification of the temporary worker,  
Place of work and labour law applicable,  
Agreed wages and fringe benefits.

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(1) Employment Agency Regulation 1972 (S.I. 255 of 1972)

(2) Article L 341 - 3 Labour Law

(3) Condition of allowance no. 8, published in official gazette of 1 december 1975



In addition, the contract between agency and hiring employer(customer) must be in writing. This contract should contain :

Licence number of agency,  
Registration number with the social security institutions,  
Reason for the employment of the temporary worker,  
Place and duration of the employment and also hours of work in the hirer's business,  
Professional qualification of the temporary worker,  
Wage of a permanent employee of equal professional qualification in the hirer's business, and also nature and mode of payment of wages.

The temporary worker should receive a copy of the written contract between agency and hirer.

### Denmark

The contract between agency and temporary worker must be in writing. It must agree with a standard form of contract that has been approved by the Labour Directorate.

The following provisions shall appear in the contract :

- a) The wages of the temporary worker shall be at least those paid within the vocational field as provided by the collective agreement;
- b) The temporary worker can demand his wages for the work done, whether the agency recovers its expenses from the client or not;
- c) The individual hire may have an uninterrupted duration of 3 months at most;
- d) The temporary Aid Agency is under an obligation to take out a compulsory insurance for the temporary aid servant, who should also be held insured against third party risks, to meet claims for damages arising under the performance of his duties;
- e) The temporary workers and the agency must not enter into agreements reducing the servant's opportunity to take up other employment at the termination of his work with the agency.

### F.R. Germany

The contract between agency and temporary worker does not need to be in writing. However, the agency or hirer-out is bound to set down the essential content of the contract of employment in a document that must be signed by the hirer-out, and deliver this document to the temporary worker. (1)

The document must contain :

- a) The firm name and address of the agency (hirer-out), the licensing authority and the place and date of the licensing,
- b) Forenames and surname, residential address, and date and place of birth of the temporary worker,

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(1) § 11 par. 1 AUG

- c) The nature of the work to be done by the temporary worker and any obligation to work abroad,
- d) The commencement and duration of the employment relationship, reasons for any time limitation,
- e) Periods for notice of termination of the employment relationship,
- f) Pay and mode of payment,
- g) Allowances for sickness, holidays and temporary unemployment,
- h) Date and place of establishment of employment relationship.

The contract between agency (hirer-out) and hirer (customer) must be in writing. The hirer-out must state in the contract whether he has a licence. (1)

### Ireland

There are no special regulations for temporary workers. However, any employee can demand that his employer should make out a written document stating the conditions of his employment contract. (2) This must show the date of commencement of the work, pay, conditions and hours of work, duration of holidays, agreements on payment during sickness, periods of notice and the date of expiration of the contract if agreed for a specific period. The contract between agency and hirer does not require to be in any specific form (simple contract).

### France

The contract between agency and temporary worker must be in writing. If the contract contains no stipulation as to its duration, it is deemed to be a contract of indefinite duration. The contract must contain the following particulars :

- a) The professional qualifications of the temporary worker required by the hiring employer (customer), the place, the time and the special features of the work,
- b) The qualification of the temporary worker,
- c) The nature and mode of payment and the composition of the pay, including payments in kind.

The contract between agency and hirer must likewise be in writing and state :

- a) The precise reason for the use of temporary employment,
- b) The number of temporary workers required, the professional qualifications required, the place, the time and the special features of the work,
- c) The nature and mode of payment for the temporary employment. (3)

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(1) § 12 par. 1 AÜG

(2) Minimum Notice and Terms of Employment Act 1973 (section 9)

(3) Article L 124 -3 Labour Law

## Italy

Not applicable, owing to prohibition.

## Luxembourg, Netherlands

There are no special regulations.

## United Kingdom

It is proposed that every temporary worker will have to be given written confirmation of his employment contract by the employment business containing the main terms and conditions of the employment. The legislation does not specify the form of the contract but it is expected that regulations will require the employment business to communicate the contractual conditions to the hirer in writing before the temporary employment contract is concluded.

### 3.3 Special provisions of labour law

Before an account is given of the individual special provisions of labour law to protect the temporary worker, it seems necessary to point out that in those Member States that have made no special provisions the social security of the temporary worker must not be impaired. In these countries the general regulations, which can fully guarantee the protection of the temporary worker, apply.

For rapid scanning, the different regulations are arranged in order of the matters that are regulated.

#### 3.3.1 Special regulations on wages

### Belgium

At present, specific regulations exist only for temporary office workers. Under the collective wage agreement of 8 July 1974, temporary office workers receive a fixed minimum hourly wage.

Under the parliamentary bill, the wage of a temporary worker must not be less than what he would receive as a permanent employee of the hiring employer on the same job.

Within these limits, the minimum wage could be fixed by the Parity Commission composed of representatives of trade unions and organizations of temporary-employment businesses and hirers.

### F.R. Germany, Ireland, Luxembourg, United Kingdom

No special regulations.

## France

The temporary worker is entitled to a special employment allowance for each individual employment contract concluded, depending on the duration of the temporary work and on the temporary worker's wage.

The amount of this allowance is fixed in the contract of employment; it must not be less than a minimum fixed by a collective wage agreement. In the absence of such an agreement, it is 4% of the wage. (1)

The provisions of the Labour Code on the monthly minimum wage do not apply to temporary workers. (2)

## Italy

Not applicable, owing to the prohibition.

## Netherlands

Temporary workers may not receive more than the wages and fringe benefits received by the permanent employees of the hiring firm, doing the same or equal work. (3)

### 3.3.2 Special regulations on holidays

Special regulations for temporary workers' holidays exist only in France.

Under these regulations, a temporary worker is entitled to be paid a holiday allowance in cash for each temporary employment, regardless of its duration.

The amount of the allowance depends upon the duration of the employment; it is not less than one-twelfth of the temporary worker's total wages. (4)

### 3.3.3 Special regulations on periods of notice and other special regulations

Among the provisions for the termination of employment relationships, special regulations exist in one Member State only.

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(1) Article L 124-5, D 124-1 and D 124-2 Labour Law

(2) Article L 141-10 Labour Law

(3) Conditions of allowance nos. 3, 4 and 5, published in official gazette of 1 December 1975

(4) Article L 124-6 Labour Law

### 3.3.3.1 Special regulations on periods of notice

#### Belgium

Under the collective wage agreement of 8 July 1974, temporary -employment agencies guarantee - except in the case of notice for serious reasons or unilateral breach of the contract by the temporary worker - the wage for the work done, if this work has been stopped by the temporary-employment agency or by the hirer. These agencies can, however, require the temporary worker, for the rest of the time or a part of it, to take up other work without loss of remuneration.

Under the parliamentary bill, in the case of premature unilateral notice of the contract, the notifying party has to pay to the other compensation which must be equal to the amount to be paid at the end of the period. This amount can not, however, exceed double the remuneration corresponding to the duration of the period of the notice which would have to be observed if the two parties were bound by a work contract of unlimited duration.

If the hirer has given the notice, the aforementioned allowance will not be paid to the temporary worker if the temporary-employment agency provides the temporary worker with alternative employment for the rest of the period which assures him of identical remuneration and equivalent working conditions.

The temporary work contract is either for a fixed duration, for clearly defined work or for the replacement of a permanent worker.

### 3.3.3.2 Other special regulations

#### Belgium

Under the collective wage agreement of 8 July 1974, there are two special features, compared with the general legal position :

- the employment contracts can be recurring;
- in the event of contracts recurring with the same employer, the period of employment is consolidated for the purposes of the application of labour law.

The parliamentary bill contains also the following special features :

- Successive employment contracts for the performance of time-work (also of temporary work, therefore) are permitted;
- an employment contract for time-work can contain a clause under which the first three days of the execution of the contract are regarded as a probationary period, enabling the contract to be terminated without notice and without compensation when the probationary period has expired;
- for the application of the statutory and collective-agreement provisions that apply to the duration of employment of the temporary worker, all periods of activity of the temporary worker in the hiring firm are taken into account, if they are interrupted only by periods in which

- either the temporary worker was still registered with the social security services again, because he was not employed with any other employer, or
- the period of interruption was one week or less.

### 3.3.4 Special provisions on competition clauses (prohibition of working for the hirer himself)

The hirer-out necessarily brings together the temporary worker in his employ and the hirer, through the temporary employment, and he often fears that the hirer and the temporary worker will themselves conclude a contract of employment when the temporary employment is finished and that he will thereby lose the temporary worker and the hirer as contracting partners. For this reason, agencies may try to prohibit their temporary workers contractually from concluding an employment contract with the hirer when the temporary employment ends.

The legal system of the different Member States has in many cases opposed contractual agreements of this kind and declared them invalid.

#### Belgium

There are at present no rulings on the validity of a contractual agreement between agency or hirer-out and temporary worker which prohibits the temporary worker from taking a job with the hirer when his contract with the hirer-out has expired. The parliamentary bill states that such contractual clauses will be considered invalid.

#### Denmark

The agency and the temporary worker must not enter into any agreement that restricts the opportunities for the temporary worker to take other employment when his work for the agency is ended. (1)

#### F.R. Germany

Agreements are invalid which prohibit the temporary worker from entering into an employment relationship which the hirer at a time when there is no longer any employment relationship between the agency or hirer-out and the temporary worker. (2)

#### Ireland

There is no special legislation on a contractual agreement to prohibit the temporary worker from entering into an employment relationship with the hirer when the employment relationship with the temporary - employment agency is ended. However, such an agreement would probably be unenforceable against the temporary worker in the courts.

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(1) Ministry of Labour, Order of 17 April, § 3 point 3

(2) § 9 No. 4 and 5, AUG

Some agencies stipulate in their contracts with hirers a penalty in the event of the hirer offering the temporary worker a job when the temporary employment is ended.

### France

Agreements prohibiting the employment of temporary workers by the hirer-out when the period of temporary employment has expired are invalid. (1)

### Italy

Not applicable, owing to the prohibition.

### Luxembourg

There is no explicit statutory provision prohibiting agreement that the temporary worker should not work with the hirer when the temporary employment is ended. However, such a contractual agreement would violate the principle of the free movement of labour (liberté du travail).

### Netherlands

The temporary-employment agency or hirer-out may in no way obstruct the temporary worker from entering into an employment relationship with another person - i.e. including the hirer. (2)

### United Kingdom

There are no provisions at present that prohibit any agreement by which a temporary worker must not work with a hirer when temporary employment is ended. It is expected that the regulations made under the Employment Agencies Act 1973 will prohibit an employment business from preventing a temporary worker joining the permanent workforce of the borrowing employer.

### 3.3.5 Temporary worker's rights between temporary employments

Only one Member State recognizes rights of the temporary worker against the agency for the period between individual temporary hirings to hirers.

### F.R. Germany

Under the law, the temporary worker remains an employee of the hirer-out even during periods when the agency cannot hire him out. He is entitled to the agreed remuneration from the hirer-out during these periods. (3)

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(1) Article L 124-4 last par. Labour Law

(2) Condition of allowance no. 6, published in official gazette of 1 december 1975

(3) § 11 par. 4 2nd sentence, AUG

### 3.3.6 Duty to inform the temporary worker

Owing to the special situation of the temporary worker, he often has to work at different places, and most Member States therefore specifically oblige the hirer-out or hirer to give the temporary worker certain information, for his protection.

#### Belgium

Owing to the absence of statutory regulation, there is at present no statutorily-imposed duty to inform. However, under the parliamentary bill, the written contract of employment between agency and hirer must contain exact particulars. (see par. 3.2)

#### Denmark

the agency is bound to inform the temporary worker of his rights.(1)  
This information is contained in the written contract (see par. 3.2)

#### F.R. Germany

The agency must furnish the temporary worker with a leaflet from the licensing authority on the essential points of the law on temporary employment, at the time of conclusion of the contract. (2)

Should the licence be revoked, the agency must inform the temporary worker immediately of the fact of revocation. (3)

The hirer must inform the temporary worker of any industrial safety regulations that apply to his plant or business. (4)

#### Ireland

There are no special information obligations for the agency. Like any employee, however, the temporary worker is entitled to receive a written document on the conditions of his employment contract (5).  
(see par. 3.2)

#### France

Before any temporary employment, the agency must inform the temporary worker of the place, time and special features of the work with the hirer. The particulars are a binding part of the written contract between agency and temporary worker. (6)

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(1) Ministry of Labour, Order of 17 April 1970, §§ 2 and 3

(2) § 11 par. 2 AUG

(3) § 11 par. 3 AUG

(4) § 11 par. 6 AUG

(5) Minimum Notice and Terms of Employment Act 1973 (section 9)

(6) Article L 124-4 Labour Law



The hirer is bound to furnish the temporary worker with all the necessary information on working conditions in his business, and, as a minimum, the information that he has given to his permanent employees (shop rules, safety regulations, etc).

#### Italy

Not applicable, owing to prohibition.

#### Luxembourg, Netherlands

No statutory regulations imposing a duty to inform exist.

#### United Kingdom

It is expected that regulations will require the agency to inform the temporary worker in advance as to the nature of the contract, the nature of the work that he is to do for the hirer, the wages and the hours of work.

No duty to inform is imposed upon the hirer.

### 3.4 Right of temporary workers to participate in management

The temporary worker is in a special situation. On the one hand, he is an employee of the agency or hirer-out; on the other, he does his work in the hirer's business. Most of the Member States of the Community recognize various kinds of participation rights for temporary workers.

#### Belgium

In this sphere, too, the temporary worker is deemed to be an employee of the hirer-out and can therefore exercise all trade-union rights within the latter's business, but not within the hirer's business.

The parliamentary bill, too, provides that the temporary worker can vote for the works council and safety committee of the firm hiring him out. The temporary worker has no participation rights in the hiring firm. However, it is provided that temporary workers are counted in for the purpose of any regulations for which the number of workers employed in the factory is relevant, except where the reason for the temporary employment is the temporary replacement of a permanent employee while the employment contract of that permanent employee is inoperative.

#### Denmark

There is no regulation on participation in management by temporary workers. Whether and to what extent a temporary worker has any participatory rights depends upon the agreements between hirer-out, hirer and temporary workers.

### F.R. Germany

Temporary workers are employees of the hiring-out firm, where they have the rights of co-determination ("Mitbestimmung") laid down in the Constitution of Businesses ("Betriebsverfassungsgesetz"). The acceptance of a temporary worker to do work in the hiring firm must be regarded as an engagement within the meaning of the Constitution of Business Act, however. The works council of the hiring firm therefore has the same participatory rights as it does in the case of the engagement of any other worker in the hiring firm. (1)

### Ireland

Legislation providing for worker-participation in enterprises is being prepared. Under the proposed legislation temporary workers will have no rights of participation in the hiring firm.

### France

Temporary workers are also under works constitutional law employees of the hiring-out firm, with no rights of participation in the hiring firm.

However, temporary workers in hiring firms can submit their individual or common complaints about working conditions for the duration of their temporary employment, through the employees' representatives of the hiring firms. (2)

### Italy

Not applicable, owing to prohibition.

### Luxembourg

Under the regulations on the setting-up of agencies for manual and white-collar workers, the temporary worker can have eligibility and the right to vote only in the hiring-out firm.

### Netherlands, United Kingdom

Temporary workers have no statutory rights to participation in the hiring firm.

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(1) Decree of the Federal Arbitration Tribunals of 14 May 1974  
-ABR 40/73 -

(2) Article L 420 - 3 II.

### 3.5 Safeguarding the rights of the temporary worker

The temporary worker does his work with the hirer, but in all Member States where temporary employment is not prohibited he is deemed to be an employee of the hirer-out, who has to pay him wages and ensure his social security. Some Member States therefore also make the hirer who has the direct benefit of the work done by the temporary worker liable for his wages and for the social insurance contributions that have to be paid for him and responsible for compliance with the industrial safety regulations.

#### 3.5.1 Liability for wages

Most Member States are content to make the hirer-out liable for the temporary worker's wages; There is only one exception :

##### Belgium

Under the parliamentary bill, the temporary worker is bound in the first place to the temporary-employment agency which has to pay him. If the temporary-employment agency does not fulfil its obligations, a Fund for Existence Security, which is to be created by a Parity Commission for temporary work, has to pay the temporary worker :

- all wages to which he has a right under the individual and collective wage agreements,
- all advantages and allowance to which he has a right under the law and the collective wage agreements.

This additional responsibility of this Fund, to which all licenced temporary-employment agencies will contribute, will act in all cases of non-payment.

##### France

In the event of the hirer-out becoming bankrupt and insolvent, the hirer takes his place for the duration of the temporary employment with regard to the payment of wages, fringe benefits and holiday and employment allowances - i.e. he is alternatively liable to the temporary workers. (1)

#### 3.5.2 Liability for social insurance contributions

If the agency or hirer-out does not pay the social insurance contributions for the temporary workers, the contributions often cannot be recovered, because the agency has no special equipment and no production of its own. Some Member States therefore also provide for liability of the hirer for the temporary workers' insurance contributions. (1)

##### Belgium, Denmark, Ireland, Luxembourg, Netherlands, United Kingdom

The hirer-out is solely liable for social insurance contributions.

(1) For France : Article L 124-8 and R 124-7 to R 124-14 Labour Law

## F.R. Germany

The hirer-out is liable for the temporary worker's social insurance contributions. However, for the period during which the temporary worker is hired to him the hirer, too, is liable for fulfilment of the payment-obligation of the hirer-out as an absolute guarantor (1) - i.e. the social insurance institution can claim from the hirer instead of from the hirer-out, without previously having sued the hirer-out, if the latter has not paid the insurance contributions.

## France

In principle, only the hirer-out is liable for social insurance contributions. In the event of bankruptcy or insolvency of the hirer-out, the hirer takes his place for the payment of compulsory social insurance contributions for the period of hire of the temporary worker - i.e. the hirer is alternatively liable. (2)

## Italy

Not applicable, owing to prohibition.

### 3.5.3 Responsibility for compliance with industrial safety regulations

#### Belgium, Denmark, F.R.Germany, Ireland, France, Luxembourg, United Kingdom

The hirer is responsible for compliance with the industrial safety regulations applicable within the hiring works. (3) (4) (5)

## Italy

Not applicable, owing to prohibition.

## Netherlands

There is no statutory regulation by which the hirer is responsible for compliance with the industrial safety regulations for temporary workers. An amendment of the law on industrial safety is being prepared in which industrial safety for temporary workers will also be regulated. Responsibility of both the hirer-out and the hirer is contemplated.

- (1) § 393 par. 3 Reichsversicherungsordnung
- (2) Article L 124-8 and R 124-7 to R 124-14 Labour Law
- (3) F.R. Germany : § 11 par. 6 AÜG
- (4) France : Article L 124-7 Labour Law
- (5) Ireland : Factories Act 1955 (sections 100 and 103)

### 3.6 Competent authorities for implementation of statutory provisions

There are no special regulations in any Member State on the courts or authorities to which a temporary worker can appeal in the event of infringement of his rights or abuse of the safety regulations. For claims against their employers, against the hirer-out or - in so far as the legal system of a Member State allows them direct claims against the hirer - against the hirer, temporary workers can also appeal to the courts that are otherwise competent.

#### 3.6.1 Competent courts

##### Belgium

The labour tribunal (tribunal du travail) and in the second instance the labour court (cour du travail) are the competent courts, at present and also under the parliamentary bill.

##### Denmark, Ireland, Netherlands

The civil courts are the competent courts.

##### F.R. Germany

The labour courts are the competent courts; in the second instance the Lander labour courts, and as the final court of appeal the Federal labour court. (1)

##### France

The arbitration tribunals (conseils de prud'hommes) are the competent courts.

##### Italy

A temporary worker hired out in contravention of the prohibition can institute arbitration proceedings before the employment office for his rights. After an attempt at arbitration - but generally speaking also without any such prior attempt - the temporary worker can appeal to the civil courts, either the municipal court (pretura) or the district court (tribunale), according to the value of the claim involved. The courts of second instance are the regional courts (corte d'appello) which have special panels for labour cases.

##### Luxembourg

According to the case, the labour courts as the civil courts are the competent courts.

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(1) § 2 par. 1 No. 2 Law of Arbitration Tribunals of 3 Sept. 1953  
(Law Gazette Part I p. 1267)

## United Kingdom

The civil courts are generally the competent courts. However, in certain cases specified in the Contract of Employment Act 1972 (1), temporary workers can also appeal to the industrial tribunals.

### 3.6.2 Authorities for collection of social insurance contributions

In all Member States the usual social insurance authorities are competent also for temporary workers and the collection of contributions; but minor special features exist in some cases.

## Belgium

Social insurance contributions, including those for temporary workers, are collected by the National Social Security Office (O.N.S.S.). No change is provided for by the parliamentary bill.

## Denmark

Special institutions are responsible for the collection of social insurance contributions, for each type of insurance. These are the Dagpengefonden and accident insurance institutions (Ulykkesforsikringsselskabeane, arbejdsløshedskasserne and the supplementary Pensions Fund = ATP).

## F.R. Germany

The local health insurance offices collect social insurance contributions for all social insurance institutions. (2)

## Ireland

Social insurance contributions are collected by the Department of Social Welfare.

## France

The local social security offices (caisse primaire de sécurité sociale) are responsible.

## Italy

Social insurance contributions are collected by the various social insurance contributions. These are : the provincial agencies of the Central Health Insurance Office (INAM), the provincial agencies of the Central Social Insurance Office (INPS) and the provincial agencies of the Central Industrial Accident Insurance Institute (INAIL)

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(1) Employment Protection Act 1975, S.8

(2) § 1399 Reichsversicherungsordnung

### Luxembourg

Accident insurance contributions are collected by the Etablissement d'assurance-accidents. For manual workers, the competent "Caisse nationale d'assurance maladie des ouvriers" collects the contributions for health, old age and surviving dependants' insurance, while for white-collar workers these contributions are collected by the "Caisse de pension des employés privés".

### Netherlands

Employees' insurance contributions are paid in to the trade unions or professional associations. An employment agency or hirer-out will usually be a member of the "Nieuwe Algemene Bedrijfsvereniging". Industrial life assurance contributions are paid to the tax offices.

### United Kingdom

The Inland Revenue authorities collect social insurance contributions, on behalf of the Department of Health and Social Security.

### 3.6.3 Authorities for enforcing industrial safety regulations

In all Member States, the general authorities for health and safety at work are responsible also for enforcing the industrial safety regulations for the benefit of temporary workers.

### Belgium

The Social Welfare Inspectorate (inspection sociale) is responsible at present. The parliamentary bill does not provide for any change.

### Denmark

The industrial safety regulations are enforced by the Arbejdstilsynet.

### F.R. Germany

The factory inspectorates (1) and the trade unions and professional associations (2) are responsible for enforcement of the industrial safety regulations.

### Ireland

The industrial safety regulations are enforced by the Department of Labour.

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(1) § 155 par. 4 Gewerbeordnung

(2) §§ 646, 713 Reichsversicherungsordnung

## France

The industrial safety regulations are enforced by the Labour Inspectorate (Inspection du Travail). (1)

## Italy

The Labour Inspectorate (Ispettorato del lavoro) is responsible.

## Luxembourg

The Inspectorate of Labour and Mines (Inspection du Travail et des Mines) is responsible for enforcement of the industrial safety regulations.

## Netherlands

The Labour Inspectorate (Arbeidsinspectie) is responsible.

## United Kingdom

A semi-public body, the Health & Safety Commission, is responsible for enforcement of the industrial safety regulations.

### 3.7 Penalties for infringement of temporary-employment regulation

Those Member States in which temporary employment is subject to restrictive regulations have provided for the imposition of penalties for infringement of these regulations.

#### 3.7.1 Penalties under civil (labour) law

For infringement of regulations restricting temporary employment, some Member States not only impose penalties under criminal law, or fines; they have also introduced prescriptions of civil law which are intended to prevent the hirer from co-operating with hirers-out who infringe restrictive regulations.

## Belgium

There are no special regulations under existing law. Under the parliamentary bill, however, the hirer will in future be regarded as an employer of the temporary worker in two cases, i.e. he will be bound in place of the hirer-out to pay the temporary worker his wages.

These two cases are :

- a) when a hirer employs a worker sent to him by an unlicensed hirer-out;
- b) when the hirer continues to employ a temporary worker after the hirer-out has informed him that he will withdraw the temporary worker owing to a labour dispute.

(1) Article R 124-1 etc. Labour Law



## Denmark, Ireland, Netherlands, United Kingdom, Luxembourg

There are no special statutory regulations on the question of the consequences under civil law of unlicensed temporary employment.

### F.R. Germany

For temporary employment by an unlicensed hirer-out, the temporary worker is considered to be an employee of the hirer; i.e. the hirer is bound to pay the temporary worker his wages (1). The temporary worker can, moreover, claim damages from the agency or hirer-out for the loss that he suffers through having trusted in the validity of the contract with him (2).

### France

There are no special statutory regulations on the consequences under civil law of temporary employment by an unregistered hirer-out.

However, it seems that the contract between hirer and hirer-out is considered null and void in two cases :

- a) On the conclusion of a temporary-employment contract by a hirer-out who is prohibited from practising temporary-employment business for from 2 to 10 years;
- b) On the conclusion of a contract which contains an agreement to perform an impossible, immoral or illegal act.

The same applies to the contract between hirer-out and temporary worker.

### Italy

Temporary workers hired out in contravention of the prohibition of temporary-employment business for profit are deemed in every respect to be employed by the hirer (3). They thus become direct employees of the hirer, who must pay them their wages.

## 3.7.2 Penalties under social insurance law

In some Member States the employment of a temporary worker hired out by an agency in contravention of restrictions on temporary employment results in the hirer being liable for the social insurance contributions.

### Belgium

Under the parliamentary bill, the hirer in the above-mentioned cases becomes an employer of the temporary worker and therefore liable also for social insurance contributions.

(1) § 10 par. 1 AÜG

(2) § 10 par. 2 AÜG

(3) Art. 1 par. 5 Law No. 1364

## Denmark

There are no special regulations, but it must be assumed that the unlicensed hirer-out is liable for social insurance contributions while the hirer has no such liability.

## F.R. Germany

An unlicensed hirer-out is still bound to pay the social insurance contributions for the temporary worker. However, in these cases the hirer is deemed in law to be an employer of the temporary worker (1) and is therefore liable jointly with the hirer-out for the social insurance contributions.

## Ireland

A hirer-out who hires out temporary workers without a licence is still bound by law to pay the social insurance contributions for the temporary workers.

## France

There are no special regulations on penalties under social insurance law for temporary employment by the unregistered hirer-out.

## Italy

An agency that carries on unlawful temporary-employment business has no legal relationship with the social insurance institutions.

The hirer is liable for the social insurance contributions of temporary workers hired out unlawfully.

## Luxembourg

There are no special statutory regulations in this field.

## Netherlands

In the event of temporary employment by an unlicensed agency or hirer-out, both hirer-out and hirer are liable for payment of the social insurance contributions, if the hirer has failed to notify the employment of temporary workers to the professional association.(2)

## United Kingdom

The Employment Agencies Act does not provide for any special regulations on penalties under social insurance laws for temporary employment by an unlicensed hirer-out.

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(1) § 10 par. 1 AUG

(2) Article 16a of coordination law for social security of 24 december 1953, law gazette 577

### 3.7.3 Criminal law penalties or fines

All Member States in which temporary employment is restricted have provided for penalties under criminal law or fines for contravention of this restriction.

#### Belgium

There are no special regulations at present on criminal-law penalties or administrative fines. However, the parliamentary bill provides for penalties under criminal law against :

1. any person who carries on temporary-employment business without a licence ;
2. a licensed agency or hirer-out who contravenes the regulations on the restriction of licensed temporary-employment business, regulations on the form and content of contracts and the stipulated wages for temporary workers;
3. any hirer who employs temporary workers hired to him by an unlicensed agency;
4. any hirer who employs temporary workers outside the restrictions regarding permissible temporary employment;
5. any person who hires out workers, and any person who employs temporary workers, in contravention of the prohibitions on temporary employment;
6. any person who prevents supervision as laid down in the parliamentary bill (e.g. does not provide requested information).

For every offence, imprisonment for a period from 8 days to 1 month and/or a fine from 26 to 500 Belgian francs is provided for as a penalty. For the offences listed above under 1 to 5 inclusive, the fine is increased for every case of temporary workers being employed in contravention of the regulations, up to a maximum of 50 000 B.F.

In cases 1 to 5 inclusive, an administrative fine of from 500 to 10 000 Belgian francs can be imposed instead of prosecution under criminal law, for every case of employment of persons in contravention of the statutory regulations. The total amount of the fines must not exceed 200 000 Belgian francs.

#### Denmark

Any person who carries on temporary-employment business without a license can be punished by imprisonment.

#### F.R. Germany

Anyone who carries on temporary employment business for profit without a licence commits a misdemeanour (procedural irregularity). This is punishable by a fine up to DM 30 000. (1) Anyone who, without a licence to carry on temporary-employment business, hires out to a hirer

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(1) § 16 par. 1 No. 1 AÜG

a non-German worker who does not have the necessary work permit, is punishable by imprisonment for up to 3 years or by fine (1). If the hirer-out acts for profit or out of gross self-interest, the imprisonment may be from 6 months to 5 years (2).

This penal regulation concerns unlicensed hirers-out who hire out temporary workers who, as nationals of non-Member States, require a work permit, but do not possess one.

Any hirer who employs a non-German temporary worker hired out to him who requires, but does not possess, a work permit, commits a misdemeanour. This is punishable with a fine of up to DM 50 000. (3) If the hirer employs the non-German temporary worker without a work permit on conditions that are markedly out of proportion to those for comparable temporary workers, the hirer is punishable by imprisonment up to 3 months or by fine, and in particularly serious cases by imprisonment for from 6 months to 5 years. (4)

In addition, non-fulfilment of a number of obligations which the hirer-out must fulfil in relation to the licensing authorities is designated a misdemeanour.

If the hirer-out does not fulfil at all, not fulfil completely or does not fulfil in good time an obligation imposed by the licensing authority, he can be fined up to DM 5 000. (5)

If, after a licence has been granted, the hirer-out does not give the licensing authority notice, unsolicited, of the removal, closing or establishment of businesses or parts of business, or if the hirer-out is a corporation or legal person and if, after granting of the licence, another person is appointed manager or representative, and unsolicited notice of this is not given, a fine of up to DM 5 000 can be imposed. (6)

If the hirer-out does not furnish the licensing authority on request with the information necessary for compliance with the law on temporary employment, a fine of up to DM 1 000 can be imposed. (7)

Non-observance by the hirer-out of his obligation to submit statistical reports is punishable with a fine of up to DM 1 000. (8)

The same applies to the hirer-out in regard to his obligations to keep business records and to furnish the temporary workers with a document on the content of the employment contract and a leaflet showing the main provisions of the law on temporary employment. (9)

- 
- (1) § 15 par. 1 AÜG  
(2) § 15 par. 2 AÜG  
(3) § 16 par. 1 No. 2 AÜG  
(4) § 15 a AÜG  
(5) § 16 par. 1 No. 3 AÜG  
(6) § 16 par. 1 No. 4 AÜG  
(7) § 16 par. 1 No. 5 AÜG  
(8) § 16 par. 1 No. 7 AÜG  
(9) § 16 par. 1 No. 6 and 8 AÜG

## Ireland

Contraventions of the Employment Agencies Act are punishable by a fine of not more than £ 50. In the event of continued contravention, a further fine of not more than £ 10 for each day it is continued can be imposed.

## France

A fine of from 2 000 to 10 000 French francs and, for persistent offenders, even a fine of from 4 000 to 20 000 francs and/or imprisonment for from 2 to 6 months, can be imposed for contravention or non-observance of :

1. the prohibition on hiring out temporary workers other than from a temporary-employment business;
2. the obligation to notify the competent authority of temporary -employment business before the business is commenced;
3. the prohibition on hiring out non-national workers to hirers outside French territory.

A fine from 600 to 1 000 French francs, which can be increased to 2 000 francs and imprisonment for from 10 days to 2 months for persistent offenders, is imposed for every contravention of the regulations on :

1. the purposes for which temporary employment is permissible;
2. the form and content of the contract between hirer-out and hirer;
3. the form and content of the contract between hirer-out and temporary worker;
4. the evidence that must be submitted for extension of the 3-month period for permissible temporary employment.

A fine of from 160 to 600 French francs or, for persistent offenders, even imprisonment for 10 days or more, can be imposed if a hirer-out omits to submit the prescribed statistical data.(1)

## Italy

A hirer-out or work contractor who hires out his employees to a third party to perform his work is liable to a fine of 2 000 lire for every worker so employed and for each day worked. (2)

In addition, the penal provisions on prohibited private placement service apply, under which anyone who carries on unlawful placement service is punishable with a fine of from 500 to 20 000 lire. If the placement service is carried on for profit, the punishment is imprisonment up to 3 months. The fine can be up to 80 000 lire. (3)

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(1) Article L 152-2 and R 152-5 etc. Labour Law

(2) Article 2 Law No. 1364

(3) Article 27 par. 1 Law No. 264

A hirer who allows himself to be provided with workers by a hirer-out for the performance purely of work, and also the hirer-out, are liable to a fine of 2 000 lire for each worker employed and for each day of employment. (1)

In addition, the penal provisions on the prohibition of private placement service remain applicable. An employer who has engaged a worker other than through the Department of Employment and in the absence of any statutory exemption is punishable with a fine of from 2 000 to 10 000 lire for each worker so engaged. (2)

### Luxembourg

An agency which carries on temporary-employment business without the licence to trade can be punished with imprisonment for from 8 days to 3 years and/or a fine from 501 to 50 000 Luxembourg francs.

### Netherlands

Anyone who carries on temporary-employment business without a licence or in such a way as to infringe the conditions attaching to the licence can be sentenced to imprisonment for up to 6 months and/or fined up to 10 000 guilders. Additional penalties include complete or partial deprivation of certain rights and publication of the court judgment. Other measures that can be applied include the appointment of a receiver and the obligation to pay in a certain sum by way of guarantee. (3)

### United Kingdom

There are no penalties at present. After the Employment Agencies Act 1973 comes into force, an employment business which hires out temporary workers without a licence will be liable to a fine of up to £ 400. The same penalty might be imposed for breaches of regulations governing the conduct of employment businesses.

## 4. INTERNATIONAL TEMPORARY EMPLOYMENT

International temporary employment, i.e. the transfer of temporary workers from abroad into the home country for hire, or from the home country abroad for hire, is not regulated in all Member States, because there have as yet been no cases of international temporary employment in some Member States. In those Member States where international temporary employment does occur, moreover, regulation is applied only to certain sectors. Information on international temporary employment is difficult to obtain.

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(1) Article 2 Law No. 1364

(2) Article 27 par. 2 law No. 264

(3) Law on economic misdemeanours of 22 June 1950, law gazette 258

#### 4.1 Admissibility of temporary employment from EEC countries into the home country

Most Member States permit the supply of temporary workers across their national borders and into their territory from other Member States - in some cases subject to special requirements.

##### Belgium

According to the draft law, temporary-employment agencies with their principal place of business outside Belgium may do business in Belgium, but they must fulfil the same licensing conditions as Belgian temporary-employment agencies and join an employers' association in Belgium (Secrétariat social agréé d'employeurs).

##### Denmark

Foreign temporary-employment businesses with their principal place of business outside Denmark may establish a branch in Denmark only if they have obtained a licence, which is granted when the general conditions are fulfilled completely and provided that the branch is functioning as an independent administrative unit.

##### F.R. Germany

Temporary-employment agencies with their principal place of business in the Member States of the European Community can obtain a licence to supply temporary workers to Germany if they fulfil the conditions laid down by German law and by the laws of their own country. (1)

##### Ireland

There has as yet been no experience of foreign temporary-employment agencies operating in Ireland.

##### France

The supply of temporary workers from Member States of the European Community to France is probably permissible if the temporary workers are French or are nationals of a Member State of the European Community who do not need to have a work permit in France. The supplying agency is subject to French regulations, especially those concerning registration. However, the case is purely hypothetical as yet.

##### Italy

Like domestic temporary employment, international temporary employment is prohibited.

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(1) § 3 par. 4 AUG

### Luxembourg

There is as yet no movement of temporary workers from Member States of the European Community to Luxembourg. It could, however, take place if the temporary-employment agency held a special licence from the Luxembourg Government replacing the licence to trade.

### Netherlands

The supply of temporary workers from other Member States to the Netherlands is permitted under the same conditions as for an agency with a place of business in the Netherlands.

### United Kingdom

The Employment Agencies Act 1973 applies only to employment businesses with a place of business in the United Kingdom. The supply of temporary workers to British hirers by agencies outside the United Kingdom is not affected by the Act.

### 4.2 Admissibility of temporary employment from non-EEC countries into the home country

Whereas most Member States allow the supply of temporary workers from other Member States, in many Member States the supply from non-EEC countries is prohibited.

### Belgium

Under the parliamentary bill, temporary-employment businesses whose operations are conducted from outside Belgium can carry on business in the country, but they must satisfy the same conditions of admission as Belgian temporary-employment agencies and in addition are obliged to belong to an employers association.

### Denmark

The supply of temporary workers across national borders from non-EEC countries is permitted under the same conditions as for supply from Member States.

### F.R. Germany

The supply of temporary workers from non-EEC countries is prohibited. (1)

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(1) § 3 par. 2 AUG



## Ireland

The supply of temporary workers from non-EEC countries is virtually impossible, because work permits would not be issued for temporary workers who are nationals of non-EEC countries.

## France

Temporary-employment agencies with their principal place of business outside the European Community cannot in practice hire out temporary workers in France, because a foreign worker who, as a national of a non-EEC country, requires a work permit for paid work in France, cannot obtain a permit to work as a hired temporary worker. (1)

## Italy

All temporary-employment business is prohibited.

## Luxembourg

The supply of temporary workers across the national borders from non-EEC countries is unknown at present.

## Netherlands

Temporary-employment agencies with their principal place of business outside the European Community can obtain a licence.

## United Kingdom

The regulations for international temporary employment from Member States of the European Community apply.

### 4.3 Admissibility of temporary employment from the home country into EEC countries

Member States have an extremely wide variety of regulations for temporary-employment business from the home country into Member States of the European Community.

## Belgium

The supply of temporary workers from Belgium is permitted without restriction at present.

The parliamentary bill will also permit temporary employment abroad from Belgium.

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(1) Article L 341-3 Labour Law

When a temporary worker is hired out abroad from an agency established in Belgium, the Belgian regulations on contractual relations still apply, provided that the international rules are observed.

### Denmark

There are no regulations on the supply of temporary workers abroad from Denmark, including that to Member States of the European community. There is no experience in this respect.

### F.R. Germany

Temporary employment from Germany into EEC countries is permitted. There are no special regulations.

### Ireland

Temporary employment abroad, including EEC countries, is permitted; but if workers under 18 years of age are being placed or hired outside the Republic of Ireland, the agency must supply the temporary worker with the following information in writing :

- a) the name and address of the employer (hirer)
- b) the nature of the business of the hirer,
- c) the rates of wages and hours of work,
- d) the cost of travel from the workers' home to the place of employment, whether the hirer will pay this cost and any condition about repayment of such cost,
- e) the amount of any deductions from wages, whether statutory deductions or otherwise,
- f) information about living conditions and facilities for the practice of religion.

The agency must also ensure that the consent in writing of the young person's parent or guardian to his taking up employment outside the Republic has been obtained.

### France

International temporary employment from France to other EEC countries is permitted; but every temporary-employment agency (hirer-out) is prohibited from supplying non-national workers if the foreign temporary workers are to work outside French territory.(1)

### Italy

The prohibition applies to all activities of hirers-out in Italian territory, i.e. also to the supply of temporary workers from Italy into other countries.

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(1) Article L 341-3 last par. Labour Law

## Luxembourg

International temporary employment from Luxembourg into EEC countries is permitted, under the condition that the temporary-employment agency fulfils its employers' obligations.

## Netherlands

The supply of temporary workers from the Netherlands into another EEC country is prohibited. (1)

## United Kingdom

The supply of temporary workers from the United Kingdom into another Member State of the European Community is permitted; but it is expected that regulations will require the agency to fulfil the following special obligations :

- a) Give the worker written information about the terms and conditions of the job.
- b) Make adequate arrangements for the worker's return to his normal place of residence at the end of the assignment abroad.
- c) Obtain confirmation from a source of suitable standing that the employment is suitable and that the borrowing employer is of good character.

### 4.4 Admissibility of temporary employment from the home country to non-EEC countries.

In no Member State are there any regulations at present for the supply of temporary workers from the home country to non-Member States of the European Community, that are different from those applying to temporary employment in a Member State. The reader should therefore refer to the particulars given above.

### 4.5 Enforceability of claims for contributions from foreign social insurance institutions against domestic agencies

In those Member States which permit temporary employment both into and out of their territory, a number of problems arise, due to the effect of the foreign legal systems upon the contractual relations between temporary-employment agency (hirer-out), temporary worker and hirer. For these special problems, special regulations applying to the sphere of temporary-employment business are generally lacking.

This is shown particularly clearly in the case of the question of the enforceability of foreign penalties or fines within the home country, to which in all Member States the general provisions on the enforceability of foreign penalties apply.

There have hitherto not been any rules in international labour law, either, with respect to a possible conflict between two legal systems when the supply of temporary workers takes place across national borders.

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(1) Condition of allowance no. 9, published in official gazette of 1 december 1975

1. The social security legislation applicable to Community workers is clearly specified in Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons and their families moving within the Community. The general rule is defined in Article 13 which states that a worker is subject solely to the legislation of the Member State in which he is employed. The fact that he resides in another Member State, or that the registered office or place of business of the undertaking or individual employing him is situated in another Member State is immaterial. There are however exceptions to this general rule. Article 14 (1) (a) reads as follows:

A worker employed in the territory of a Member State by an undertaking to which he is normally attached who is posted by that undertaking to the territory of another Member State to perform work there for that undertaking shall continue to be subject to the legislation of the first Member State, provided that the anticipated duration of that work does not exceed 12 months and that he is not sent to replace another worker who has completed his term of posting.

2. On 17 December 1970 the Court of Justice ruled in the Manpower case (Case 35/70) that the exception to the general rule contained in Article 14 (1) (a) applied to workers engaged by a temporary employment agency and placed with an undertaking situated on the territory of another Member State. Under decision No. 87 of the Administrative Committee on Social Security for Migrant Workers application of this provision is conditional on a definite link existing between the worker and the agency. This means that E 101 certificates are not issued where workers are merely placed in employment.

3. Where, in the field of temporary-employment business and hiring-out across the border, the legislation of the Member State to which the hired worker remains subject provides for the (secondary or primary) liability of the hirer, Article 92 of Regulation No. 1408/71 applies. This allows contributions payable to a social security institution of one Member State. If these conditions are fulfilled, the social insurance institution of this Member State can claim the social insurance contribution from the hirer residing in another Member State. This authority does not rest on explicit law provisions of the Member States, because Community Council Regulations are directly applicable on the territory of the Member States.

4. Since the collection of contribution between social insurance institutions of two or several Member States on both sides of the border is linked to the fact that the legislation of the country has to foresee the secondary or primary liability, it can be stated that this liability is embodied in the French, German and Netherlands' legislations (1); it is contained in the Belgian parliamentary bill. In contrast, no such provision is foreseen in Ireland, Denmark, Luxembourg and in the United Kingdom, and where there is therefore no possibility of collection.

This activity being prohibited in Italy, there, too, is no collecting possibility in this country in the case where Italian temporary employment businesses unlawfully operate in another Member State of the Community.

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(1) see par. 3.5.1

#### 4.6 Competent authorities for the exchange of information between the Member States

The Technical Committee on the Free Movement of Labour of the Commission of the European Community approved on 19 February 1975 an Opinion on a procedure for the exchange of information, collaboration and mutual assistance between Member States in the field of temporary work. The Member States have in the meantime named the competent agencies for the exchange of information and mutual assistance.

##### Belgium

###### - for the mutual exchange of information only:

Administration de l'emploi  
Ministère de l'Emploi et du Travail  
53, rue Belliard  
1040 Brussels  
Tel.: 513.40.90

##### Denmark

Arbejdsdirektoratet  
Adelgade 13  
DK - 1304 Copenhagen  
Tel.: 11.68.40

##### F.R. Germany

###### - for the mutual exchange of information:

Bundesanstalt für Arbeit  
8500 Nürnberg  
Regensburger Strasse 104  
Tel.: (0911) 171

###### - for mutual administrative assistance:

the following provincial employment offices (Landesarbeitsämter) are competent for firms operating from :

##### Denmark

Landesarbeitsamt  
Schleswig-Holstein-Hamburg  
Projensdorferstrasse 82-86  
Postfach  
D-2300 Kiel 1  
Fernsprecher 0431/30151  
Fernschreiber 02/99836

Netherlands  
United Kingdom  
Ireland

Landesarbeitsamt  
Nordrhein-Westfalen  
Josef-Gockeln-Strasse 7  
Postfach 1130  
D-4000 Düsseldorf 1  
Fernsprecher 0211/43061  
Fernschreiber 08/584633

Belgium  
France  
Luxembourg

Landesarbeitsamt  
Rheinland-Pfalz-Saarland  
Neugrabenweg 1  
Postfach 1168  
D-6600 Saarbrücken 1  
Fernsprecher 0681/50041  
Fernschreiber 04/421233

Italy

Landesarbeitsamt  
Südbayern  
Schackstrasse 1  
D-8000 München 22  
Fernsprecher 089/38771  
Fernschreiber 05/215695

Non-EEC-countries

Landesarbeitsamt  
Hessen  
Saonestrasse 2-4  
Postfach 710342  
D-6000 Frankfurt/Main 71  
Fernsprecher 0611/678111  
Fernschreiber 041/1601

Ireland

Department of Labour  
(National Manpower Service)  
50 Mespil Road,  
Dublin 4  
Tel.: 765.861

France

3ème bureau - Sous-direction de l'emploi  
Direction générale du Travail et de l'Emploi  
Ministère du Travail  
1, Place Fontenoy  
75007 Paris  
Tel.: 567.54.00

Italy

(for mutual exchange of information only)

Direzione generale del Collocamento della Manodopera  
Divisione IV  
Ministero del Lavoro e della Previdenza sociale  
Via Flavia 6  
Rome  
Tel.: 47.08.16

Luxembourg

Administration de l'emploi  
Boite postale No. 23  
Luxembourg  
Tel.: 267.93

Netherlands

Ministerie van Sociale Zaken  
Zeestraat 73  
's-Gravenhage  
Tel.: 070/46.94.70

United Kingdom

Department of Employment (EP(M)B3)  
Steel House  
Tothill Street  
London SW1  
Tel.: 01/214.6092

The account given of international temporary employment shows that, except for the spheres of administrative assistance and mutual exchange of information between the Member States of the European Community, over wide areas - particularly in international labour law and social insurance law - statutory regulations are lacking or there are divergent views on the applicability of existing law in national practice. Some reporters point out explicitly that the social security of the temporary worker is thereby impaired.

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