

Geographies of Temporary Staffing Unit

Working Brief 24

Defining Temporary Staffing: An International Comparison

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Introduction

While the world's largest temporary staffing firms have rapidly internationalised, definitions of the industry continue to exhibit strong national differences. This makes international comparisons at best problematic. This Working Brief outlines the major differences in definitions across the EU, North America and other selected national markets. We begin by exploring the different definitions of temporary employment, based on OECD data, before moving on to look at the different ways 'temporary work agencies', 'temporary workers' and 'users' are defined. Here we highlight four categories of national definitions of temporary employment, based upon Eurostat data, but with several other countries – such as the US and Japan – added to widen the terms of reference.

Defining non-standard work: national job categories

The aim of this section is to use OECD (2002) data to discuss the lack of a standard definition of temporary employment. Table 1 shows the different definitions used by OECD nations. The OECD follows Eurostat in defining 'temporary' jobs as dependent employment of limited duration. Therefore, for the sake of convenience, all other jobs are referred to as 'permanent' jobs. Although this is the most frequent means of distinguishing between different employment types, the definition has clear limitations. The types of jobs defined as 'temporary' vary across geographical territories, often being decided by national statistical offices and dependent upon the employment practices of the particular country. It is this independent nationally-based approach that the OECD (2002: 170) claims 'means it is difficult to verify how closely the resulting statistics approximate the uniform application of a common underlying definition of temporary work'.

Table 1: Definitions of temporary employment by OECD nations

Country	Temporary Employment	Data Source
Australia	Workers with fixed-term contract; employed by temporary agencies; seasonal workers	Forms of Employment Survey, 1998
Austria	Employees with a fixed-term contract; interim work through a temporary work agency; apprentices and trainees; probationary period; contract for specific tasks; daily workers	Austrian Labour Force Survey
Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, UK	In the majority of EU countries most jobs are based on work contracts. A job may be regarded as temporary if it is understood by both employer and the employee that the termination of the job is determined by objective conditions such as reaching a certain date, completion of an assignment or return of another employee who has been temporarily replaced. In the case of a work contract of limited duration, the condition for its termination is generally mentioned in the contract. To be included in these groups are also; a) persons with a seasonal job, b) persons engaged by an employment agency or business and hired out to a third party for the carrying out of a "work mission" (unless there is a work contract of limited duration with the employment agency or business), c) persons with specific training contracts.	Eurostat, European Union Labour Force Survey
Canada	A temporary job has a pre-determined end date or will end as soon as project is completed (including seasonal jobs)	Canadian Labour Force Survey
Czech Republic	Workers with a fixed-term contract; employed through a temporary work agency; apprentices and trainees; on probationary period; occasional, casual or seasonal workers; individuals carrying out community work as unemployed; workers with a contract for a specific task.	Czech Labour Force Survey
Finland	Workers whose main job is with a fixed-term contract; trainees; workers on probationary period; other jobs that are considered as temporary by respondents.	Finnish Labour Force Survey
Hungary	Workers whose main job is with a fixed-term contract; apprentices and trainees; workers on probationary period; individuals doing occasional, casual or seasonal work; individuals carrying out community work as unemployed; workers with a contract for a specific task; individuals employed on jobs lasting less than 12 months; daily workers and others.	Hungarian Labour Force Survey
Japan	Workers whose main job is with a fixed-term contract lasting not more and one year; doing occasional, casual or seasonal work; working on a job lasting less than 12 months.	Japanese Labour Force Survey
Korea	Workers whose main job is with a fixed-term contract; temporary agency workers; on-call workers; seasonal workers; workers who do not expect their job to last for involuntary, non-economic reasons.	Summer 2001 Supplement to Korean Labour Force Survey
Mexico	Workers whose main job is with a fixed-term contract; occasional, casual or seasonal work; workers with a contract for a specific task; employed in a job lasting less than 12 months.	Mexican Labour Force Survey

Norway	Workers whose main job is with a fixed-term contract; interim work through a temporary work agency; apprentices and trainees; workers on probationary period; occasional, casual or seasonal work; workers with a contract for a specific task; individuals with a job lasting less than 12 months; daily workers.	Norwegian Labour Force Survey
Poland	Workers whose main job lasts less than 12 months.	Polish Labour Force Survey
Sweden	Workers whose main job is with a fixed-term contract; apprentices and trainees; workers on probationary period; occasional, casual or seasonal work; individuals carrying out community work as unemployed; individuals with a contract for a specific task; daily workers.	Swedish labour Force Survey
Switzerland	Workers whose main job is with a fixed-term contract; interim work through a temporary work agency; apprentices and trainees; occasional, casual or seasonal work; individuals carrying out community work as unemployed; individuals with a contract for a specific task; individuals with a job lasting less than 12 months; daily workers. Does not include foreign workers without a permanent resident permit.	Swiss Labour Force Survey
Turkey	Workers whose main job is occasional, casual or seasonal work; daily workers or other persons who depend only on an employer and do not work regularly and for unlimited duration; seasonal or temporary workers or on-call workers (ex. construction workers, etc).	Turkish Labour Force Survey
United States	Dependent workers, temporary help and contract company workers who do not expect their job to last.	Contingent and Alternative Work Arrangements Supplements to the Current Population Survey, 1995 and 2001

Source: OECD (2002: Table 3.A.1)

As shown in Table 1, the job types potentially classified as temporary employment include many or all of the following:

- *Fixed-term contracts*, that have a specified duration or a predetermined ending date;
- *Temporary agency workers*, who are placed by a temporary work agency to perform work at the premises of a third-party customer enterprise;
- *Contracts for a specific task*, a contract of work that lasts only as long as is necessary to complete a specified task;
- *Replacement contracts*, for example, to replace workers on leave for family-related reasons;
- *Seasonal work*, taking place only at certain periods of the year (e.g. harvesting);
- *On-call work*, which is performed only on an as-needed basis;
- *Daily workers*, who are hired on a daily basis;
- *Trainees*, meaning apprentices and other workers with a training contract that qualifies them for a salary but does not guarantee them a permanent position at the end of the training period;
- *Persons in job creation schemes*, individuals hired under public programmes to stimulate the employment of disadvantaged categories of workers (e.g. youth, the long-term unemployed, and the disabled) when these jobs are of limited duration (OECD 2002, 170-1).

Table 1 demonstrates that while several EU countries, including the UK, use a common definition, at the instigation of Eurostat, a number of countries do not. Therefore, the OECD has been unable to devise a definition that could be implemented across all the countries:

- In some countries, temporary agency workers can have *permanent* contracts with the agency (such as Austria, Finland, Germany, the Netherlands and Sweden) and perhaps should not be included among temporary workers. However, the decision whether or not to include such workers is made by national statistical offices;
- It could be argued that some forms of *self-employment* are functionally equivalent to forms of temporary work. Excluding, for example, independent contractors hired on fixed-term contracts may distort international comparisons. National cultures of employment, differences in forms of employment contracts, and varying methods of data collection all result in variations in the use and categorisation of self-employed workers across territories;
- Several national definitions are *temporally* based. For example, Japan and Poland include only individuals with work arrangements lasting less than 12 months among temporary workers. Other countries include workers whose job lasts less than a year as an additional category of temporary workers (Hungary, Mexico, Norway and Switzerland);
- The definition used in the US corresponds to those of other countries, but tends to rely on workers' own understanding of the potential duration of their job. This is obviously more difficult to measure, and analyse objectively;
- Finally, in Switzerland, foreign workers with short-term residence permits are not covered in the labour force survey.

While defining temporary work is clearly difficult, the issue is further complicated by the methodological problems associated with collecting and analysing data that are common across national boundaries. Data provided by national statistical offices is embedded within the particular regulatory and employment environments of countries. For example, the OECD highlights the importance of employment protection legislation on temporary employment as it directly affects the ease with which temporary employees are able to move to permanent contracts. There are wide differences in this legislation between countries. In addition, the wide array of different forms of contract for temporary work has implications for pay, fringe benefits and other conditions, resulting in an uneven patchwork of forms of temporary employment. Broader issues related to informal economies, in which large numbers of workers are effectively employed under ‘temporary’ or seasonal agreements, and the employment of foreign workers who may not be included in official employment data.

‘Temporary agency work’: definitional and regulatory unevenness

This section focuses specifically on temporary agency work. While the data and definitional discussion in the previous section point to the national differences in temporary employment more generally, this section attempts to categorise the wide variety of definitions of this particular form of employment. In order to do so, we bring together data collected by the European Industrial Relations Observatory (<http://www.eiro.eurofound.ie>) with that on the US, Canada, Japan, and Australia – collected from national websites and databases – to provide a global perspective.

The European Industrial Relations Observatory (EIRO) defines temporary agency work as a “three-way” or “triangular” relationship involving a worker, a company acting as a temporary work agency and a user company, whereby the agency employs the workers and places him or her at the disposition of the user company’. However, beyond this basic definition, there are differences in both the definition and the activities of temporary work agencies. EIRO (1999: 1) states that ‘there are a number of other less well-known and recognised three-way employment relationships on the periphery of paid employment. These relationships sometimes have no legal expression or definition, even if they are often less in breach of regulations than simply outside them’. Indeed, the regulatory contexts in which temporary staffing occurs varies considerably across countries, with a patchwork of different definitions and regulations operating globally. The regulation of temporary work agencies varies from no regulation or official

acknowledgement through to a high level of regulation limiting the type, duration and conditions of temporary contracts.

The geographical focus of EIRO is the EU, but this Working Brief aims to take the framework of definitions devised by EIRO (1999) and expand it to include other countries – namely Australia, Canada, Korea, Japan, New Zealand, Turkey and the US. In addition, the 10 newly acceded EU countries have been incorporated. EIRO (1999: 2) identifies three patterns of development of temporary agency work as defined in law:

- A general *lack of clear specific definition and regulation* of temporary agency work as a separate type of employment relationship;
- *Specific legal definition and regulation* of temporary agency work, focusing primarily on the relationship between the agency, the user company and the worker;
- Specific legal definition and regulation of temporary agency work, focusing primarily on the relationship between the agency, the user company and the worker, but also *defining a specific status for temporary agency workers*.

However, EIRO (1999) identifies Greece as an unregulated market in which agencies exist and operate without a licence, but are not prohibited by law. Hence, we suggest delimiting a fourth category of market in which temporary agency work is not only *unregulated* but also lacks official legal recognition. In many cases, these markets are unlikely to remain in this category and are in the process of developing legislation and definition that will place them within one of the other three categories. This Working Brief is concerned with the *definition* of temporary staffing in different markets, rather than particular regulations *per se*. However, the two are interrelated and the *regulation* of different markets is examined in Working Brief 25.

Using EIRO (1999; 2005), OECD (2002) and a variety of national based websites and databases, all EU countries and a selection of other international labour markets have been categorised according to the enhanced version of the EIRO classification. These are presented in Tables 2 - 5. A number of observations about the definition of temporary agency work can be made from these tables:

- There is great diversity in the definitions of temporary agency work, making comparisons less than straightforward. There is no distinct geographical pattern to the nature and type of definition;
- A range of different terminologies are used. The majority, of course, are translated into English from the local language, but many do not translate precisely into the common terms of ‘temporary work agency’, ‘temporary agency worker’ and ‘user’. For example, the

Japanese use the term 'dispatch worker', in Hungary the laws use the terms 'leesee' and 'lessor', and in Australia the placing of temporary staff is often called 'labour-hire';

- There are differences between the countries in the kind of legislation that is used. For example, some countries have developed specific laws, others amendments to more general Labour Codes, and others have less specific references contained within other Acts relating to employment;
- It is possible to group the definitions into four categories based upon the method and object(s) of definition. This ranges from no attempt to define temporary agency work through to clearly specifying the particularities of temporary agency workers;
- Table 1 shows the definitions (or lack thereof) of temporary agency work in unregulated markets. Not only are these markets unregulated, but there is a general lack of acknowledgement of temporary staffing. If there is an acknowledgement, it often represents a denial of this form of staffing. Temporary staffing is occurring in these countries, and is operating outside official acknowledgement, and therefore, regulation. This category in many respects represents a 'nursery' for emerging staffing markets and it is expected that definition, acknowledgement and (perhaps) regulation will follow with time. One of the drivers of regulation may be an increase in the presence of trans-national staffing agencies (such as Manpower, with a presence in Estonia and Greece; Adecco in Estonia and Lithuania; and Vedior in Cyprus and Bulgaria). The definitions presented in this table are those currently used and reveal that that these countries are beginning to understand the nature of temporary agency work. With the exception of Greece and Bulgaria, all the countries in Table 1 are newly acceded EU states and it is only comparatively recently that countries such as Hungary, Poland, the Czech Republic, Slovakia and Slovenia have regulated their temporary agency work activities allowing them to be placed in one of the other three categories.

Table 2: Defining ‘temporary work agencies’, ‘temporary worker’ and ‘users’: unregulated markets

Country	Status of definition	Content of definition
Bulgaria	None	The existing practise in Bulgaria of tripartite relations has not led to developing of formal legal definitions. The contracts are between the following parties: contractor – this is the hidden, real employer or the employer de facto on the territory of which the respective worker performs work; executor – this is the straw employer or the employer de jure who takes the commitment to conclude a labour contract with a worker determined by the contractor. The labour contract defines the work place, functions, worker’s obligations and remuneration defined by the contractor; worker – he can be defined under the tripartite contract in different ways – for example consultant, expert and others. He carries out his obligations under the operational leadership of the contractor although not having legal relationship with him.
Cyprus	None	No provision is made for the term temporary agency work as a separate type of employment relationship either by the law or by collective labour agreement.
Estonia	There are neither statutory definitions nor specific legislative acts dealing with temporary agency work.	Definitions used in the field dealing with temporary agency work are the following; temporary agency work is a triangular relationship between an agency (leasing) worker, a company acting as a temporary work agency and a user company. The agency employs the worker and places him/her at the disposition of the user company. Contracts between these three parties specify the obligations, responsibilities and rights of all involved parties; Agency worker – he/she concludes an employment contract with a company acting as a temporary work agency and the agency places him/her at the disposition of the user company to perform work assignments; User enterprise – enterprise, which uses the services of temporary work agency for finding and administering employees. All employers’ obligations rising from the legislation of Estonia apply to the agency. However, all obligations arising from occupational health and safety legislation in front of the worker lie on user firm.
Greece	Laws of 2001 on the restructuring of the Labour Force Employment Organisation (OAED) and of 2003 on the social dialogue for the promotion of employment and social protection.	By temporary employment is meant work that is provided to another employer (indirect employer) for a limited length of time by a paid employee connected to his/her employer (direct employer) by a fixed-term or open-ended contract or relationship of subordination. A temporary employment agency is defined as a company whose business objective is the provision of work by its paid employees to another employer (indirect employer) in the form of temporary employment. By direct employer of a temporary employee is meant the Temporary Employment Agency.
Latvia	None	Temporary agency work in Latvia is not defined and regulated as a separate type of employment relationship. Consequently there is not a statutory and/or/ collectively agreed national definition of temporary agency work, temporary agency worker and user enterprise.
Lithuania	None	At present there is no law and no sectoral collective agreement on temporary agency work in Lithuania and therefore – there is no legal definition of temporary agency work, agency worker or user enterprise. There are only a few enterprise-level collective agreements where the term agency work is mentioned. Agency work here is defined as work when one enterprise sends its employees to work or provide services for another enterprise who

Malta	Employment and Training Act of 1990 covers temporary employees, and Employment Agencies Regulations of 1995	it has concluded an agreement with on the provision of civil services. There are no statutory or collectively agreed definitions of temporary agency work, agency worker or user enterprise. One agency that offers temporary work advertises the service on its website as entailing employing people in short-term contracts on behalf of clients. The organisation would remain the official employer and would be ultimately responsible for the service provided.
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- Table 3 lists the definitions (of lack thereof) used by ‘neo-liberal’ countries. Here, staffing firm activities are subject to very few, if any, restrictions and market forces are often allowed to dictate the remuneration of workers and agencies for the placing of staff in user firms. For a discussion of the impact of this lack of regulation, see Working Brief 25. In these countries, it is not considered necessary to separately define the triangular relationship between temporary work agencies, temporary agency workers or user firms as these relationships are already mediated within existing structures and employment laws. This category could be described as being led by the US;
- Table 4 lists those countries that have specifically defined this triangular relationship between actors in the temporary staffing industry. Although the national definitions do vary, they have this description in common and it represents an acknowledgement of the particularity of this type of employment relationship. As Table 4 shows, many of the new laws or amendments relating to these definitions are fairly recent – often since 2000. This may represent a response to the growth in the proportion of work being conducted through temporary staffing agencies. This type of definition could be described as the German-model;
- Table 5 lists those countries which have not only defined the triangular employment relationship, but also defined a specific status for temporary agency workers. There are fewer countries in this table than in either Table 3 or Table 4. For these countries, the specific nature of employment through temporary work agencies requires particular definition and regulation. This may be due to differences in the type of work conducted by temporary staff in these particular markets, or the traditions of the country’s labour codes. This type of definition could be described as the French-model.

Conclusion

This Working Brief has aimed to outline the different ways in which ‘temporary employment’ – and within this ‘temporary agency work’ - have been defined by a range of countries. While commonalities can be found, there are a range of theoretical and methodological difficulties that render the nationally collected data incomparable at the international scale. Definitions of ‘temporary employment’ differ across territories, and are a combination of culturally and geographically specific histories. National definitions tend to be located within a spectrum ranging from very specific definitions that list job categories in which agencies can perform, through to loose definitions based upon the absence of a permanent contract. Definitions of ‘temporary agency work’ are equally diverse, if not more so.

Table 3: Defining ‘temporary work agencies’, ‘temporary worker’ and ‘users’: markets lacking clear specific definition.

Country	Status of definition	Content of definition
Australia	Workplace Relations Act of 1996	In Australia there is no single statutory definition of temporary agency work or agency worker. The category ‘contingent’ or ‘casual’ worker is used and varies by federal state. Radical changes to the Australian industrial relations system are currently being planned but definition remains unlikely.
Canada	Canadian Labour Code of 1985	Contingent Labour is any job in which an individual does not have an explicit or implicit contract for long-term employment. Essentially, this covers dependent workers, temporary help and contract company workers who do not expect their job to last. There are no ‘official’ definitions of temporary work agencies, or temporary agency workers as such.
Denmark	Case-law and collective agreements	In Denmark temporary agency work is defined in collective agreements, as the employment situation where a company hires external manpower through an agency for a task of fixed duration. The temporary agency worker is employed by the agency and leased to the user company. The agency is the employer and the user company only have obligations towards the worker concerning workplace insurance and working environment. The agency has the managerial right while the user company has the right to issue instructions of work in the company.
Finland	The Employment Contracts Act of 2001 sets out provisions concerning temporary agency work.	Work performed by an employee who is hired by her employer to work for another employer. The latter of these employers is called the user enterprise and the employee working in such conditions is called an agency worker. The Act stipulates that the employer of the temporary agency worker is the agency, not the user enterprise.
Ireland	Employment Agency Act of 1971; Unfair Dismissals (Amendment) Act of 1993; Protection of Employees (Fixed-Term) Act of 2003.	An agency worker is deemed to be an employee of the third party (the user employer) whether or not the third party is a party to the contract and whether or not the third party pays the wages of the worker in respect of the work or service. This extended protection under the unfair dismissals legislation to agency workers. The Labour Court has used this definition in its rulings on temporary agency workers.
New Zealand	Employment Relations Act of 2000	In New Zealand there is no single statutory definition of temporary agency work or agency worker. The category ‘contingent’ or ‘casual’ worker is often used.
UK	The Employment Agencies Act of 1973 and The Conduct of Employment Agencies and Employment Businesses Regulations of 2003.	In the UK there is no single statutory definition of temporary agency work or agency worker. The Act divides the recruitment industry activity into two sections; employment agency activity (permanent recruitment) and employment business activity (supply of temporary staff). There is no statutory definition of agency worker but under the 2003 regulations a Work Seeker is described as a person to whom an agency or employment business provides or holds itself out as being capable of providing Work Finding Services. Work Finding Services are the services provided either by an agency or employment business to Work Seekers.
US	?	Contingent Labour is any job in which an individual does not have an explicit or implicit contract for long-term employment (US Bureau of Labor Statistics, 1989). Essentially, this covers dependent workers, temporary help and contract company workers who do not expect their job to last. There are no ‘official’ definitions of temporary work agencies, or temporary agency workers as such.

Table 4: Defining ‘temporary work agencies’, ‘temporary worker’ and ‘users’: markets with specific definition and regulation.

Country	Status of definition	Content of definition
Austria	The Temporary Employment Act of 1988. The collective agreement for the sector of employment agencies specialised in the hiring out of labour that was concluded in January 2002.	Temporary agency work is the hiring out of workers to perform work assignments at third parties. The law clearly distinguishes between temporary agency work and contracts for services. The user company is the company to which the temporary agency workers are hired out to. The law clearly specifies the role of the agency as employer versus the user company. Agency workers are simply defined as employees in the Act.
Czech Republic	Employment Act of 2004 and Amendment to Labour Code in 2004 covering Agency Employment.	In addition to searching for employment for other persons and providing advisory and information services, employment brokerage is also understood as being the employment of individuals in order for them to perform work for users. The brokering is provided by a work agency which is defined as being a legal entity or physical person which acts as the employer. This employer may temporarily assign its employees to perform work for other employers only under the terms of an employment contract, or under a work contract, by which the work agency undertakes to provide temporary work for its employee with other employers (users). An agency worker is an employee who has an employment contract or work contract, who undertakes to perform the assigned work according to the user’s instructions.
Germany	The Temporary Employment Act of 1972, revised in 2002.	Employers (temporary work agencies) who intend to make the services of workers (temporary workers) available to third parties (user enterprises) on a commercial basis shall require a licence. A temporary work agency is therefore any licensed business which commercially hires out employees to other companies. The workers who are employed only to be hired out are temporary workers and those companies who hire them are user enterprises. A temporary agency worker is by definition an employee of a licensed temporary work agency but works under the managerial authority of the user company. According to the Act they are deemed to be employees of the temporary work agency even while working for a user enterprise
Hungary	Amendment to Labour Code in 2001	The law appears to focus on the commercial relationship between the agency and the user enterprise while fails to provide an explicit definition of the agency worker; ‘employee lease’ - an activity in the frames of which lessor leases the employee, who is in employment relationship with the lessor for the specific purpose of lease, to lessee to perform work for compensation (hereinafter: lease); ‘lessor’ - the employer who transfers the employee, who is in employment relationship with lessor for the specific purpose of lease, to lessee to perform work, and shares employer rights and obligations with lessee (hereinafter: lessor); ‘lessee’ - the employer who employs the employee transferred in the frames of the lease contract, and shares the rights and obligations of the employer with lessor. As far as the legal status of the agency worker is concerned, the law requires a special sort of employment contract between the agency and the worker. Although the agency work is performed under the supervision of the user firm, the employment relationship is primarily established with the agency.

Luxembourg	Labour Law of 1994	A temporary employment agency is defined as any physical or moral person in the business of recruiting and paying staff, with a view to supplying them to client companies on a temporary basis to carry out specific, non-permanent jobs called assignments. The law does not allow temporary staff to do all kinds of work; work is limited to specific, non-permanent jobs that are not part of the enterprise's normal, everyday activity. A temporary worker is defined as an employee who, under the terms of an assignment contract, agrees to be supplied to a client or clients on a temporary basis for the performance of specific, non-permanent jobs. The law provides no definition of client, but defines an assignment contract as one under which a temporary worker is paid by a temporary employment agency to perform a specific, non-permanent job for a client.
Netherlands	Defined by the Labour Agreement Act (part of the Civil Code) and in the main collective labour agreement for the sector.	An agency contract is defined as a labour contract. The employer hires out the employee to a third party, the user enterprise, to fulfil an assignment under leadership and supervision of the third party. This is within the framework of practicing a company or profession by the Agency. The agency is the employer of the agency worker.
Norway	Temporary agency work is regulated through the Worker Protection and Working Environment Act (AML) of 2000.	A temporary work agency is a company whose object is to hire out labour. One might argue that this definition or understanding is partly based on tradition, since a distinction is traditionally drawn between temporary work agencies and companies that occasionally hires out part of the staff, for instance when the workload is low (i.e. lending out their employees to a company that are short on staff for a period). An agency worker is separated from a consultant by the responsibility of the user enterprise. With regards to agency work (as opposed to consultancy or sub-contracting), the user enterprise will be fully responsible for organising the work etc, i.e. the agency only provides the employees. The distinction between agency workers and other groups such as consultants or sub-contractors is not necessary very clear. The agency has formal employer responsibility for the agency worker, and the employment relationship is regulated through the employment contract. The user enterprise on the other hand is responsible for safety and work environment at the work place of the agency worker.
Poland	Employment of Temporary Workers Act of January 2004.	A user employer is a private individual or a legal entity who/which sets tasks to be completed by the worker provided by a temporary staffing agency and supervises execution of these instructions. Temporary work has been defined as work provided to the benefit of a specific employer on a seasonal, periodic, or ad hoc basis. The definition can also apply to a situation where the performance of specific tasks called for at the moment by the user employer's own staff would be impossible, or where such tasks fall within the ambit of an employee who is absent at the moment.
Romania	New Labour Code of 2003; Amendment of September 2004 regulating temporary work agency practices.	The temporary agency worker is an employee hired by a temporary work agency, placed at the disposal of a user for the length of time required to complete certain precise assignments of a temporary nature. The temporary work agency is the firm authorized by the Ministry of Labour, Social Solidarity and Family, temporarily hiring out to the user enterprise skilled and/or unskilled personnel whom it employs and pays to this end. The user enterprise is an employer at whose disposal a temporary work agency places a temporary worker for the purpose of completing certain precise and temporary assignments.

Slovakia	Act on Employment Services of 2003	The Temporary Work Agency is defined as a legal person or a physical person which employs a citizen on an employment contract in order to his or her temporary assignment to a user employer. The citizen who is an employee of a temporary work agency is defined as a temporary agency worker. The user employer is defined in this Act as an employer who employs an employee temporarily posted by the temporary agency worker.
Slovenia	Law on Labour Relations of 2003	The temporary agency worker's employer is the agency. The employer who, in accordance with the regulations on employment and unemployment insurance on the basis of a concession contract can perform the activity of providing workers to another employer shall conclude an employment contract with such workers. The legal relationship between the agency and the worker is an employment relationship based on the employment contract. This means that an employer (agency) can provide to the user only those workers, with which he concluded an employment contract.
Spain	The law of 1994 regulating temporary work agencies, and the modification of 1999.	A temporary work agency is one whose activity consists in temporarily placing workers contracted by it at the disposition of a user company. Only temporary work agencies with a government licence can recruit workers for temporary assignment to other companies. Agency workers are those workers who are assigned or on a mission: these have a labour relationship with temporary work agencies, but provide their services within user companies.
Sweden	The Swedish Private Job Placement and Hiring-Out of Labour Act of 1993.	The relationship between the agency, the employee and the client is expressed as follows: A legal relationship between a client and a temporary work agency whereby the agency, in return for a fee, places its own employees at the disposal of the client to perform work in the latter's business. Temporary agency work is thus the work of a temporary work agency employee performed at the clients' premises. Agency worker is a worker employed at a temporary work agency. User enterprise is named the client in the Swedish legislation, meaning the company who places a work order to a temporary agency for performance by the latter.
Turkey	Labour Act of Turkey of 2003	A temporary employment relationship is established when, in order to have work performed similar to what the employee was doing, the employer transfers the employee, upon obtaining his written consent at the time of transfer, to another establishment within the structure of the same holding company or the same group of companies, or to another employer. While in this case the employment contract between the employer and the employee continues to be in effect, the employee is obligated to perform work for the employer with whom the temporary employment relationship has been established. While the employer who is the party to the temporary employment relationship has the right to give commands to the employee, he is under the obligation to provide the employee with the necessary training against health and safety risks.

Table 5: Defining ‘temporary work agencies’, ‘temporary worker’ and ‘users’: markets defining a specific status for temporary agency workers.

Country	Status of definition	Content of definition
Belgium	Law on temporary work of 24 July 1987.	A temporary work agency is an enterprise whose activity involves hiring temporary workers and supplying them to users for the performance of an authorised temporary job. A temporary agency worker is a worker who enters into a contract of employment in order to be supplied to one or more user companies.
France	Definition provided by a specific law, included in the Labour Code (1972)	An agency worker is the employee of a temporary work agency. He/she is subject to a different status from those of the temporary work agency’s permanent staff, and of the client company’s. The agency worker and the temporary work agency are bound by a specific ‘assignment’ contract which differs from a standard employment contract in a number of areas. The user enterprise is not the employer but share with the agency some of the employer rights and duties.
Italy	Temporary agency work was first introduced in Italy by the so-called ‘Treu Package’ of 1997.	Temporary agency work is regulated by the labour-only subcontracting or staff leasing contract, which can be stipulated by a firm with any leasing agency authorized by the Ministry of Labour and Social Policies to furnish labour for a limited period of time. The worker is formally an employee of the leasing agency, by which s/he is paid.
Japan	Worker Dispatch Law of 1985; amended in 1999 and 2003	‘Worker dispatching’ means causing a worker or workers employed by one person to be engaged in work for another person under the instruction of the latter, while maintaining their employment relationship with the former, but excluding cases where the former agrees with the latter that such worker or workers shall be employed by the latter. ‘Dispatch worker’ means a worker, employed by an employer, who becomes the object of worker dispatching.
Portugal	The statutory definition of temporary agency work has been laid down in the preamble of the Decree-Law of 1989. This definition has kept largely the same after the amendments of the law in 1996 and 1999.	The temporary work relation is defined as a ‘triangular’ employment contract where the contractual position of the employer entity is unfolded between the temporary work agency and the user. The temporary work agency has the managerial position of hiring, remunerating and the disciplinary power regarding the worker. The user occupies the worker, under its authority and direction, which are carried on by delegation of the temporary work agency. The worker is not considered a member of the enterprise user staff.

This may be a function of the relative youth of this form of employment. Based upon EIRO observations, this Working Paper has presented four categories of definitions of 'temporary work agencies', 'temporary agency workers' and 'users'. However, the placement of countries in these categories is not fixed, as laws defining these terms can be renewed, amended or abolished. In addition, attempts to regulate the staffing industry at different geographical scales, such as at the EU level, may impact upon the definitions used by particular countries. Finally, it is important to understand that while comparability and uniformity of definition of both temporary employment and temporary agency work would aid the study of the staffing industry, and employment relationships more generally, this is very hard to achieve given the particular development of labour codes, employment laws and industrial relations frameworks in which temporary work is embedded from one country to another.

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