

Cross Border Labour Markets in Europe and East Asia

Regulation and Patterns of Temporary Labor Placements — Preliminary Research Results

Karen Shire

Steffen Heinrich, Hannelore Mottweiler,
Melanie Wacker, Chih-Chieh Wang

Comparative transnationalization of triangular employment relations

European Union

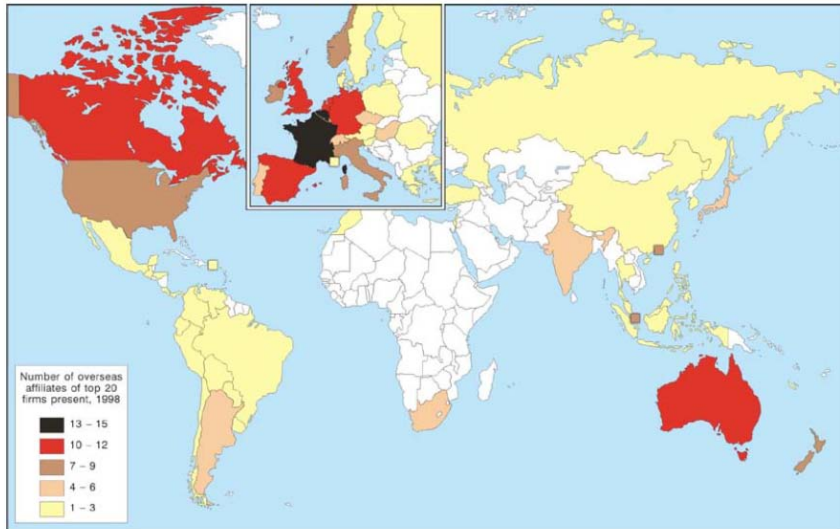


East-Asia

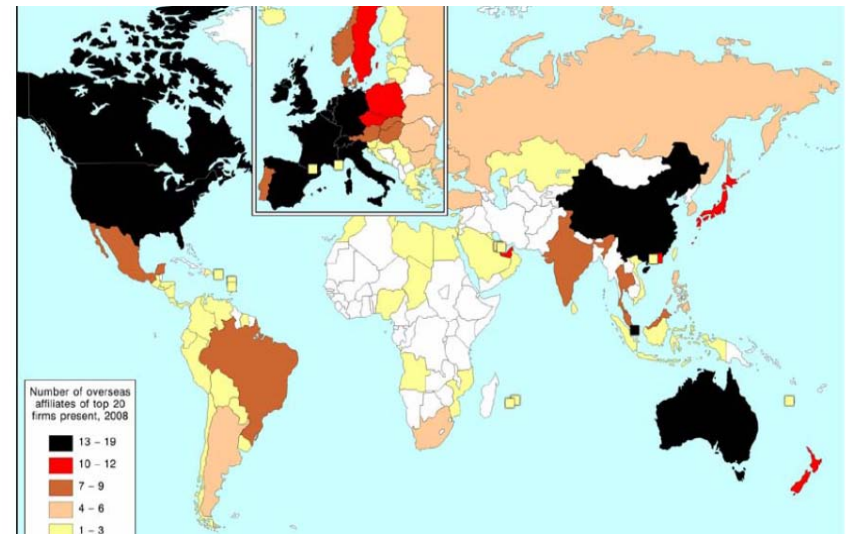


Expansion Top 20 Global Staffing Firms 1998 und 2008

Figure 1: Number of overseas affiliates of top 20 firms present, 1998



Quelle: Coe, Johns & Ward 2011



Research Completed

	Europe	East Asia
Actors	<ul style="list-style-type: none">• Giedre Lelyte, director TAW sector, UNI Global Union (CH)• Annemarie Muntz, president Eurociett, (NL)• Union organiser, ver.di (DE)• Bart Samyn, deputy secretary general, IndustriALL ETU (BE)• Stefan Sudmann, labour law expert, German agency association IGZ (DE)	<ul style="list-style-type: none">• Ministry of Labour official (Taiwan)• Ryuji Ichikawa, representative Japanese agency association JASSA (Japan)• Magdalene Kong, director TAW sector, UNI APRO (Singapore)
Patterns	<ul style="list-style-type: none">• International staffing agency (NL, PL)• Dutch cross-border agency (NL, PL)• Polish cross-border agency (PL, DE)	<ul style="list-style-type: none">• TWN.a.04, Taiwanese agency (Taiwan)• TWN.a.02, Taiwanese agency (Taiwan)• TWN.a.03, Taiwanese agency (Taiwan)• HR consultant (Japan)• TWN.a.01, Japanese temporary staffing agency (Taiwan)

Negotiated Market Order

European Dialogue but National Interests

- Social dialogue and the development of EU Directives on social policy
 - The actors in 2000: EU Social Dialogue
 - UNICE/EUROBUSINESS and the ETUC – are federations of federations („communities with limited liability“ Fetzner 2003)
 - Example: letting national social partners decide on restrictions
 - Eurociett and UNI-Europa – with transnational organizational elements (but with different strengths) and a more European approach
 - Example: agreeing against temps as strike-breakers / focus on improving working conditions of temps / legitimating temp agency employment
 - Directive fails in 2002 with a criss-cross of interest conflict...

...but negotiations continue....

- Establishment of a sectoral dialogue between eurociett and UNI Europa
 - Strategy of influencing the Commission's compromise
 - Joint declaration on three main controversies: equal treatment (UNI Europa accepts a qualification period), against strike-breakers and illegal competition and on a process of reviewing national restrictions on temp agency work
 - 2008 TAW Directive resembles joint declaration
 - Accepts equal treatment with a qualification period,
 - Accepts obligation to review national restrictions as being justified,
 - Accepts rule that agency workers shall not be used during strikes
 - Sectoral dialogue continues with a new shift to monitoring cross-border placements

The third social dialogue

- 2008 „informal“ sectoral dialogue established between Eurociett and European Metalworkers' Federation (EMF)
 - 2012 EMF and other sectoral unions establish IndustriAll European Trade Union
 - 2013 joint IndustriAll and Eurociett survey of collective bargaining in member states to jointly develop European expertise on regulations and restrictions on temp agency employment

Diffused market order

- No peak sectoral employment association in Japan, no sectoral employment associations at all in Taiwan, China or elsewhere (Ciett is active), company union pattern means no representation of temporary agency workers
- In most countries, no established regulations, and no strong drives for such
- Diffusion of labour sub-contracting model of dispatching labour, increasingly with temporary agency involvement

Types of Cross-Border Temporary Staffing

Location of Employment Contract Nature of Employment Relation	Home/Residence Country	Destination/Place of Work Country
Direct	Posted worker	Mobile worker
Mediated	<i>Huckepack Überlassung</i>	<i>shokai</i>
Triangular	Posted agency worker	Migrant agency worker

Posted agency work in East Asia (Taiwan to China case)

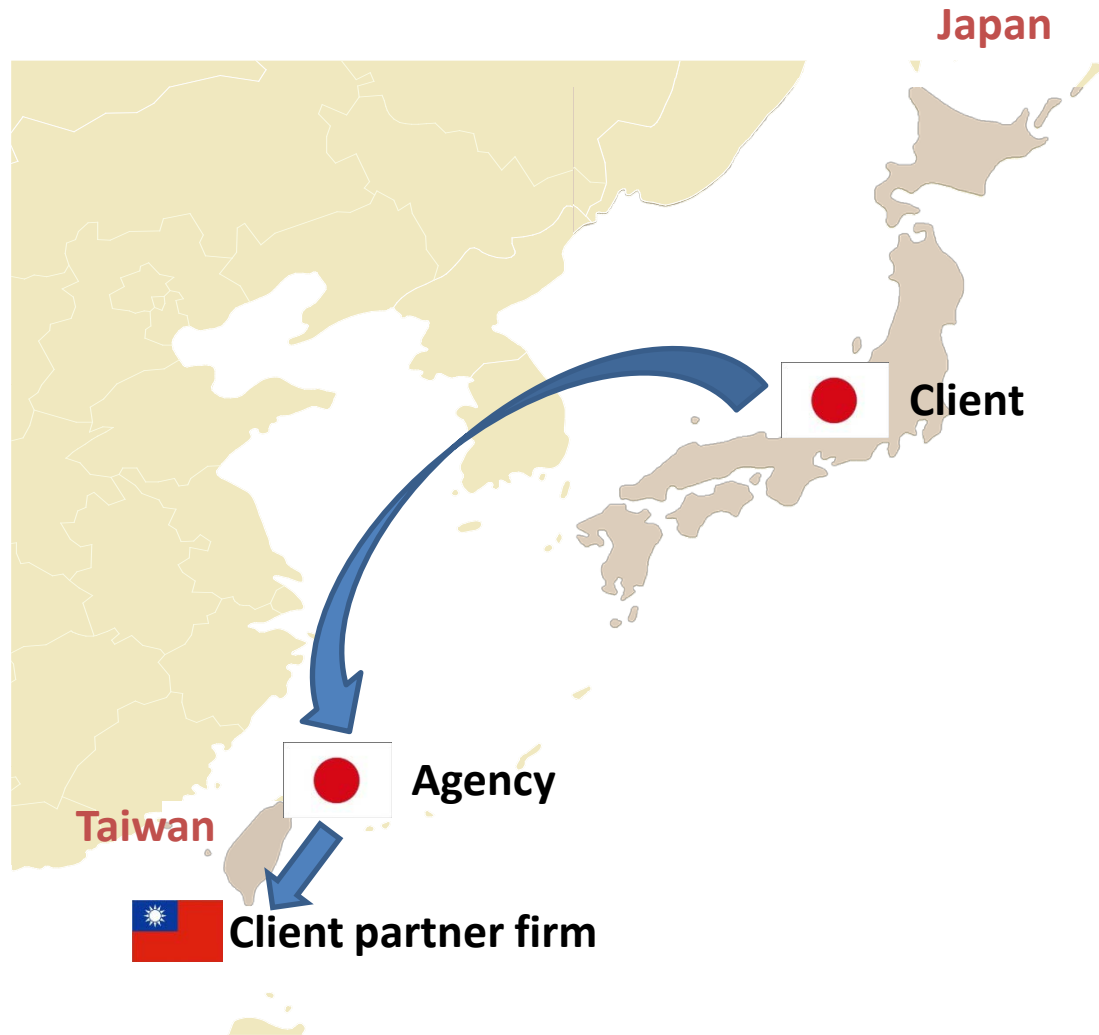


Migrant Agency work in Europe



Migrant agency work in Asia

(Japan to Taiwan case)

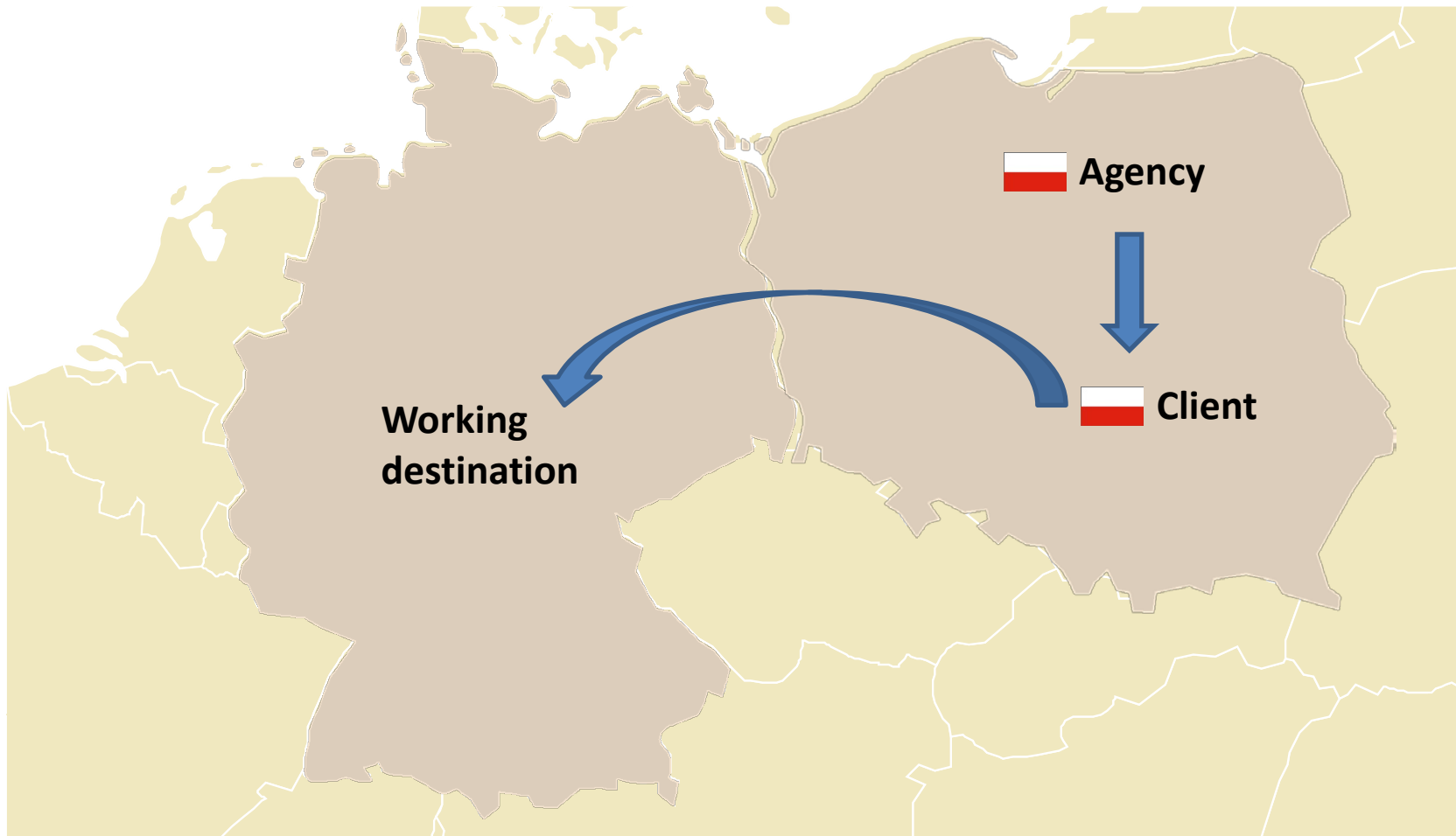


Types of Cross-Border Temporary Staffing

Location of Employment Contract Nature of Employment Relation	Home/Residence Country	Destination/Place of Work Country
Direct	Posted worker	Mobile worker
Mediated	<i>Huckepack Überlassung</i>	<i>shokai</i>
Triangular	Posted agency worker	Migrant agency worker

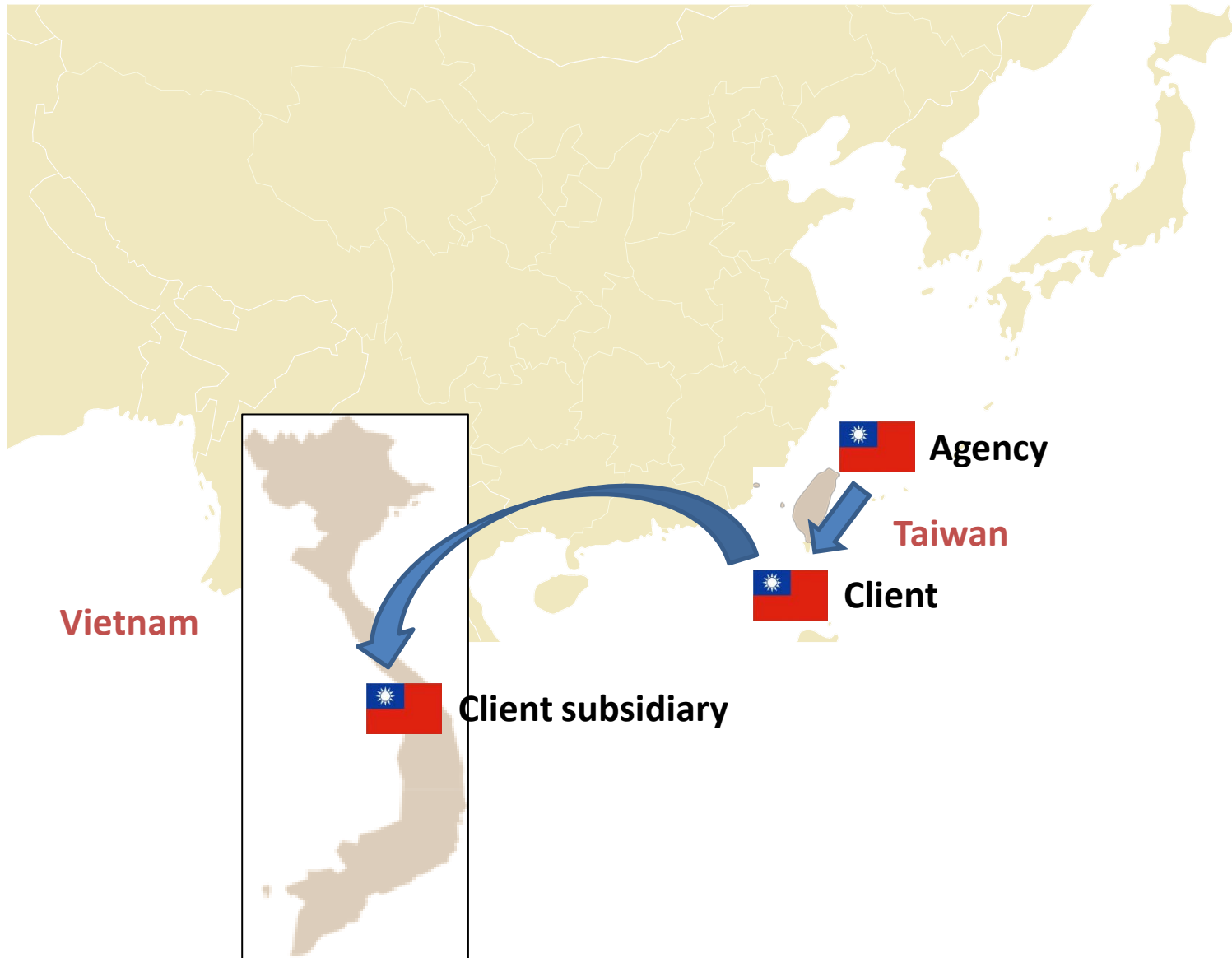
Indirect Posting in Europe

„Huckepack-Überlassung“



Indirect posting

(Taiwan to Vietnam case)



Brokering (Taiwan to China case)

