

Cross-Border Temporary Staffing

Market-Making and Transnational Regulation
in Inter-Regional Comparison

Research project funded by the German Research Foundation (DFG), 2013–2015

Representing the margins?

Organised labour and the dual challenge of cross- border temporary agency work

Social boundaries of work. Changes in the spheres of work in the 21st century capitalism,
14 November 2014, University of Wrocław

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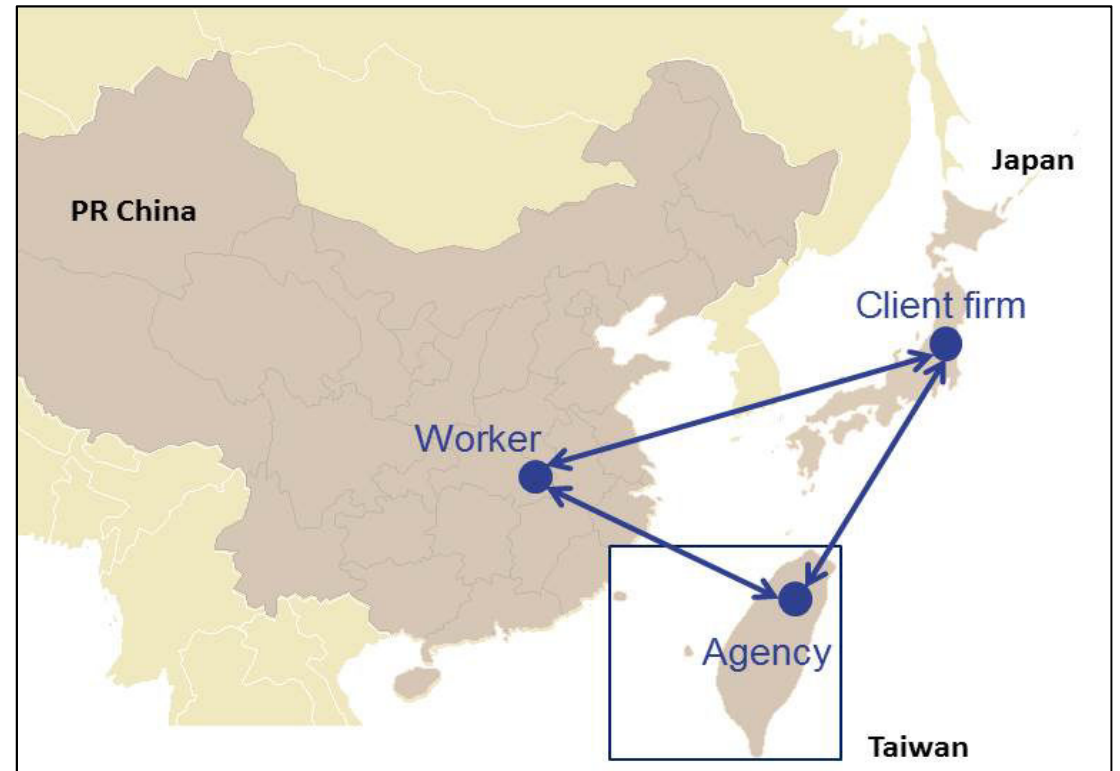
- 1 The transnationalisation of triangular employment relations in the EU and East Asia
- 2 The dual challenge of transnational temp agency work for labour unions
- 3 What can unions do? Union capacity building efforts on the enterprise, national and European levels
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Comparative research on transnationalization of triangular employment relations

European Union

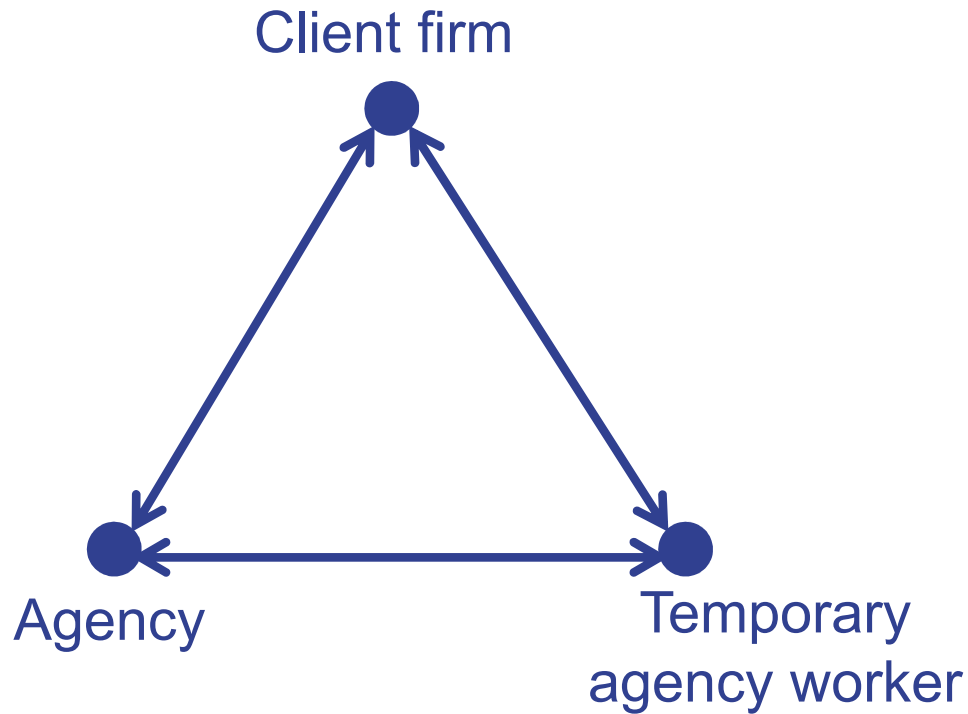


East Asia



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The triangular employment relationship



National variant

- The triangular nature of agency work means, that workers are not employed by the firms where they work
- Traditionally outside established framework of collective bargaining

Cross-border variant

- (potentially) several national and European regulations apply
- Question of which collective agreements institutions of representation apply

Cross-border temporary agency work poses two fundamental challenges for unions

'Globalization'	'Dualization'
<ul style="list-style-type: none">• Off shoring and transnational competition undermining bargaining power of unions• Regulatory decisions increasingly taken outside national context ('governance without government')• Unions in different countries with different interests (no effective cooperation and representation)• Language and institutional barriers for cross-border cooperation	<ul style="list-style-type: none">• Triangular employment relations introduce parallel regulatory frameworks for workers• Transnational temporary workers as a threat to status of members• Unions as representative of domestic core workers• Growing gap between core and non-core workers
<p>→ Domestic unions remain in national context thus further weakening their bargaining position</p>	<p>→ Unions structurally unable to effectively represent temporary agency workers</p>

Capacity-building on the enterprise level: The case of Amazon Germany 2012/13 (I)



Workers at Amazon Bad Hersfeld. Source: Süddeutsche Zeitung, 18 March, 2013.

Transnational temporary agency workers

- To deal with “Christmas peak” in Amazon hires temporary workers from Spain and other EU countries in 2012
- Group of Spanish workers does not receive pay on time, management declines communication and terminates contracts

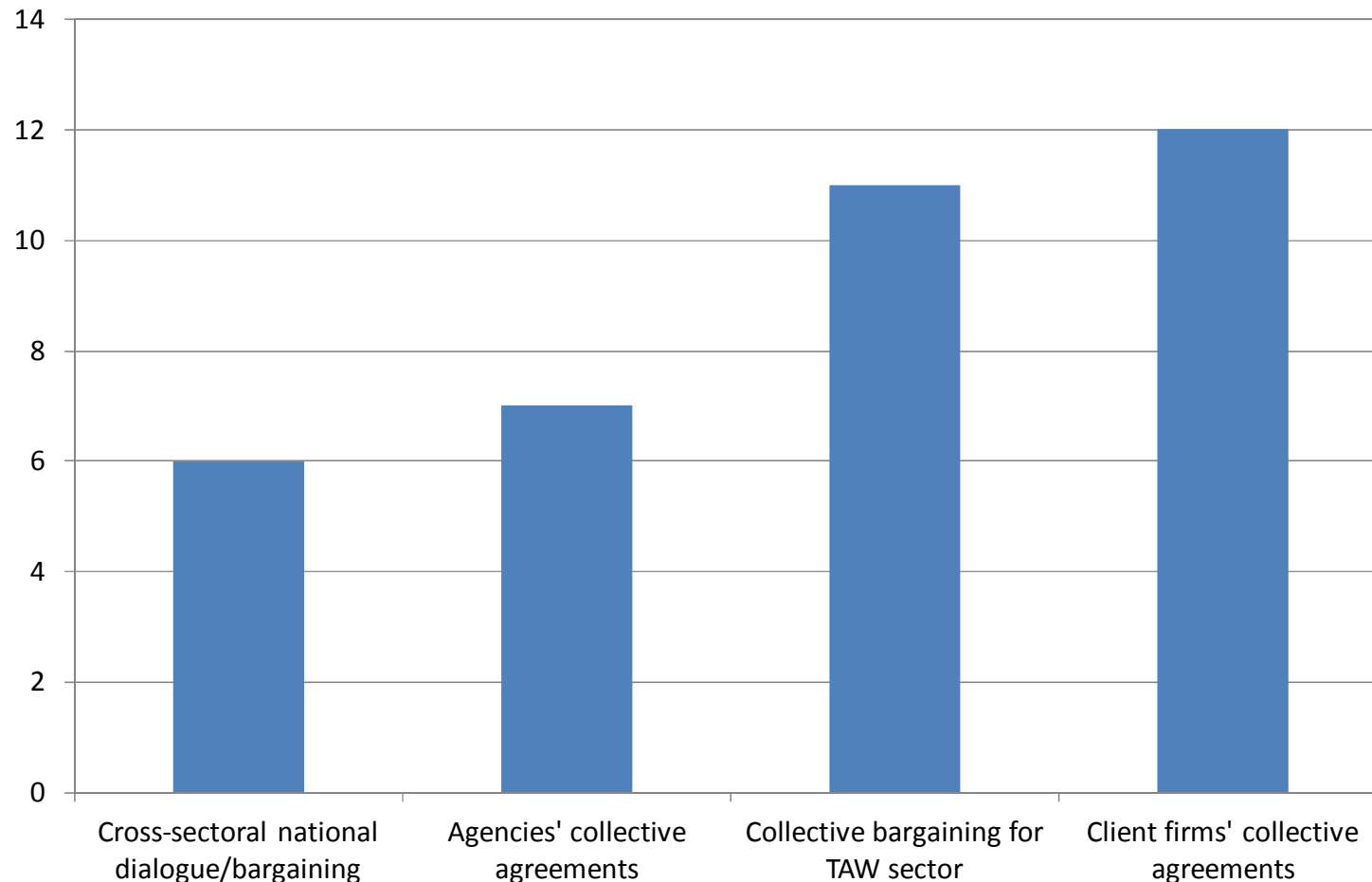
Union action on behalf of workers

- Union efforts to support workers successful thanks to media campaign
- But initiative from local union organisers with limited institutional support from national and transnational level
- Internal resistance against devoting resources on non-members

National level

Recognition and integration of temporary agency work in national collective bargaining systems has increased (27 member states)

- But lesser integration mostly in Eastern Europe (Bulgaria, Cyprus, Czech Republic, Estonia, Greece, Hungary, Lithuania, Latvia, Malta, Portugal, Romania, Slovenia, Slovakia)



European level – new capacities (I)

European social dialogue

- Established in 2000 between Eurociett and UNI Europa competing with social dialogue between EUROBUSINESS and UNICE (now ETUC)
- As a result union organisations with different involvement in drafting of EU directive on temporary agency work
- Some national unions initially very hostile toward attempt at regulating TAW at all but unions positions in Western member states have become more similar since 2000

→ **Gradual process of consolidation of union influence**

European level – new capacities (II)

UNI passport for “professional and managerial staff” (UNI Europa, 2014)

- Global coverage for UNI Global affiliate members
- Information on working conditions, banking, tax, housing, school, health care, pensions and more
- Advice on employment issues

Industrial Europe Solidarity Pact (IndustriALL Europe, Nov 2013)

- Scheme exists since 2000 in the Metal Sector
- Posted workers who are member in a IndustriALL affiliate will receive union support from the affiliate in the host country for up to 1 year
- Includes legal support (limit of 1.000 EUR)
- IndustriALL Europe provides contacts and support if needed and tries to coordinate strikes across borders

Conclusions – Emerging union capacities for representing transnational TA workers

Capacity building on three levels

- European: Better coverage of cross-border workers due to new union capacities on transnational/European levels (countering globalisation)
- National: Integration of temporary agency workers into existing domestic industrial relations (countering dualization)
- Enterprise/sectoral: Targeted support for workers in specific cases

Yet picture very heterogeneous and challenges remain

- Conditions for capacity building vary widely across sectors and countries
- Different interests of unions in sending and receiving countries
- Rule enforcement and monitoring

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Thank you for your attention!

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