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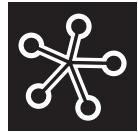
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**AMSTERDAM INSTITUTE FOR
ADVANCED LABOUR STUDIES**

TEMPORARY AGENCY WORK IN THE NETHERLANDS

RSF project Future of Work in Europe

Low-wage Employment: Opportunity in the Workplace in Europe and the USA

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ABSTRACT

This paper is the result of a study on temp agency workers and on the role that temp agency work played in company's staffing strategies and on industry and national regulations regarding temp agencies and temp agency work. It was conducted in 2004-2006, as part of a larger project on low wage work in the Netherlands, which was part of a five country study for the Russell Sage Foundation, USA. In order to provide a background for understanding temporary agency work, recent developments in and the various forms of external numerical flexibility in the Netherlands are sketched first. The temporary agency market apparently is well equipped to provide services for firms' demands for flexible labor. The largest volume of temp work through agencies includes rather low-skilled jobs for manufacturing, transport, cleaning and administrative work, although most large temp work agencies also maintain specialized departments for outsourcing nurses, secretaries, managers, and other professional medical or technical staff. If one relates the 2004 figures to the Dutch dependent workforce at large, temp agency workers made up 6.0 percent (head-count) of that workforce, and 4.5 percent in FTEs. In firms using temp agency workers, on average 7 percent of the workforce recently was made up of temp agency workers. Major motives for companies to hire temp agency workers are peaks in production, mostly predictable peaks, as well as replacement of staff falling ill.

As for the regulatory regime, in the late 1990s, two species of legislation were introduced that are of relevance here. The Flexibility and Security ('Flexicurity') Act of 1999, replacing the 1965 law, is most important for the regulation of employment relationships in and by temp work agencies. The 1998 WAADI Act regulates the temp agency product market, and abolished the former license system, although the government kept the option open to reinstate such a system 'in the interest of good relations on the labour market or the interests of the personell concerned'. For temp work agencies the main implication of the new law was that agreements between them and employees were to be employment contracts. As temp work agencies are assumed to bear employer responsibility, this may lead to larger security for temp agency workers. Temp agency workers are for the larger part covered by a collective agreement, concluded by General Federation Temporary Work Agencies - ABU with the major trade unions. After mandatory extension, about 94 percent of the temp agency workers were covered by an agreement.

For typologies of temp agency workers on employment status and education we have analysed the 2004 data of the *WageIndicator*, collected via a web-based survey addressing the labor force in the Netherlands. The analyses show that 1.7 percent of the observations concerned a temp agency worker. Of this group, one out of ten indicated to be a school pupil or student. Another five percent was a housewife/man with a job on the side, partly disabled, unemployed, or working without loss of unemployment benefits. Temp agency work is often associated with people with a

weak position in the labour market, but it appeared that temp agency workers did not significantly differ from other workers with regard to their years of education, although they more often had enjoyed general education instead of vocational education. Temp agency workers are typically young workers, as they proved to be relatively younger than the workforce of any other large branch of industry. Compared with their share in the total Dutch workforce, migrant workers, from western or from non-western origin, are comparatively more often employed via temp work agencies.

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I. INTRODUCTION

In 2003, the Russell Sage Foundation (RSF) in the United States had developed plans to support a cross-national comparison of the quality of low-wage employment in Europe and the United States. Having completed an extensive series of case studies of such jobs in the US in partnership with the Rockefeller Foundation, RSF then sought to commission a set of comparable case studies for five European countries: Denmark, Germany, France, the Netherlands, and the United Kingdom. The Amsterdam Institute for Advanced Labour Studies (AIAS) of the University of Amsterdam and STZ advies & onderzoek (consultancy & research) in Eindhoven were chosen to undertake the study for the Netherlands. The focus was on six occupations that were low-wage occupations in the USA, notably the housekeeper/cleaner, the sales clerk/cashier, the call center agent, the temp agency worker, the food production worker, and the nursing assistant. Given the nature of the study, notably case studies in eight establishments in five industries, it was clear that temp agency workers are not working in the temp work agencies as such, but that their workplaces could be found in other industries. Therefore, the study of temp agency workers had a greater focus on the role that temp agency work played in company's staffing strategies and on industry and national regulations regarding temp agencies and temp agency work. This working paper is the result of this study. The full report of the study on low wage work in the Netherlands will be published in the USA by 2008.

2. NUMERICAL FLEXIBILITY IN THE NETHERLANDS

2.1 INTERNAL AND EXTERNAL NUMERICAL FLEXIBILITY

In order to provide a background for the following chapters on temporary agency work, we will treat in this first chapter the recent developments in and the various forms of external numerical flexibility in the Netherlands, as temp agency work is one of these forms. We will go into the relationship with internal numerical flexibility.

Since the mid-1960s, opening / production hours and working hours tend to fall apart. The rise of just-in-time production and delivery patterns on the one hand and changing demographic patterns and shorter working weeks on the other pushed firms towards flexibility. For the time being, numerical flexibility seems to dominate in the Netherlands over the other option, functional flexibility – if those cases are counted in which the latter option is structured and embedded in the organisation.¹ A variety of firm strategies aiming at internal numerical flexibility emerged:

- flexible working hours, notably variability in hours over the working day (away from the '9 to 5' pattern) and flexibility in hours per week²;
- annualisation of working hours, with flexible schedules over the year³;
- overtime hours, most frequently found among drivers, commercial employees, and various groups of professionals⁴;
- working non-regular hours, in weekends or at night, most frequently found in agriculture, health care and public transport⁵;
- 'time bank' systems, aiming at workers' opportunities to 'trade' days against other elements in collective labour agreements (CLAs)⁶ and developing into the so-called *a la carte* CLAs⁷;
- internal labour pools⁸;
- secondment (*detachering*) in the own firm;
- changes in the extent of part-time work, in 2000 eased by a special Dutch law (*Wet Aanpassing Arbeidsduur*).⁹

¹ Van Klaveren et al, 1997; Fouarge et al, 2002.

² Tijdens, 1998, 32, 48-9.

³ Tijdens & Van der Meer, 2000.

⁴ Tijdens, 1998, 41-2.

⁵ Tijdens, 1998, 44-5.

⁶ Tijdens, 1998, 49-50.

⁷ Korteweg et al, 2003.

⁸ Tijdens, 1998, 67-8.

⁹ As such, we do not regard part-time work as a form of internal numerical flexibility, although from the employers' perspective some arguments are in favour of linking part-time with flexibility (Oej et al, 2002, 23).

With a time lag of about a decade, external numerical flexibility strategies¹⁰ of Dutch firms became visible too. They showed up in a number of variations¹¹:

- temporary agency work;
- external labour pools (like already existing in the Rotterdam and Amsterdam ports and in road transport);
- fixed-term contracts;
- work on call, working with substitutes¹²;
- homework;
- insourcing and outsourcing;
- secondment (*detachering*) in/to other firms;
- hiring self-employed and freelancers.

For many reasons the issue is complicated, for example as from an employers' perspective internal and external flexibility often mix up.¹³ Most of these forms can be called contractual flexibility: temp agency work, fixed-term contracts, work on call, labour pools, and homework. The other forms concern the internalising or externalising of knowledge and/or workers: insourcing or outsourcing, secondment, hiring self-employed and freelancers.¹⁴

2.2 EXTERNAL NUMERICAL FLEXIBILITY

Statistics Netherlands registers yearly figures pointing at external numerical flexibility (reference date: December 31). These figures show that in 2005 just over half a million Dutch wage earners, 8.5 percent of the countries' dependent workforce, fell under this definition. They are divided into temp agency workers, workers on call and substitutes (the latter two separated until 2001), and other flexible workers. One may assume that the large majority of workers counted in the last category had fixed-term contracts. Although external labour pools have expanded in the last decade in the Netherlands, the total number of workers involved may not exceed 50,000.¹⁵ Homeworkers included in the flexible worker category will mainly be those in 'classical' low-skilled, low wage jobs

¹⁰ It may be questioned whether conscious strategies are dominating here, or rather processes of trial and error or 'emergent strategies', like De Leede & Van Riemsdijk (2000) show for the Dutch automotive industry. See for criticism on the supposed strategic managerial behaviour concerning labour flexibility a.o. Pollert, 1991.

¹¹ De Haan et al, 1994; Tijdens, 1998; Goudswaard et al, 2000; Moolenaar, 2002.

¹² Tijdens (1998, 65-6) groups work on call (in Dutch: afroeparbeid) under internal numerical flexibility, as employer and employee have a labour contract, be it without arrangements concerning definite numbers of hours.

¹³ Oeij et al, 2002.

¹⁴ Remery et al, 1999; Fouarge et al, 2002.

¹⁵ The last official figure for labour pools (code 74504) was for 1999: 42,400 employed (CBS, Statline).

in manufacturing; we expect that ‘modern’ teleworkers have been left out. By 2000 the number of classical homeworkers in the Netherlands was estimated to amount to 30 – 35,000.¹⁶

Secondment as well as hiring self-employed and freelancers will be more widespread, but these practices are hardly covered by official statistics. The same holds true for outsourcing, a practice in which activities that are no longer defined to belong to the firm’s core business are put outside the firm. This practice has, especially in value chains in manufacturing industry, grown rapidly in the preceding years, and gave rise to on the one hand ‘hollow companies’ and on the other hand to mature supply structures including large suppliers of cleaning, IT, HRM activities and other (shared) services¹⁷. Recently some companies returned on earlier decisions concerning outsourcing and changed to insourcing the activities at stake. In statistical terms, however, insourcing and outsourcing are quite fluid practices and the numbers of workers involved can hardly be traced.

Following Statistics Netherlands data, the share of flexible workers in the dependent workforce rose quickly from 1992 to 1996, from 7.6 to nearly 10 percent (excl. workers working less than 12 hours a week). Other sources show the same tendency.¹⁸ The growth of temp agency work accounted for 70 percent of this growth: the share of temp work in the total workforce grew from 1.9 percent in 1992 to 3.4 percent in 1996. The share of workers on call grew also, from 1.5 percent of all wage earners (1992) to 2.0 percent (1996), but at the same time the share of substitute workers fell down from 0.7 to 0.6 percent.¹⁹ We continue this information in Table I²⁰ for 1996 – 2005. As other research has proven that flexibility varies widely among men and women²¹, we offer both total figures and figures divided by gender. According to Statistics Netherlands the share of flexible workers working 12 hours per week and more reached its peak with 10.4 percent in 1998, fell gradually to a low of 7.4 percent in 2003, and then grew again modestly. The development of temp agency work was about the same, but the numbers of temp agency workers diminished above proportion from 1998 till 2003.

¹⁶ Van Klaveren & Van de Westelaken, 2000.

¹⁷ Van Halem et al, 2002. As is illustrated in this report, the maturity of labour relations is often lagging behind in new networks or configurations of economic activity. See on this issue also the industry report on the Dutch Call Centre industry.

¹⁸ Remery et al, 1999, 39.

¹⁹ Oeijs et al, 2002, 29.

²⁰ Included are those without permanent contract and/or with whom no fixed working hours have been agreed upon; excluded are those with a working week less than 12 hours.

²¹ Goudswaard, 2003, 137-8.

2.3 EXPLAINING EXTERNAL NUMERICAL FLEXIBILITY

We suppose that risk-avoiding employer behaviour can serve as a major explanation for the magnitude of external numerical flexibility.²² In the recession of the early 1990s and quite some years thereafter, many employers avoided offering workers permanent contracts as much as they could. New legislation affecting the costs of sickness and occupational hazards strengthened this behaviour²³. The new Law on Continuous Wage Payments to workers in case of sickness (WULBZ, 1996, the virtual abolition of the former Sickness Leave Act or Ziektewet), major changes in the cost structure of the Occupational Disablement Act (Wet Pemba, 1998), and the new Law on the Reintegration of Handicapped Persons (Wet Rea, 1998), all enlarged the risks of having workers of the firms' own payroll and made deploying temp agency workers comparatively cheaper.²⁴

Moreover, the *Flexibility and Security* ('Flexicurity') Act (Wet Flexibiliteit en Zekerheid) of 1999 limited the time of probation for regular staff to two months, with a compulsory agreement in writing. Yet, the new law did not straightforwardly promote external flexibilisation: in trying to unite 'flexibility' with 'security' it included stricter rules concerning temp agency work, discouraged 'min-max contracts' and 'zero-hours contracts', and created rights for temp agency workers to obtain permanent jobs. However, it also increased flexibility for the temp agencies, because the maximum hiring duration for 1,000 hours for one temp agency worker was released. An evaluation of the Flexicurity Act showed that this law and the related new ABU CLA led to higher costs for both temp agencies and user firms.²⁵ Other research argues that temp agency workers are still less costly than own staff, but that this cost advantage has a rather limited duration.²⁶ And, to put things in perspective: in most EU member states the share of flexible contracts stabilized in the second half of the 1990s, irrespective of their institutions.²⁷

Other institutional factors may play a role too, and may stimulate employers to consider external flexibilisation options comparatively early.²⁸ Variety in labour cost levels between internal and external options may be important. In the Netherlands already in 2000 nearly all forms of internal and external flexibility were in various ways covered by CLAs, and although such regulation proved

²² Cross-country analyses along the dimension of employment protection (EP) have been rather common, supposing that a high EP coincides with a high rate of flexible employment (cf. Dunnewijk, 2000, 2001). We do not follow this road especially as the Netherlands, after the changes in the legal framework, of 1998-99 are an extremely complicated case in this respect.

²³ Also suggested by Oeij et al, 2002, 31, fn. 15.

²⁴ Zijl et al, 2003.

²⁵ Van den Toren et al, 2002. Zijl et al (2003, 27) confirmed this conclusion.

²⁶ IBM, 2003, cited in Zijl et al, 2003, 11.

²⁷ Goudswaard & Andries, 2002. Compared with the other countries participating in the RSF Low Wage in Europe project, the Dutch figures concerning the share of all temp workers in the workforce are in the upper middle range: based on 2000 statistics, they appeared to be lower than in France, about equal than those in Germany, but considerably higher than the Danish and especially the UK figures (Martin & Stancanelli, 2002, based on OECD database on temporary work).

²⁸ Miedema & Klein Hesselink, 2002.

to be rather flexible,²⁹ certain internal numerical flexibility measures remain rather expensive for Dutch employers. For example, in many CLAs substantial compensations for working ‘unsocial’ hours are laid down, while experience learns that the flexibility that such measures can create is rather limited: regarding overtime, for example, 1 – 2 percent of total staffing capacity.³⁰ On the other hand, cost considerations may not have unambiguous outcomes and vary with market segments. Firms with high quality production and a high skilled workforce will preferably retain current staff in slack times as much as possible and be aware of the high transaction costs of most forms of external flexibilisation. Yet, outsourcing may be a viable option for this category, also because structured tender procedures may bring down transaction costs in the long run.³¹

Table I shows that temp agency work and work on call/by substitutes lost shares compared to ‘other flexibility’, in the early 2000s both for men and women, although afterwards temp agency work for men grew quicker than that for women. In the male flexible workforce, temp agency workers represented 37 percent (2003) to 46 percent (1998) of all flexible workers; their 2005 share was 39 percent. In the female flexible workforce, temp agency workers had a somewhat lower share, varying from 33 percent in 2002 to an even lower share of 26 percent in the years 2003–2005.

From 1996 to 2002 numerical flexibility at large turned out to be more cyclical for females than for males, but this difference has diminished in the last three years. One might have expected that the recent wave of legal changes concerning occupational disabled (like Wet Verbetering Poortwachter or the Gatekeeper Improvement Act (2002), new Law on Occupational Disablement (2006, WIA)) would again have led to the growth risk-avoiding behaviour of employers. Indeed, current figures about numerical flexibilisation point to an upward trend, but on a considerably lower level than in the former (early) boom. A certain habituation to frequent governmental policy changes may well play a role, although the RSF case studies undertaken in the hotel industry show that this is certainly not everywhere at hand.

According to official statistics, the occurrence of numerical flexibility varies widely across Dutch industries. The OSA Panel found that in Autumn 2003 nearly half of all work organisations used fixed-term contracts. Above this average scored transport, health care, public service, and education.³² Returning to the Statistics Netherlands figures, we found the highest total share of flexible workers for 2004 in the hotel and catering industry (30.9 percent), followed by another

²⁹ Cf. Tijdens & Van der Meer, 2000.

³⁰ Tijdens, 1998, 62.

³¹ Cf. Van Halem et al, 2002.

³² Bekker et al, 2005, 65-6.

target industry of the RSF project, retail (30.1 percent). With 22.7 percent, the cleaning industry also showed a high score. The share of flexible work in the food industry was 8.1 percent, still twice that of manufacturing at large (4.1 percent). Hospitals showed 3.3 percent flexible workers, less than half than the share found for nursing and senior citizen's homes (7.9 percent).³³

Across countries and industries the composition of the ‘external flexible workforce’, notably the share of temp agency work, may vary as well. In an international comparison temp agency work as an institutionalized form of temp work is much more rooted in the Netherlands than in other European countries, including the other four countries of the RSF research project. The Dutch market for temp agency work can be regarded as most mature.³⁴ Compare for example with Germany, with an about equal total share of temp work in the workforce but a substantially lower share of temp agency work.³⁵ As such, the development of the regulation of temp agency work does not provide a satisfying explanation for these differences. Obviously, other institutional arrangements play a larger role, like the availability of alternative opportunities of recruitment and of screening potential workers for permanent contracts (for example apprenticeships in Germany).³⁶ Of course, important factors are also the structures of the various national economies, the actual stage of the business cycle, and the related mix of motives for hiring agency workers. In section 3.7 we will return on the shares of temp agency work in flexible contracts per industry.

³³ CBS, Statline.

³⁴ Dunnewijk, 2000, 68.

³⁵ Moolenaar, 2002; Weinkopf, 2005.

³⁶ Dunnewijk, 2000, 71.

3. THE TEMPORARY AGENCY MARKET IN THE NETHERLANDS

3.1 CORE PRODUCTS AND SERVICES

According to the European standard industry classification NACE, the temp agency companies are assigned NACE codes 7450. In the Netherlands, this code is further detailed. Companies under code 74501 undertake as a rule the mediation of temp agency workers, mediating staff temporarily to third parties while this staff is on their payroll. The workers concerned, although paid by the temp agency, do not have an employment relationship with the agency but with the user firm. The numbers of temp agency workers counted under this code largely co-incide with those under phase A in the Collective Labour Agreement (CLA) for temp work agencies (see sections 4.1. and 4.4.). Companies under code 74502 lease staff with which they maintain an employment relationship to other companies, via labour pools, secondment constructions or labour reserves for user firms. Statistics Netherlands states that the workers counted under this code co-incide with those under phases B and C in the temp agency worker CLAs.³⁷

The largest volume of temp work through agencies includes rather low-skilled jobs for manufacturing, transport, cleaning and administrative work (see Table 2), although most large temp work agencies also maintain specialized departments for outsourcing nurses, secretaries, managers, and other professional medical or technical staff – activities deployed by specialized agencies too. For 2005, the total Dutch temp work agencies' market was estimated roughly to amount to € 7 billion, divided in: 44 percent mediation of administrative workers (€ 3,100 million), 43 percent of workers in manufacturing (€ 3,100 million), 10 percent in technical professions (€ 700 million) and 3 percent in medical professions (€ 210 million).³⁸

3.2 TRENDS IN GROWTH RATES

In contrast to the workforce of other industries, it is difficult to estimate the size of the Dutch temp agency workforce. The volume of temp agency work can be expressed in either total days or total hours worked by the temp agency workers during a given period in time. Subsequently, the full-time equivalents (FTEs) of the temp agency workforce can be estimated. The volume can also be expressed as the number of temp agency workers in a given period, and subsequently as the share of temp agency work in the total Dutch workforce. Here, the volume of temp agency work will be dealt with. Chapter 5 reviews the composition of the temp agency workforce in greater detail.

³⁷ CBS, De CBS statistiek van de uitzendbranche, January 2005 (leaflet).

³⁸ ABU, Flex & Figures, March 2006.

Since 1973, Statistics Netherlands has published data on the average number of agency workers per day, showing an increasing number of temp workers over a longer period of time with setbacks during recessions. As an illustration, during 1973-79 the market grew with 17 percent annually, but fell with 13 percent yearly in the heavy recession of 1980-83.³⁹ The available evidence supports statistical analyses⁴⁰ concluding that the demand for agency workers is highly affected by the economic cycle: it is higher in the first stages of an economic boom as well as in the last stages of a slump. Regression analysis based on 1986-1999 data shows that agency work is a leading indicator of investments (but not of unemployment).⁴¹

After almost five years of constant decline, temp agency (code 74501) sales increased in the third quarter of 2004 with 4 percent-points, followed by a fall of 1 percent-point in the last quarter but then again by a growth of respectively 6, 5 and 3 percent-points (corrected for seasonal influences) in the first, second and third quarters of 2005.⁴² In 2005, sales in mediation of administrative and technical professions grew most (19 percent, compared to 2 and 19 percent in 2004 respectively), followed by mediation for workers in manufacturing (plus 7 percent, against 5 percent in 2004). Mediation of medical staff remained at the same level, although this was an improvement compared to sales diminishing with 28 percent in 2004.⁴³

The longer-term development of temp agency work employment, notably in FTEs, is hard to reconstruct as Statistics Netherlands changed statistical criteria in 2000. Comparable figures can only be given for the years 2001-04 (Table 3). If one relates the 2004 figures to the Dutch dependent workforce at large, temp agency workers made up 6.0 percent (head-count) of that workforce⁴⁴, and 4.5 percent in FTEs.⁴⁵ In firms using temp agency workers, on average 7 percent of the workforce recently was made up of temp agency workers.⁴⁶

³⁹ Moolenaar, 2002; Dunnewijk, 2001.

⁴⁰ Zijl et al, 2003.

⁴¹ Moolenaar, 2002, 42.

⁴² CBS, Statline.

⁴³ ABU, Flex & Figures, March 2006. Figures of the ABU Monitor, relating to about 65 percent of the market as counted by Statistics Netherlands.

⁴⁴ This share was 5.7 percent if we leave out staff of temp work agencies (basis: CBS, Statline); Statistics Netherlands only publishes their employment in head-count figures.

⁴⁵ ABU, Flex & Figures, March 2006.

⁴⁶ Berkhouwt & Van Leeuwen, 2004.

3.3 SIZE DISTRIBUTION AND OWNERSHIP OF TEMP WORK AGENCY COMPANIES

Six large, internationally operating companies have obtained a strong position in the Dutch market for temp agency work. By far the largest market share, about 35 percent⁴⁷, has Randstad Group, of Dutch origin and currently ranking fourth worldwide. Second comes the United Services Group (USG People), a merger between Start⁴⁸ and Unique whereby both continued to operate under their own name, followed by no. three: Adecco (Swiss-based, world business leader), no. four: Vedior (French, world's second largest), no. five: Manpower (US, world's number three), and no. six: Content (owned by the Belgian Solvus Group). Vedior and Content also have Dutch roots. In recent years, the foreign secondment agencies Kelly Services (US) and Brunel (UK) gained a solid position in the Netherlands.

The large temporary agency companies have selling points in all Dutch towns. These selling points tend to cluster in or near shopping centres, as clothing and shoe stores do. The numbers of temp agency selling points (establishments) highly exceed those of temp agency companies, as the few large firms own considerable numbers of selling points. In November 2005, Randstad had 315 selling points in the Netherlands, USG People about 300 (Unique 100, Start 200), Adecco over 170, Vedior 350, and Manpower over 150.⁴⁹

According to Statistics Netherlands, the number of temp work agency companies as well as their establishments boomed already between 1995 and 1999. In that period, the number of companies tripled and the number of establishments more than doubled. Yet, these figures really exploded after the liberalisation due to the new legislation of 1998-99. Growth continued up till 2004, when for the first time both the number of companies and that of establishments diminished. In January 2005, 2,750 companies under NACE code 74501 and 1,465 companies under NACE code 74502 were counted, as well as 5,295 establishments under code 74501 and 1,775 under code 74502.⁵⁰ Thus, the total number of agency companies amounted to 4,215, that of establishments to 7,070 (Table 4). As anybody can observe in Dutch cities, temp agency selling points are nearly as fluid as clothing stores. Their replacement rate is high: in 2003 1,700 establishments closed down and 1,820 started up.⁵¹

In November 2005, 309 temp agency work companies had joined ABU, the main association of temp work agencies in the Netherlands⁵². These companies owned 2,600 selling points (establishments),

⁴⁷ Based on the reported 37 percent share of the Dutch market in the total 2005 turnover of Randstad (Annual Report 2005).

⁴⁸ In 1985, this temp work agency was started up by the Netherlands Employment Office.

⁴⁹ Various websites, accessed by www.uitzendbureau.rubrieken.com

⁵⁰ CBS, Statline.

⁵¹ ABU, Flex & Figures, May 2004.

⁵² ABU, Flex & Figures, December 2005.

an average of 8.4 per company (2003: 3,050, average 10.8). In 2003 the five largest companies, all ABU members, owned 1,285 selling points: 18 percent of all agencies. We estimate the market share of this ‘top-5’ at approximately 45 percent. Another 76 percent of ABU members owned 1-5 establishments.⁵³ Moreover, in 2003 1,500 registered companies existed (with over 1,900 selling points) which were not affiliated with any association of temp work agencies.⁵⁴ The small and medium-sized temp work companies are predominantly Dutch-owned. The very small companies usually operate from private homes.

Since 1998, Statistics Netherlands registers (head-count) employment of temp agency staff per December. We show these figures in Table 5; they are not included in other tables. Staff employment doubled as well as ‘feminized’ in the 1998-2000 expansion period, then consolidated and diminished strongly in 2003 and 2004. In December 2000, staff still made up 11 percent of the number of workers mediated at that moment, and temp agencies had brought back that share in December 2004 to just over 9 percent.⁵⁵

3.4 GENERALIST VERSUS SPECIALISED TEMP WORK AGENCIES

The large temp work agency companies are essentially generalists. Yet, most of them have established specialized branches, aiming to create value added by offering services to higher skilled professionals. Most small temp work companies have specialised in particular occupations. A first group concentrates on skilled professionals, such as interim managers, software specialists, teachers, nurses, sea captains, accountants, and financial experts. A second group specializes in unskilled or semi-skilled work, the largest categories being cleaning workers, construction workers, and restaurant and hotel workers. Notably in this group, further specialization has developed. A third group concentrates on local or regional labour markets in particular industries, for example port workers in Rotterdam or shrimp peelers in Volendam.

Unfortunately, in the Netherlands in the last decade very little research has been carried out on the interplay between temp work agencies and user firms: how specialisation ‘works’, how industry and regional markets are (being) divided, how the specific supply of services can stimulate user firms to use temps, how stable or even permanent relationships between agencies and user firms are, which kinds of agreements / arrangements are in use.

⁵³ ABU, interview. In November 2005 this share was 75 percent.

⁵⁴ Zuidam & Grijpstra, 2004.

⁵⁵ Based on CBS, Statline, Banen van werkneemers naar economische activiteit en geslacht. According to WagelIndicator data from 2000-2005, 32 percent of temp agency staff ($n=341$) itself had a fixed-term contract. 26 percent of this staff was younger than 25 of age, 64 percent was 25-34 years. Their educational level was high: only 4 percent had primary education, 52 percent had secondary education and 44 percent had higher education ($n=365$). Yet, their mean gross hourly wages were, with € 11.97, quite low ($n=341$).

In the last few years, some large temp agency companies are explicitly aiming at broadening their scope. They are offering broad packages of services. Randstad, notably, offers 'HRM solutions (...) managing the optimal workforce', including assessment; HR consultancy; secondment of HR specialists, HR outsourcing; mobility; reintegration and absenteeism management; online personnel and salary administration, and contract management (payrolling⁵⁶). The research undertaken in the RSF project learns that temp work agencies especially for many (independent) call centres and food-processing firms have taken over recruitment and selection of staff, and to a somewhat smaller extent in-company training as well. On this behalf, they growingly make use of in-company offices. The call centre industry is a striking example of a young industry exploring various options of the integration of temp agency work. At the peak of the labour shortages of call centres, in 2002, specialized agencies claimed that each day via them 15,000 employees worked for call centers. A ROA survey concluded that in 2004 about 65 percent of call centers employed temp agency workers. Most call centers had contacts with one or two dedicated temp agencies, although some use multiple agencies to take advantage of the competition between them. Recently temp work agencies co-operating with in-house call centres allow these centres to adopt larger flexibility in hours of servicing. Here, temp work agencies encounter various options: from a role near customer services, providing HRM expertise, training facilities, hiring and job evaluation competencies, and at long-term service contracts, to just providing low cost temp workers while competing mainly at cost levels. Yet, according to the ROA survey most call centres are rather suspicious not to outsource their recruitment and selection fully: only 14 percent of the Dutch centres did so.⁵⁷

3.5 COMPETITIVE PRESSURES

Especially in the slump of the early 2000s, competition between temp agency companies stiffened. After the liberalisation of 1999, more than 9,000 new temp work agencies have been established. Obviously about half of all went broke after some time. In 2003, the Netherlands Competition Authority (NMA) charged the ABU association for maintaining barriers to prevent new temp agencies from entering the market. However, the chairman of the [Confederation of Netherlands Industry and Employers \(VNO-NCW\)](#) defended ABU, arguing that the temp agency market needed licensing to maintain quality levels. ABU is concerned about temp work agencies with illegal activities entering the market.⁵⁸

It goes without saying that the temp agency industry is vulnerable to illegal practices. According to Dutch tax, police and union sources quite a number of malafide agencies are in operation, especially in construction and horticulture. In 2004 a research report confirmed these suspicions, concluding

⁵⁶ In which construction Randstad legally functions as the employer. See www.randstad.nl/content

⁵⁷ De Grip et al, 2005, 28-30.

⁵⁸ Zeker de uitzendbranche heeft een keurmerk nodig; VNO-NCW tegen NMA-beschuldiging, in Uitzendwerk (ABU), Nov/Dec 2003.

that one out of seven temp workers is placed by an illegal agency. 750 registered (!) temporary agency companies were suggested to engage in illegal activities. It was estimated that these registered companies are mediating 7,500 - 15,000 illegal workers. In addition, a considerable group of non-registered small firms was traced, leasing another 40,000 - 65,000 illegal temporary workers per year.⁵⁹

It has to be taken into account that all figures mentioned on this issue are rough estimates that should be treated with caution. Illegal agency workers are either not permitted to work in the Netherlands (80 percent) or they work through an agency that does not pay taxes and social insurance premiums for them (20 percent).⁶⁰ This second category of illegal temporary agency work is especially difficult to measure. Moreover, four types of illegal employment can be distinguished; the first three types account for the 80 percent mentioned above, the last type accounts for the remaining 20 percent (Table 6). The first type refers to people working who are not legally entitled to be in the Netherlands, who are not registered, do not have a working permit and do not pay taxes and social insurance premiums. The second type is similar to the first, except that these workers pay taxes and social insurance premiums. The third type refers to people that live legally in the Netherlands but are not entitled to work. This group may or may not pay taxes and social insurance premiums. The fourth group is made up of people that are staying in the Netherlands legally, are also entitled to work, but do not pay taxes and social insurance premiums.

3.6 SALES AND PROFITABILITY OF TEMP WORK AGENCIES

We already stated that in 2005, the total Dutch temp work agencies' (code 74501) sales was estimated to amount to €7 billion. This meant that they were still below the 2002 level, when according to Statistics Netherlands sales amounted to € 7,427 million (although in 2005 690,000 persons were mediated, 6 percent over the 2002 total. Obviously the average terms worked as temps have been shortened and or wages/tariffs have been lowered in between). In 2002 total sales of companies under code 74502 were € 4,267 million. Table 7 shows a near-constant increase of the sales index of group 74501 since 1986 till 2001. It turns out that the 2001 decrease in the volume of temp agency work did not lead to a sales fall until mid-2002.⁶¹

Data on the profitability of the TWA industry at large is scarce and outdated. Table 8 indicates a decline in the average gross profitability in the NACE code 74501 category in the second half of the 1990s: 5.9 percent in 1996, 5.3 percent in 1999. The table clearly shows that in 1996-98 profit rates

⁵⁹ Zuidam & Grijpstra, 2004, 7-8.

⁶⁰ Zuidam & Grijpstra, 2004, 11.

⁶¹ CBS, Statline.

before taxation were higher for larger companies. Unfortunately, Statistics Netherlands did not continue these statistics after 1999.

Companies with stock exchange quotations and aspirations for international growth, like Randstad, faced substantial lower profit levels during the first years of the new Millennium. According to recent reports in the business press, from May 2004 on profit levels of the major temp work agencies were booming again. Currently, many vacancies are to be filled again, and with rapidly growing industry sales profit prospects are good as well. The largest Dutch agency with stock exchange quotation, Randstad, reported a spectacular 160 percent rise of its (international) net profits in 2004. In 2005, reported net total profits of Randstad rose to € 242 million, 25 percent above the 2004 figures, over a total turnover of 6,6 billion (15 percent above 2004 level), implying net profit rates of 3.6 over 2005 and 3.4 over 2004.⁶² The no. 2, USG People, was much less profitable, showing total net profit rates of 1.1 in 2004 and 0.7 in 2005.⁶³

3.7 USERS OF TEMP WORK AGENCIES BY SECTOR AND FIRM SIZE

Official statistics on the kind of work performed by temp agency workers hardly match with the ABU market division presented in section 2.1. By combining figures, we conclude that about half of all temp agency workers are currently engaged in some form of manual work, notably in manufacturing industry. In 2002, manufacturing industry accounted for about 30 percent of the mediated workforce and was, compared to the total workforce, clearly overrepresented (Table 9). In conformity with the declining share of manufacturing in the labour force, the temp agency companies recently report a declining share in servicing manufacturing: in 1996, the temp agency industry still reported to have more than half of their agency volume employed in manufacturing.⁶⁴ Just over one-third of temp agency workers will actually be engaged in administrative work. Yet, banking and insurance made over three times as much use of temp agency workers than the relative size of their total workforce. Transport and communications also showed an above-average use of temps.

Considering the share of temp agency workers in the total (external) flexible workforce, we can only rely on older data. In 1997, this share was lowest in the sector retail, hotels, restaurants and repair: 21 percent.⁶⁵ This finding matches with our results from the RSF industry and case studies, indicating that temp agency work hardly plays any role in labour supply in the retail industry and that it seems to be relevant in only a minority of hotels: here, outsourcing of notably housekeeping

⁶² Annual Report Randstad 2005

⁶³ Annual Report USG People 2005.

⁶⁴ CBS, Statistisch Zakboek 1997, 111.

⁶⁵ Dunnewijk, 2000, 74.

(room cleaning) is much more widespread. The shares of temp agency work in external flexibility were much higher in transport and communication (56 percent), government and education (67 percent), manufacturing industry (84 percent) and financial and business services (94 percent).⁶⁶

Official statistics clarify that at the end of 2004 exactly 80 percent of all temp agency workers were employed in user firms of 100 and more employees: a substantial over-representation, as firms of this size at the time employed 60 percent of all Dutch wage-earners. On the other hand, less than 6 percent of the temp agency workers could be found in user firms with less than 10 employees, although this size category employed 16 percent of all Dutch employees. Male temp agency workers can be found to a substantial higher degree than their female colleagues in small user companies (Table 10).

3.8 MOTIVES FOR USING TEMP AGENCY WORKERS

Major motives for companies to hire temp agency workers are peaks in production, mostly predictable peaks, as well as replacement of staff falling ill. An overview study of the European temp agency market distinguished three major categories for using temp agency workers, notably to provide employees for regular jobs, to provide specialised skills, and to help absorb fluctuations.⁶⁷

Older research clarified that Dutch user firms use temp agency workers primarily for peaks in production (44 percent of the user firms), for specific temporary activities (38 percent), for replacement of absent employees (24 percent), or for seasonal activities (22 percent).⁶⁸ In manufacturing industry, the share of user firms using temp agency workers for production peaks is higher than the average of all user firms, whereas ‘temporary activities’ as a reason is more often found in the services sector. One third of the user firms indicate that temp agency workers are used for permanent posts. This occurs relatively more often in small user firms. Only 15 percent of the user firms offer temp agency workers an opportunity to find a permanent workplace in the firm. In many industries the demand for temp workers shows a clear seasonal pattern. Traditionally, the number of agency hours is lowest in the first quarter of the year and it peaks in the third quarter.⁶⁹ Use for seasonal activities is relatively often found in agriculture.

⁶⁶ Dunnewijk, 2000; 2001.

⁶⁷ Koene et al, 2004.

⁶⁸ Van Bolhuis, 1996. Counting to over 100, as companies could give multiple answers.

⁶⁹ Moolenaar, 2002.

Here too, recent evidence on motives of user firms, related to their (flexibilisation) strategies and to cost advantages, is lacking. We already presented results from the RSF project. Unlike in the call centre industry, in the food-processing and hotel industries cost motives were dominant, also in the broader sense of avoiding risks of paying (higher) sickness or disablement premiums. In notably food-processing this included the outsourcing of high risk jobs to temp agency workers in a number of cases where lower processing jobs were more and more exposed to health and safety risks.

3.9 RECENT INNOVATIONS IN TEMP WORK AGENCY STRATEGIES

Given the competitive pressures among temp agencies, many companies are looking for new, more differentiated market niches. We already pointed at activities concerning recruitment, selection, and other HRM practices. The wide availability of the Internet also stimulates recruiting companies and employees in specific labour market segments.⁷⁰ Some temp work agencies follow a strategy of specialization by focusing on particular industries or occupations. For instance, Randstad started up a subsidiary (Yacht) in order to mediate higher skilled employees. For these staff category, value added and wage levels are higher and so are the fees for the temp work agency. Randstad has also started a particular health department, for the mediation of nurses and caring jobs. In 2004 the company even focused on doctors when they were in short supply.⁷¹

Another trend is the further internationalization of the sector. In the late 1990s, Randstad consciously sought to expand to other European countries in order to reduce economic and legal risks. In Germany, Randstad is currently business leader and in 2004 for the first time it gained profits there.⁷² Vedior, the second largest temp agency world wide, focuses more than Randstad on mediating specialists and has a strong position in France, the United Kingdom and Southern Europe. Since the accession of Central and Eastern European member states to the European Union, temp work agencies are setting up establishments in several of these states, above all in Poland. This country is considered a promising market with 38 million inhabitants and fast economic development. Since 2004, workers from Poland can work legally in all EU member states, although mostly with licenses, and by January 1, 2007, all legal limitations still in existence in the Netherlands in this respect will be removed. Motives for temp work agencies to expand in Poland include access to mediation for the local labour market (Randstad, Vedior), but attracting personnel for jobs in the Netherlands where Dutch workers are supposedly in short supply (Brouwer Personeel, BN Polen, et cetera) seems to dominate.⁷³ Our colleagues carrying out case studies in the RSF project in notably meat-processing heard many rumours of Polish temp workers being paid substantially below

⁷⁰ Het Financieele Dagblad, 23-03-2005.

⁷¹ Het Financieele Dagblad, 26-02-2004.

⁷² Het Financieele Dagblad, 08-11-2004.

⁷³ Het Financieele Dagblad, 17-08-2004. See also www.uitzendbureaus.rubrieken.com

the wage levels laid down in the temp agency CLAs (see next section). There is scattered evidence suggesting that the large potential cost advantages for user firms of employing Polish workers may seduce even temp work companies regarded as *bonafide* to enter the twilight zone of doubtful mediating practices.⁷⁴

⁷⁴ Cf. the SIOD suspicion of fraud by a large temp agency, mediating Polish metalworkers as 'seamen', for which no licenses are needed. NRC-Handelsblad, 16-03-2006.

4. THE DUTCH REGULATORY AND INSTITUTIONAL FRAMEWORK

4.1 LEGISLATION AND REGULATIONS AFFECTING TEMP AGENCY WORK

From 1930 to 1998-99: various regulatory regimes

For a long time, carrying out mediation of labour in the Netherlands was limited to the state. In 1930 this state monopoly was laid down in the Labour Mediation Act (*Arbeidsbemiddelingswet*). The municipalities were allowed to shape the mediation process and a restrictive permit system for private mediation was introduced.⁷⁵ In the 1960s, temporary agency work was practically outlawed in most European countries. This was strongly related to the fact that the ILO had issued Convention 96, stating that the placement of workers should be free of charge. At the end of the 1960s and beginning of the 1970s, however, the idea developed that agency work constituted a triangular employment relationship. Under that model, there was no placement, as the user firm was not the employer. In the course of the 1970s, the acceptance of temp agency work grew, but the general idea remained that mediation of work should be left to the state. Convention 96 was not done away with until 1997, when the ILO adopted Convention 181 on private employment agencies and thereby opened the door to private temp work agencies.⁷⁶

Between 1945 and 1980 the Dutch state accorded itself an increasing number of tasks in the area of labour provision. Temp agency work came up in the Netherlands in the 1950s, and government efforts to control this type of labour go back to the end of that decade. The reasons for state intervention were two-fold: on the one hand to combat fraud with social premiums and on the other to prevent unfair competition resulting from such fraud. Temp agency work was seen as a threat to the classical employment relationship and to the public and private regulation of labour. In response to this, the Dutch government decided to regulate the temp agency market. In 1965, legislation passed on the mediation of labour (*Wet op het ter beschikking stellen van arbeidskrachten*, TBA). Yet, malafide labour brokers ('koppelbazen') remained active. In a tight labour market with considerable wage drift, 'alien' workers mediated by these brokers often received higher net wages than the regular workforce. In 1970, exactly these differences caused the large wildcat strikes in the Rotterdam port and shipbuilding industries, leading to considerable wage drift.⁷⁷ In the same year, the government tried to remedy these problems by introducing a permit system for private mediation through agencies.⁷⁸

⁷⁵ Van der Heijden et al, 1995.

⁷⁶ Blanpain, 2004.

⁷⁷ Teulings & Leijnse, 1974.

⁷⁸ Fogarin, 1977.

Until the 1970s, employers' associations and trade unions had hardly intervened in labour provision. Then, qualitative discrepancies between labour market supply and demand became manifest, clarifying that the official labour provision mechanism needed improvement; the negative image of the official mediation agencies, the Regional Employment Bureaus (*Gewestelijke Arbeidsbureaus*), at the time also responsible for the administration of the unemployment benefits, had to be done away with. Temporary agency work became the topic of heated debates.⁷⁹ The union movement stuck to the view that commercial job mediation should only be allowed in case of temporary increases in demand.⁸⁰ Yet, by the end of the 1970s, labour market issues had gained a central position in collective bargaining.⁸¹

In the early 1980s unemployment rose rapidly, and the market share of the public employment agencies withered away below 15 percent of all movements on the labour market. Against this background, the employment agencies developed a stronger market orientation and focused on services directed towards employers' demands. In the 1980s and early 1990s the Dutch government increasingly co-operated with unions and employers' associations in the field of labour mediation, at the cost of its own role. In 1993 the administration asked the Social-Economic Council (SER) for advice on the regulation of temp agency work, and the debate on this issue spread widely. In the course of the 1990s, the movement towards a tripartite public labour provision apparatus, pushed jointly by social partners and public administration, was discredited because of its lack of results. Finally, by founding Centres for Work and Income (CWI), the government restored its dominance in the area of public labour provision.

Legislation for temp agency workers includes both the regulation on the establishment of temp work agencies, the contractual relationship between temp agencies and the user firms, and finally the regulation of the employment relation between the temp work agency and the temp worker. Both international and national legislation is affecting temporary employment. Within the European union, the free movement of capital, goods, labour, and services is the central regulative concept. The European Acquis Communautaire defines the level playing field for the international mobility of employees, both on a permanent and temporary basis. The most important forms of regulations regarding temporary work include the Posted Workers Directive (*Detacheringsrichtlijn*, 1996) and the Services Directive (*Dienstenrichtlijn*) that recently passed the European Parliament.

1998-99: the Flexicurity / WAADI regime

In the late 1990s, two species of legislation were introduced that are of relevance here. The Flexibility and Security ('Flexicurity') Act of 1999, replacing the 1965 law, is most important for the

⁷⁹ Van Haasteren, 1977.

⁸⁰ Fogarin, 1977.

⁸¹ Van der Heijden et al, 1995.

regulation of employment relationships in and by temp work agencies. The WAADI Act (*Wet Allocatie Arbeidskrachten door Intermediairs*; 1998) regulates the temp agency product market. The WAADI Act abolished the former license system, although the government kept the option open to reinstate such a system ‘in the interest of good relations on the labour market or the interests of the personell concerned’.⁸²

In their policy publication, called ‘Flexibility and Security’ (1995), the Kok I administration stated that a new balance between flexibility and security in the labour market should be achieved. This administration defined as a normative principle: ‘Employment relations that are balanced, stable and flexible are the essence of a economic competitive and social justified labour system’.⁸³ The substantial increase of temporary work cont(r)acts of substantial duration of was one of the most important reasons to search for a new regulatory framework⁸⁴. The government asked for advice about this issue to the Labour Foundation (StAr), the national consultative body of the union confederations and employers’ associations. The Foundation produced an elaborate document with several proposals for legislation. This Flexibility and Security Agreement of 1996 can be considered as a follow-up of the New Course Agreement that the social partners agreed upon in 1993. Already in the latter Agreement, the Labour Foundation created room for the further flexibilisation of labour market relations. Subsequently, the unions lifted their veto position in this area in exchange for achieving a stronger position at the shop floor.⁸⁵

The basic idea of the Flexibility and Security Agreement is that permanent contracts of the incumbent work force should be relaxed in exchange for increasing the rights of the temporary workforce. The Act with the same title, operative from January 1, 1999, almost literally reflects the text of the 1996 Foundation agreement. The law allows more freedom for establishing and operating temp work agencies, although a license and a financial review from the major temp work agency association, ABU, are still needed. Already during the preparation of the act, the unions and employers’ associations negotiated the first ‘new style’ collective agreement for temp agency workers (see below).

- The 1999 Act includes the following modifications of Dutch labour law:
- companies can use temporary employment contracts up to three year (longer than they could before);

⁸² Clauwaert, 1999, 15.

⁸³ Kamerstukken 1995/96, 24 543 nrs.1,2

⁸⁴ According to CBS, *Arbeid en lonen van werknenmers* 1994, 33,800 of the 144,900 temp workers were working more than two years for their temp work agency.

⁸⁵ Van der Meer et al, 2005.

- two new legal presumptions concerning the employment relation and the extent of working hours per week were introduced. If a person has been employed on a regular base (weekly or at least 20 hours a month) during three months, an employment contract is presumed;
- a series of consecutive temporary employment contracts will, under certain conditions, lead to a permanent employment contract. If a person has been employed under three consecutive temporary contracts, the fourth contract will automatically be a permanent one; the same happens if the duration of more than one temporary contract exceeds 36 months;
- notice periods are shortened and simplified (now only the amount of working years has to be taken into account, whereas before the age of the employee was considered too);
- procedures for dismissal on economic, technical and organisational grounds are shortened;
- unemployment benefits are reduced if the employer awards severance pay.

For temp work agencies the main implication of the new law was that agreements between them and employees were to be employment contracts. As temp work agencies are assumed to bear employer responsibility, this may lead to larger security for temp agency workers. After an initial period of maximum six months, the same rights have to be applied to temp agency workers as to employees with standard employment contracts, including the entitlement (after having been employed 18 months with the same user firm or three years with different firms) to a permanent employment contract with the agency. This regulation is applicable to various forms of employment, including temporary leasing, secondment, and labour pools.

Preceding the adoption of the Flexicurity Act, on July 1st, 1998 the law on allocation of labour force through intermediates (WAADI) was adopted. WAADI meant an important liberalisation of the legal regime compared to the previous license system. Yet, under the WAADI act some previous norms were maintained, for example the prohibition to use temp agency workers to replace workers on strike. A first main stipulation of WAADI is that temp agency workers should receive in principle the same pay and renumeration as workers in the user firm in the same or in similar positions. Second, the temp agency should provide the temp agency workers with information relating to safety regulations and to needed qualifications in the user firm. The WAADI Act leaves room for deviations if agreed upon in CLAs.

Combined with a revision of the Works Councils Act (*Wet op de Ondernemingsraden, WOR*) in 1998, the Flexicurity Act gave temp agency workers codetermination rights like those for the ‘regular’ Dutch workforce. These rights can apply to the temp work agency as well as to the user firm. If a user firm has employed a temp agency worker for at least two years, he or she is entitled to the same codetermination rights as permanent staff, provided the existence of an agreement with an

official temp work or secondment agency and provided that his/her activities fit in those of the user firm.⁸⁶

4.2 ILLEGAL TEMP AGENCY WORK

Recently, the introduction of a deposit of € 75,000 per temp work agency in order to bar out malafide agencies was discussed in Dutch parliament. The government proposal in question also suggested the introduction of a Declaration of Irreproachable Behaviour (*Verklaring van onbesproken gedrag*) per company. Yet, these proposals were badly received by both organized business and the political parties of the governing coalition, since it is expected that they will temper regular temp agency business and at the same time will not rule out illegal business.⁸⁷ Yet, the unions and the Dutch association for small and medium-sized firms (*MKB Nederland*) plead for more far-reaching intervention, by establishing an industry-wide agency for the control of products and companies: 'We could benefit from some government support', the newly elected FNV confederation president stated.⁸⁸

In the Netherlands the responsibility for controlling illegal employment and illegal activities of temp agencies lays with the Labour Inspectorate, which undertakes inspections mainly in horticulture, construction, hotels/cafes/restaurants, and the meat- and fish-processing industries. In its annual report over 2003, the Labour Inspectorate pointed to the rising identity fraud. The use of illegal personal permits and falsified identity papers has spread widely. In addition to underdeclaration of taxes and social security premiums, also social benefit fraud occurs. In 2003, 378 temp agencies were investigated and in 58 cases the Foreigner Labour Act was violated, on average for 5 employees per case.

Since 1 January 2005, the Labour Inspectorate is endowed with stronger authority to sanction firms employing illegal workers. Fines have been increased from € 1000 to € 8,000 per illegal worker. When illegal work turns out to be part of organized crime, the Labour Inspectorate will inform the Social Information and Search Agency (*SIOD*). In 2003 this happened in six cases. In the course of 2005, the Labour Inspectorate started a large-scale inspection on illegal work through temp work agencies, planning to control 500 agencies. In addition, it aimed to visit 600 companies intensively using temp workers, especially for low-skilled manufacturing, eg. in metal- or wood-processing.⁸⁹

⁸⁶ This implies that f.e. a temp cleaner working in a PR firm is not entitled to codetermination rights in that firm, contrary to a temp account manager.

⁸⁷ Het Financieele Dagblad, 28-02-2005.

⁸⁸ Het Financieele Dagblad, 04-03-2005.

⁸⁹ Jaarplan Arbeidsinspectie 2005, press sheet Ministry of SZW, nr. 05/27, 24-02-2005.

ABU, the main association of temp work agencies in the Netherlands, plays an active role in combating illegal work. In 2006, the so-called NEN norm 4400-1 was developed jointly by the Minister of Social Affairs and Employment, the Minister of Finance and the ABU. This norm regulates on what conditions a temp agency is considered a bonafide enterprise. ABU is worried about both the good name of the industry and the loss of volume of business. A study, commissioned by ABU, revealed that still some 6,000 firms were involved in illegal work. ABU therefore pleads for more government control as far as illegal work was concerned.⁹⁰

4.3 EXTENT AND NATURE OF COLLECTIVE BARGAINING ON TEMP AGENCY

WORK

The largest employers' association in the temporary agency work sector is the General Federation Temporary Work Agencies, ABU (*Algemene Bond Uitzendondernemingen*). With over 300 members, including all large firms, ABU represents about 65 percent of the temp agency work market. The association plays a major role in protecting quality standards. A younger employers' association is the Dutch Federation of Mediation and Temporary Work Agencies, NBBU (*Nederlandse Bond van Bemiddelings- en Uitzendondernemingen*), representing about 10 percent of the market. The 228 firms that are members of NBBU are on average much smaller than their ABU colleagues and roughly own 450 selling points in total. Thus far the main unions have not recognized NBBU, whose members lease about 12 percent of all temp workers.

The main unions active in the temp agency industry are *FNV Bondgenoten* (FNV Allies, affiliated to the FNV confederation), *CNV Dienstenbond* (CNV Services Union, affiliated to the CNV confederation), and *De Unie*, affiliated to the MHP confederation. Jointly they are reported to organise about 0.8 – 1.6 percent of temp agency workers, although the accuracy of this figure is questionable. It is hard to pinpoint how many union members work through a temp work agency because temp agency workers often register with a union as workers for the user firm, instead as workers for the temp agency.⁹¹ Anyway, the numbers of organised temporary agency workers are estimated to amount to 5,000-10,000.⁹² The FNV union may represent 75 percent, De Unie 15 percent and the CNV union 10 percent.⁹³

Temp agency workers are for the larger part covered by two collective agreements (CLAs), one concluded by ABU with *FNV Bondgenoten*, *CNV Dienstenbond* and *De Unie*, and the other by NBBU with a small union not affiliated with one of the three recognised confederations, the *Landelijke*

⁹⁰ ABU, 2006

⁹¹ Van Ginkel et al, 2002.

⁹² ABU (interview) mentioned 5,000, Van Ginkel et al (2002) 10,000 for 1999.

⁹³ Houwing & Van der Meer, 2004.

Belangen Vereniging (LBV, National Interest Association). Although FNV Bondgenoten participated in early negotiations, on the workers' side also the recent NBBU CLA has only been signed by LBV.⁹⁴ The 1999-2004 and 2004-2009 ABU CLAs have got mandatory extension from the Minister of Social Affairs and Employment, meaning that firms that do not wish to be covered by the agreement should file for dispensation with the Ministry of Social Affairs and Employment. Obviously, NBBU members and a couple of firms with company-level agreements were granted dispensation. Before mandatory extension, 74 percent of agency workers was covered by the ABU CLA. After mandatory extension, this share was about 94 percent (232,740 workers daily, 188,000 FTE). The NBBU CLA covers the remaining 6 percent. The ABU CLA applies to around 3,000 temp agency companies.⁹⁵

Recently, the temp agency industry witnessed various efforts at company level to be freed from the mandatory extension regulations. In 2003 notably some 'payrollers', like Van der Noordt Personeelsdiensten, tried so.⁹⁶ This company agreed on an own CLA with the Van der Noordt employees' organisation (*Werknemersvereniging*). Parties involved in the ABU CLA questioned the independence of this organisation; indeed, research by the Ministry resulted in serious doubts about this independence and hence, the Minister refused dispensation.⁹⁷ Checking of websites in January – February 2006 learns that (the offer of) payrolling practices are (is) rapidly growing in the Netherlands.⁹⁸ In September 2006, a CLA for payroll enterprises, among which Van der Noordt Personeelsdiensten, was come into force.⁹⁹

4.4 NATURE OF CLA'S APPLICABLE TO TEMP AGENCY WORK

Regulating temp agency work in the temp agency firms

The 2004-2009 ABU and NBBU CLAs both have similar provisions with regard to holidays (16 hours for each month of work), safety at work, pensions, training et cetera. These provisions are in

⁹⁴ See www.fnvflex.nl.

⁹⁵ ABU, 2003.

⁹⁶ Payroll companies are taking over staff from the using firm, including pay administration and HRM tasks. The construction is mostly used for partmers and the horeca industry. The most aggressive payroller is Van der Noordt Personeelsdiensten, having ties with which hundreds of horeca companies and claiming to have 9,000 employees. With this payroller, like with others, as most substantial social problem showed up that they did not pay pension premiums. ABU regards payrolling companies as temp agencies, and claims that they should be under the ABU CLA (see www.caoadvisie.nl, last visit 27-02-2006).

⁹⁷ Rojer, 2004. Yet, recently the FNV horeca union (Horecabond) has agreed upon a company CLA with Van der Noordt. In December 2005, Van der Noordt has been taken over by the Asito Dienstengroep (see www.vandernoordt.nl, last visit 27-02-2006).

⁹⁸ A group of payrollers announced that they will launch an own industry CLA as well as an employers' association in Spring 2006. They have started negotiations with the FNV and CNV unions. The general manager of one of the larger payrollers, Payroll Select, claims that self-regulation of the branch is needed faced with the proliferation of small agencies that are violating the applicable ABU or NBBU CLAs. Cf. Apeldoorn, 2006.

⁹⁹ See www.vpo.nu.

accordance with the WAADI and Flexicurity Acts. Differences concentrate on the extension of the waiting period for a permanent contract: the ABU has extended this waiting period from one year to one-and-a-half year, the NBBU to two-and-a-half year. Thus, both CLAs have enlarged the opportunities for managerial flexibility. Another issue is that according to the ABU agreement temp workers receive payment according to the conditions of the user company after 26 weeks. In the NBBU CLA this immediately applies to all workers. A change in the new NBBU CLA compared to the previous one is that this agreement regulates the preservation of rights that have been built up under the previous CLA.

Of major importance is the change from the four-phase system of the 1999-2003 CLA into a three-phase system. The previous phases I and 2 are combined into phase A; phases B and C correspond with the previous phases 3 and 4. The result is that the temp agency worker can be leased for a longer period of time, i.e. 78 weeks (phase A). During the 1999-2003 period, employers tried to find ways to become more flexible apart from using of agency work, notably by promoting internal flexibility. By introducing more flexibility in the new CLA, ABU wanted to enlarge the attractiveness of temp agency work for employers.¹⁰⁰

Phase A can be regarded as the phase in which employees are hired out according to ‘pure temporary agency work conditions’. These conditions imply that if the user firm ends the contract with the temp work agency, the worker has no job and no pay¹⁰¹. When a temp agency worker falls ill, the contract with the user firm ends automatically. After 3 months of work, the user firm has to give notice before terminating the contract. This period of giving notice increases with the duration of work, up to two weeks after one year of work. The worker does not receive pay in case of illness or disability. In phase A the temp agency worker can terminate employment with one days’ notice.

Agency work in phases B and C is usually termed seconding. Phase B is a period of two years or eight contracts, with a possible intermittent period of three months or less. If a user firm terminates the contract in phase B, the temp work agency is required to offer the worker suitable other work or a percentage of wages. In phase B, the worker and the agency can both terminate work, although the periods of notice are higher than in phase A. From phase B, a temporary agency worker starts

¹⁰⁰ ABU interview R. Snel.

¹⁰¹ However, the worker does receive state benefits of 71 percent of the last earned wage, and the collective agreement requires the agency to pay an additional 21 percent.

to build up a pension.¹⁰² In the new phase B it is no longer necessary to provide a worker with a contract of at least three months.

In phase C the temp agency worker receives a contact from the agency for an unlimited period of time. The period of notice is now one month for both worker and temp agency. However, the employer needs a permit to fire the worker. If the user company cannot offer jobs, the temp work agency has to offer a suitable other job or continued pay. If the temp worker refuses a suitable other job, the right for pay or for assistance in finding another job expires. Table 11 provides an overview of the changes in leasing periods between the 1999-2003 and the 2004-2009 ABU CLAs.

An ongoing issue for debate in the temp work agency industry is whether a temp agency worker is remunerated according to the wage of the user firm as laid down in the relevant CLA for that firm, or according to the wage as laid down in the temp agency CLAs. The new ABU CLA 2004-2009 tries to solve these problems. This CLA entails that an agency worker is paid according to the temp agency CLA in the first 26 weeks of temporary employment. Although the CLA is valid for five years, the wage provisions can be re-negotiated annually. Wage demands for temp agency workers tend to follow the wage demands of roughly 30 other CLAs. As a result, collective bargaining conflicts rarely relate to wage increases, but mainly focus on the issue whether the CLA of the user company or that of the temp agency has to be applied. In 2001, an agreement was reached within the Labour Foundation with recommendations how to deal with this issue. One recommendation was that if a CLA has been mandatory extended, it should also apply to temp agency workers operating solely (or mainly) in the industry at stake. If, however, workers are leased to a number of industries, the agency pays the worker according to the temp work agency CLA.

In February 2004, the employers' associations and the unions in the Dutch temp work agency industry set up a foundation for the observance of the temp agency work CLA (*Stichting Naleving CAO voor Uitzendkrachten*, SNCU). If a CLA applies in a user firm in which stipulations have been included concerning wages or compensations of agency workers, these stipulations can apply instead of the ABU CLA articles 20 (on wages) and 30 (on compensation). To this end, parties in the user firm CLA were required to report such stipulations to the Foundation Reporting Bureau Temporary Agency Work Sector (*Stichting Meldingsbureau Uitzendbranche*, SMU). Yet, with the introduction of the 2004-2009 ABU CLA, the SMU procedure was done away with as the parties in the ABU agreement negotiated another remuneration scheme¹⁰³, including that a temp agency worker having

¹⁰² The FNV Bondgenoten union regards the period of 78 weeks before pension rights can be built up as too long, especially as this period starts again each time a temp worker starts working for another agency. Negotiations with ABU on this issue broke in September 2006 (www.fnvflex.nl, viewed 21-09-2006).

¹⁰³ Article 32 of the previous ABU CLA states that the temp work agency follows the wage agreements of the CLA of the user firm, if that CLA has been announced to the Stichting Meldingsbureau Uitzendbranche (SMU). If a CLA was not announced to the SMU Foundation, the ABU CLA was pending.

worked for the same agency and the same user firm for a period of 26 weeks should be paid the same wage as an worker employed by the user firm and performing a similar job. Wages to be paid by the user firm include compensations for overtime and work at unsocial hours, wage increases, travel expenses, and pension costs. This new remuneration scheme has been described as a simple, easy-to-use alternative for the SMU scheme.

Regulating temp agency work in user firms

If reference to the applicable CLA of the user firm is important for temp agency workers, which kind of clauses are agreed? In 2004, 84 percent of all Dutch employees were covered by a CLA.¹⁰⁴ The largest union confederation, FNV, was bargaining partner in 769 agreements, 92 percent of all CLAs in the Netherlands. Since 1995, FNV has developed a digital database where all agreements are coded for 650 different characteristics and from 2003 on, AIAS regularly transforms the database into a statistical dataset.¹⁰⁵ We used this DUCADAM dataset to analyze the clauses with regard to temp agency work in the user firms. Table 12 shows that 275 out of 769 agreements (36 percent) include such clauses. In branches where temp agency workers are most frequently found, the CLAs are most likely to have clauses on temp agency work, notably in Agriculture & Fishery, Mining & Manufacturing & Utilities & Construction, and in Wholesale & Retail & Hospitality.

Which clauses have been agreed in CLAs? Using the DUCADAM dataset¹⁰⁶ as of 2004, four kinds of clauses can be distinguished, notably clauses regulating a maximum for temp agency work, reasons of hiring temp agency workers, training for temp agency workers, and the transfer into a permanent employment contract. Unfortunately, the database does not have information whether wages are paid according to the CLA. Most likely, wages of temp agency workers are hardly issues in collective bargaining outside the temp agency industry itself.

Regarding clauses regulating a maximum for temp agency work, only 9 agreements maximize the number of temp agency workers; another 12 maximize the share of temp agency workers in total staff. In most clauses, the maximum is less than 10 percent of total staff. Regarding the reasons for hiring temp agency workers, 70 agreements (9 percent) include clauses on this issue; some maximize the duration of the temp job, others state that temp agency workers cannot perform permanent jobs. 110 agreements (14 percent) contain clauses explicitly stating that temp agency workers can be offered a permanent employment contract in the user firm. 62 agreements (8 percent) contain clauses regulating that temp agency workers should receive training.

¹⁰⁴ Information: Department of Social Affairs and Employment.

¹⁰⁵ Schreuder & Tijdens, 2004.

¹⁰⁶ We used only the coded dataset. It is possible that CLA texts have other clauses on temp work, which are not coded.

Ignorance among temp agency workers concerning their employment relationship and legal rights seems widespread. For example, in the Wageindicator data as of 2004, asked whether one was covered by a CLA, 26 percent of the temp agency workers reported that they did not know, compared to 11 percent of the dependent workforce at large.¹⁰⁷ As could be expected, a larger share of temp agency workers indicated to work in a firm not covered by a CLA. 55 percent of them were covered by a CLA (of which 45 percent by the user firm CLA), compared to 66 percent of the dependent workforce.

A recent development is the realisation of (sub)industry covenants on the use of flexible staffing, including temp agency workers. An example can be found in the meat industry, where temp agencies are quite active and in some larger firms even maintain in-house offices. The CLA for this sector, including slaughterhouses, already covered temp agency work, but after the implementation of the Flexicurity Act problems with fraud and illegal workers remained. Against this background in 2002 employers' associations and unions signed a Covenant Flexible Workforce, obliging companies to only make use of recognized temp work agencies. The covenant appeared to be so successful that malafide agencies tended to shift their operations to the adjacent meat processing sub-sector. In 2005 the social partners in the latter industry integrated the covenant in their CLA.

4.5 TEMP WORK AGENCIES AND DISADVANTAGED GROUPS

In 2002, the temp work agencies mediated for a flow of 650,000 temp agency workers, of which 170,000 (26 percent) stemmed from disadvantaged groups, broadly defined, such as older workers, disabled workers, workers from ethnic minorities, and unemployed workers.¹⁰⁸ The temp agency industry claims that in 2005 it mediated for 26,000 persons with a disablement benefit. A number of temp agencies recently have entered this reintegration market, previously restricted to the official employment service.

4.6 RELATIONSHIPS BETWEEN TEMP WORK AGENCIES AND PUBLIC EMPLOYMENT SERVICES

As we already indicated, about a decade ago temp work agencies and the public employment service in the Netherlands were tough competitors, fighting for political legitimacy. The national public employment service was not considered to be effective or efficient, and suffered from management problems in terms of steering on output and budget control. At the same time, temp work agencies always had to distinguish themselves from illegal forms of allocation. In 1998, the year in which the

¹⁰⁷ In Dutch the data is called Loonwijzer, see www.loonwijzer.nl.

¹⁰⁸ Nauta & Donker van Heel, 2005.

WAADI was introduced, the public employment service lost its monopoly in the provision of services for labour market allocation. In 2002, by the new SUWI (*Structuur uitvoering werk en inkomen*) Act, aiming at integrating the public agencies for labour market intermediation and the national agencies for the distribution of social security benefits, a free market for the provision of reintegration services has been created: public ‘principles’ hire private ‘agents’ for the provision of training, work experience, and reintegration trajectories to job seekers. Thus, temp work agencies nowadays compete with other private businesses in mediating job seekers, largely paid by public funds. In addition, temp work agencies play a role in covenants that have been established between government agencies and interest organizations at national level in order to bring down youth unemployment, the influx into the Occupational Disability Act, etcetera.

5. THE DUTCH TEMPORARY AGENCY WORKFORCE: COMPOSITION, WAGES, WORKING CONDITIONS, TRAINING AND CAREERING

5.1 COMPOSITION OF THE TEMP AGENCY WORKFORCE

Trends in employment

The 2004 'influx' estimate, concerning the number of those starting to be engaged in temp agency work in given year, came to 615,000 (head-count). Of these 615,000 persons, 488,000 (79 percent) belonged to Phase A and 127,000 to Phases B or C.¹⁰⁹ This estimate covers a wide variety of temp agency workers, from those that worked through a temp work agency over the year to workers that did so only a couple of days. Table 13 shows that between 1995 and 2002 the temp agency workforce fluctuated, but that the 2002 level almost equalled the low 1995 level. Whereas FTE figures clearly peaked in 1999, the head-count numbers did so in 1996 and 1999, indicating that the duration of a temp agency job was shorter in 1996 than in 1999. Summarizing, over the past ten years temp agency work expressed in FTEs has shown a steep increase until 1999, a decline since then, and an increase again from the second quarter of 2004 on. The head-count development reveals a flatter pattern, indicating that the duration of temp agency jobs was longest when temp agency work was at its peak – although, as our section on working hours in Chapter 4 shows, working more hours per week during an economic upswing will also play a role here.

Employment status and education

For typologies of temp agency workers on employment status and education we have analysed the 2004 data of the Dutch *WageIndicator*, collected via a web-based survey.¹¹⁰ In the 2004 data, 1.7 percent of the observations concerned a temp agency worker. Of this group, one out of ten indicated to be a school pupil or student. Another five percent was a housewife/man with a job on the side, partly disabled, unemployed, or working without loss of unemployment benefits. More than one out of four considered him- or herself an employee, and the remaining half called him- or herself a temp agency worker.

Temp agency work is often associated with people with a weak position in the labour market.¹¹¹ Recent evidence does not point straightforward to such a position. If one looks at employment status the 'weak position' thesis may be correct, regarding educational level some question marks seem justified. Since 1999, the share of unemployed in total numbers of those engaged in temp agency work at least once in a given year has grown to over one-third of this population (2004: 37 percent). The share of ethnic minorities recently also grew, to 17 percent in 2004.¹¹²

¹⁰⁹ Nauta & Donker van Heel, 2005.

¹¹⁰ See www.Wageindicator.org. Calculations by Kea Tijdens.

¹¹¹ Brusse & Donker van Heel, 2003.

¹¹² Nauta & Donker van Heel, 2005.

With regard to educational level the distribution of agency workers in the Netherlands is as follows: in 2002, 72 percent of agency workers had secondary education (total workforce in 2001: 44 percent), 11 percent had primary education (total Dutch workforce: 29 percent), and 17 percent (total: 27 percent) had higher education. The figures for temp agency workers have been relatively stable from 1996-2002.¹¹³ Obviously, the low and the high educational levels are underrepresented in the temp agency workforce. Yet, it can be added that in the Netherlands many temp agency workers are pursuing further education while working.¹¹⁴

For a more detailed picture of educational background we used calculations based on the Dutch *WageIndicator* dataset. According to these calculations, temp agency workers did not significantly differ from other workers with regard to their years of education. However, compared to all wage earners in this dataset temp agency workers more often had enjoyed general education instead of vocational education: 40 percent of temp workers had general education against 31 percent of the dependent workforce. Against this background it is quite obvious that the capacities of many temp agency workers are underutilized. According to *WageIndicator* data, compared to all Dutch wage earners temp agency workers worked in occupations that required significantly less time to master the job: on average 5.4 weeks against 17.6 weeks. Temp agency workers significantly more often reported that they are too high educated for their job: 41 percent against 18 percent for the dependent workforce.

Gender and age

Temp agency workers are typically young workers. A study by Statistics Netherlands showed that in 2002 almost 70 percent of the temp agency workers (NACE 7450) were in the age bracket of 15-34 years. Another 20 percent was in 35-44 of age, and the remaining 10 percent could mainly be found in the age bracket 45-54. Temp agency workers proved to be relatively younger than the workforce of any other large branch of industry.¹¹⁵

More recent data, only for the 74501 group, confirms this picture: in December 2004 68 percent of the temp workers registered could be found in the 15-34 years' bracket, 18 percent was in the 35-44 years' category, and only 14 percent was 45 or older. The male temp workforce was even younger, with 70 percent in the 15-34 years' bracket, against 66 percent of the females. Yet, the more detailed figures reveal both the numbers and the share of the youngest temp workers have

¹¹³ Berkhouwt & Van Leeuwen, 2004; CBS, Statline.

¹¹⁴ Brusse and Donker van Heel, 2003.

¹¹⁵ Melser, 2004.

substantially diminished between 2000 and 2004, and that those of older groups, notably the 40-49 of age, have grown – reinforcing a tendency that became visible at the end of the 1990s.¹¹⁶

In the WageIndicator dataset, temp agency workers are on average 28 years old, compared to 34 years for all employees. Temp agency workers were particularly more often to be found in the age bracket 20-24 years. This applies even more to the females than to the males. Males are also overrepresented in the age bracket 15-19. For males and females temp agency workers are underrepresented in all age brackets from 30 years on. Within the age brackets up to 30 years, temp agency workers do not differentiate from employees with regard to children.

In 2002, the distribution of the Dutch temp agency workforce in terms of gender was slightly in favour of the males: 53 percent male, 47 percent female.¹¹⁷ The dip in temp agency work in 2003 affected the female temp workforce much more than the male, and the recovery in 2004 did not reverse the picture. As a consequence, the male share in both the 2003 and 2004 figures was 59 percent. These figures imply that the shares of male and female temp workers in their respective parts of the total Dutch workforce hardly differed.

Working hours

The distribution of weekly working hours of male and female temp agency workers for December 2004 can be found in Table 14. At that moment the FTE/head-count ratio was 65 percent, against 57 in 2000, 59 in 2001, and 58 in both 2002 and 2003.¹¹⁸ These figures confirm that in an economic upswing temp agency workers tend to work more hours per week.

As could be expected, the female temp agency workers do work more part-time than their male colleagues. Yet, the differences are much smaller than in the Dutch workforce at large. It is, for example, remarkable that in December 2004 only 39 percent of the male temp agency workers worked 35 hours or more (Dutch workforce: 77 percent), against 24 percent of the females (total workforce: 27 percent).¹¹⁹

Tenure

Tenure is a hot issue in the Dutch temp agency industry, and is closely related to (changes in) labour legislation. Table 15 provides an overview as of December 2004. Tenures of men and women mediated by temp agencies obviously hardly differ. Remarkably enough, in spite of current Dutch legislation, just over 5 percent of the temp agency workforce remains 5 years or longer in temp

¹¹⁶ Cf. Brusse & Donker van Heel, 2003, 19-21.

¹¹⁷ Berkhouw & Van Leeuwen, 2004.

¹¹⁸ Based on CBS, Statline.

¹¹⁹ CBS, Statline.

agency work (although this may be in temp agency work in general and not necessarily with the same temp work agency).

Migrant workers

Compared with their share in the total Dutch workforce, migrant workers, from western or from non-western origin, are comparatively more often employed via temp work agencies. In 2000, the total share of migrants in the temp agency workforce was 33 percent, compared to 18 percent in the workforce at large. Of that group, two-thirds stemmed from an ethnic minority (Table 16). Within the category workers from non-western origin, differences between the first and the second generation can be traced, the latter group showing higher shares of temp agency workers than the first group: 17 versus 13 percent.¹²⁰ In 2003, the share of migrants in the temp agency workforce had gone up to 35 percent, compared to 16 percent in the workforce at large.¹²¹

5.2 TEMP AGENCY WORKERS' WAGES AND WORKING CONDITIONS

Wages

Statistics Netherlands data gives an average gross hourly wage of temp agency workers for 2004 of €11.85 for men and €11.58 for women (Table 17). These figures hardly differ from *WageIndicator* outcomes and come close to the mean gross hourly temp workers wage of €11.88 calculated from the *WageIndicator* data of 2003-2004. Jointly these figures imply that the mean temp agency workers' wage stood in 2003-2004 at 65 percent of the total average gross hourly wage for the Dutch workforce and at 94 percent of the wage threshold i.e. at two-thirds of the Dutch mean.¹²² If we compare these mean wages to the standard wages as laid down in the ABU CLA 2004-2009, their level is comparable with the start wages in function group 9; they are close to the end wages of functional group 4 as well: see Table 18.

Statistics Netherlands figures show that temp agency workers' wages in the youngest age bracket are higher than the Dutch average, but that for all older groups temp agency workers earn less than that average, growing to large differences for all of 30 years and older: from 31 (females) – 45 percent (males) for those at the age of 30-34 ranging to 41 (females) – 75 percent (males) for those aging 45-49. In a majority of cases, remaining a temp agency worker or returning to temp agency work may imply growingly falling behind in wages. Again, recent *WageIndicator* data confirms this picture, showing that 50-59 year old temp agency workers earn € 6 per hour less than non-

¹²⁰ Melsert et al, 2004.

¹²¹ ABU, Flex & Figures, February 2005.

¹²² CBS, Statline.

temps.¹²³ A positive point to be noted is that the gender wage gap in temp agency work is quite small: in December 2004 the smallest of 22 Dutch industries.¹²⁴

Relating wages to the Statutory Minimum Wage (SMW) emphasizes the (low) wage position of temp agency work in the Netherlands. Table 19 makes clear that in December 2004 over 40 percent of the males and over 50 percent of the female temp agency workers earned 130 percent or less of the SMW. In this respect the temp agency industry came closest to the retail industry, a notorious low wage sector.

Particularly the impact of the legislation mentioned earlier as well as that of the ABU CLA is important for an understanding of the dynamics of low-wage work in the Dutch temp work agency industry. The workers employed by the agencies are quite likely to have higher earnings than temp workers not employed by them. Presumably as a consequence of the recent change in legislation, in the first quarter of 2004 the agreed wages according to the temp agency CLA were 20 percent higher compared to 2000, whereas the average wage increase in all industries in this period was only 12 percent.¹²⁵ Probably because of this increase, ABU is now in favor of lowering the statutory minimum wages, pointing at the recent influx of low-paid migrant workers.¹²⁶

Following data from the Dutch *WageIndicator*, the mean gross hourly wages of temp agency workers are considerably lower than those of 'ordinary', permanent workers in the same industries (Table 20). The table reveals that in industries where permanent workers have low wages, the temp agency workers also have those, whereas in sectors where wages are relatively high, the temp agency workers earn higher wages too. For the call centre industry this picture is confirmed by the ROA survey mentioned earlier, as it allows to divide between permanent and temp workers in in-house (relatively high paid) respectively outsourced call centres (relatively low paid).¹²⁷

Working conditions

Working conditions of temp agency workers cannot be described in general terms but should be linked with industry-specific outcomes and factors. The results of Dublin Foundation research match closely with those based on *WageIndicator* data. The first research found no significant differences between temp agency and permanent workers (both divided in full- and parttimers) concerning experienced fatigue, backache, and muscular pains. Yet, job dissatisfaction was much larger among temp agency workers, both fulltimers and parttimers. On the other hand, stress levels were

¹²³ Tijdens & Van Klaveren, 2006.

¹²⁴ CBS, Statline.

¹²⁵ The index of wages agreed in the CLAs for temp agency workers in NACE 74501 (excluding permanent temp agency workers and staff) was 119,1 in January 2005 (2000=100). CBS, Statline.

¹²⁶ ABU, Flex & Figures, February 2005.

¹²⁷ De Grip et al, 2005, 33-4.

considerably lower.¹²⁸ According to *WageIndicator* data, Dutch temp agency workers report less heavy working conditions than workers on average do. Again, they report less emotional strain and less work pressure, but remarkably enough also less physical hardships. This last outcome may be linked with the fact that they also filled out to carry out less monotonous tasks. Of course, the question remains whether these judgements are coloured by the temporary character of the work.¹²⁹ Earlier Dutch research found that high job dissatisfaction was closely linked with the motives to engage in temp agency work.¹³⁰

In 2002-04, both sickness rates and the influx (of fully disabled) into the Occupational Disability Act of temp agency workers were at higher levels than those of permanent workers. This had only partly to do with industry, job, age and gender characteristics; part of the explanation may also be found in less management attention for sick temp agency workers, their recovery process and their reintegration in the labour process. Temp agency workers in health care, retail and wholesale as well as in transport had significantly higher sickness rates than their colleagues / permanent workers, whilst in the cleaning industry this was just the opposite.¹³¹ In 2003, the social partners, the Ministry of Social Affairs and Employment and the social benefits' administrator UWV agreed upon a Working Conditions Covenant (*Arbo-convenant*) for the temp work agency industry. In practice, the lack of (formal) responsibilities of both temp work agencies and user firms for disabled workers proves to be a major handicap for their reintegration and return to work.¹³²

5.3 TRAINING PROVISIONS AND CAREER PROSPECTS FOR TEMP AGENCY

WORKERS

Training provisions

Temp agency workers, and flexible workers in general, constitute a category of workers that are less likely to receive employer-provided training. This is due to the fact that employers want to ensure that they get a return on their investment in people; this return is uncertain in the case of a flexible worker. In the Netherlands, provisions on the training of temp agency workers are laid down in the ABU CLA. This CLA stipulates that temp work agencies are required to make a reservation for training budgets, totalling 1.02 percent of the wage bill. Since 2004, when a national training foundation was set up, employers are receiving European Social Fund (ESF) subsidies for half of their training budgets. Training before a temp agency worker starts to work for the user firm is also paid out of this 1,02 percent levy. According to the 2004-2009 ABU CLA training should always

¹²⁸ Goudswaard & Andries, 2002; Stener Pedersen et al, 2005.

¹²⁹ Tijdens & Van Klaveren, 2006. It may be noted that these results fit well into the notion of 'underutilization' developed by Karasek.

¹³⁰ Miedema & Klein Hesselink, 2002.

¹³¹ Arents et al, 2003; Arents et al, 2005.

¹³² Arents et al, 2005; Veerman, 2005.

be job-related. Temp agency workers can accumulate a personal training budget (POB) from the 26th week of phase A, which is available in phase B. They can choose not to undertake training, in exchange for receiving this budget in cash.

According to *WagelIndicator* data in reality temp agency workers receive much less training and educational courses than other workers: on average, two-thirds of all workers have followed training courses with the employer, against one-third of the temp workers. If we concentrate on those having received training in the preceding year, the number of days of training of the temp agency workers is less than average. It may not come as a surprise that temp agency workers more frequently than average state that they are occupied below their educational level.¹³³ This outcome is in line with the results of earlier European research.¹³⁴

Careering: does temp agency work lead to permanent employment?

The motives that employees can have to engage in temp agency work can be reduced to three categories: 1. working through the agency is a job ‘on the side’, in addition to for example studying; 2. temp agency work as a ‘stepping stone’ or ‘jumping board’ to a permanent job, and 3. regard themselves as ‘stayers’, wishing to establish a permanent relationship with the temp work agency. In 2002 the three categories had shares in the Netherlands of 34, 55 and 11 percent respectively.¹³⁵ With regard to temp agency work as a ‘stepping stone’, it has been reported that from all permanent jobs found by unemployed people, one out of seven is found through temp agency work. Between 1993-2002, about one-third of Dutch agency workers, between 200,000 and 250,000 people yearly, find a permanent job through temp agency work.¹³⁶

Over half of all temp agency workers in the Netherlands prove to regard temp work as a means to obtain regular employment. A body of Dutch research has shown that temporary jobs in general (i.e. including fixed-term jobs, on call contracts and subsidised temporary jobs) fulfil this stepping-stone function towards regular work rather well.¹³⁷ With regard to temp agency work as a specific type of temporary employment, there is evidence that about half of all temp agency workers finds a regular job after one year in temp agency work.¹³⁸ Other research found that 33 percent of those finding a job by temp agency work in a given year obtained a regular job in the next year. Chances of obtaining a regular job proved to be higher than average (40 percent) for those regarding agency

¹³³ Tijdens & Van Klaveren, 2006.

¹³⁴ Stener Pedersen et al, 2005.

¹³⁵ ABU, 2003.

¹³⁶ Brusse & Donker van Heel, 2003, 19.

¹³⁷ A.o. Kleinknecht et al, 1997; Zijl et al, 2004.

¹³⁸ Zijl & Van Leeuwen, 2005.

work as a stepping stone.¹³⁹ One should keep in mind that such figures are to a large extent dependent on the labour market situation. Because of the fact that the latter (high) figures relate to 2000-01, it is quite likely that tight labour market conditions contributed substantially. Indeed, in 2004 the share of temp workers finding a permanent job was lowered to 27 percent. As the upswing of the business cycle in the course of 2004 was still weak, employers were hesitating in recruiting permanent staff.¹⁴⁰

Recently, longitudinal data have been used in analysing the relation between unemployed finding jobs and temp work. The results show that temporary jobs shorten the duration of unemployment, but do not increase the fraction of unemployed workers finding regular work within a few years after entry into unemployment. These authors found that 80 percent of the unemployed having accepted a temporary job acquired a permanent job within five years. Without using this indirect route, this share would have been only 50 percent. Moreover, the indirect route to permanent work proved to be quicker than the direct one.¹⁴¹

¹³⁹ Van der Ende & Versantvoort, 2002.

¹⁴⁰ Nauta & Donker van Heel, 2005.

¹⁴¹ Zijl et al, 2004.

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TABLES

Table I External numerical flexibility, the Netherlands, 1996-2005 (x1,000 and in % of dependent workforce, head-count), total and by gender

A	total						
	1996	1998	2000	2002	2003	2004	2005
numerical flexibility x 1,000	549	609	537	488	467	480	520
numerical flexibility in %	10.0	10.4	8.8	7.7	7.4	7.7	8.5
temp agency workers x 1,000	191	226	195	178	148	157	171
temp agency workers in %	3.5	3.9	3.2	2.8	2.3	2.5	2.8
workers on call / substitute x 1,000	166	187	119	101	105	103	121
workers on call / substitute in %	3.0	3.2	1.9	1.6	1.7	1.7	2.0
other flexible workers x 1,000	192	196	223	209	214	220	228
other flexible workers in %	3.5	3.3	3.7	3.3	3.4	3.5	3.7
dependent workforce x 1,000	5464	5850	6120	6338	6313	6219	6121

B	males						
	1996	1998	2000	2002	2003	2004	2005
numerical flexibility x 1,000	254	272	263	243	248	250	269
numerical flexibility in %	7.5	7.7	7.3	6.6	6.9	7.1	7.9
temp agency workers x 1,000	106	126	99	96	92	97	106
temp agency workers in %	3.1	3.6	2.7	2.6	2.5	2.8	3.1
workers on call / substitute x 1,000	53	56	41	36	40	40	45
workers on call / substitute in %	1.6	1.6	1.1	1.0	1.1	1.1	1.3
other flexible workers x 1,000	95	90	123	111	116	113	119
other flexible workers in %	2.8	2.5	3.5	3.0	3.2	3.2	3.5
dependent workforce x 1,000	3370	3525	3619	3664	3608	3522	3426

C	females						
	1996	1998	2000	2002	2003	2004	2005
numerical flexibility x 1,000	295	337	274	245	219	230	251
numerical flexibility in %	14.1	14.5	11.0	9.2	8.1	8.5	9.3
temp agency workers x 1,000	85	100	96	82	56	60	66
temp agency workers in %	4.1	4.3	3.8	3.1	2.1	2.2	2.4
workers on call / substitute x 1,000	113	131	78	65	65	63	77
workers on call / substitute in %	5.4	5.6	3.1	2.4	2.4	2.3	2.9
other flexible workers x 1,000	97	106	101	98	98	108	109
other flexible workers in %	4.6	4.6	4.0	3.7	3.6	4.0	4.0
dependent workforce x 1,000	2094	2325	2501	2674	2705	2697	2695

Source: CBS, Statline

Table 2 Ten most frequent temp agency occupations, the Netherlands, 2000

1	Production worker
2	Storehouse worker
3	Cleaner
4	Telephone operator
5	Packer
6	Data typist
7	Administrative worker
8	Secretary
9	Canteen worker
10	General services worker

Source: ABU, 2000

Table 3 Development of employment through Dutch temp agencies, 2001-2004 (averages of quarters)

	Employed persons (head-count)		Labour volume (FTEs) wage-earners	
	x 1,000	index	x 1,000	index
2001	412	100	278,4	100
2002	389	94	256,9	92
2003	364	88	247,4	89
2004	376	91	255,2	92

Source: CBS, Statline

Table 4 Numbers of temp agency work companies and establishments, the Netherlands, 1995-2005 (per January 1)

code	companies			establishments		
	74501	74502	total	74501	74502	total
1995	385	255	640	1,420	295	1,715
2000	1,565	770	2,335	3,730	970	4,700
2002	2,625	1,175	3,800	5,320	1,485	6,805
2003	2,760	1,300	4,060	5,515	1,710	7,225
2004	2,765	1,470	4,235	5,545	1,800	7,345
2005	2,750	1,465	4,215	5,295	1,775	7,070

Source: CBS, Statline

Table 5 Development of employment of Dutch temp agency staff, head-count, 1998-2004, December

	Employed persons x 1,000		
	male	female	total
1998	5.9	6.6	12.5
2000	8.4	16.1	24.5
2002	8.7	16.0	24.7
2003	8.6	14.2	22.8
2004	7.2	12.3	19.5

Source: CBS, Statline

Table 6 Four types of illegal employment in temp agency work, the Netherlands, 2003

Types	Worker not legally in Netherlands	Worker registered in Netherlands	not in have a working permit	Worker does not pay taxes / social premiums	Agency/worker does not pay taxes / social premiums	% of illegal employment
1	X	X	X	X	X)
2	X	X	X	X	X) 80 %
3			X	(X)	X)
4				X	X	20 %

Source: Zuidam & Grijpstra, 2004

Table 7 Sales of the temp work agency industry, the Netherlands, 1990-2004 (NACE 74501) (2000 = 100, excl. VAT)

	all firms	large firms
1990	35	40
1991	35	40
1992	35	39
1993	32	35
1994	39	43
1995	51	57
1996	63	70
1997	76	83
1998	90	97
1999	95	99
2000	100	100
2001	106	102
2002	102	95
2003	98	.
2004	100	.

Source: CBS, Statline, [Omzetindices Kwartalomzetindices en uitzenduren](#)

Table 8 Profit rates before taxation for temp work agency companies, categories of turnover, the Netherlands, 1996-1999 (NACE 74501)

	all	< € 250,000	€ 250,000-1 mln	€ 1- 3 mln	> € 3 mln
1996	5.9	4.2	3.0	5.8	6.0
1997	5.7	4.6	1.1	5.2	5.8
1998	5.4	6.6	3.5	4.7	5.4
1999	5.3	-	-	-	-

Source: CBS, Statline

Table 9 Leasing of temporary staff by industry, the Netherlands, 2002

Industry	% of temp agency workers ¹	% of total workforce
Manufacturing industry	30	19
Government, public administration, and education	15	20
Retail, wholesale, hotels, catering	12	21
Health care, welfare, culture	12	18.5
Banking and insurance	11	3.5
Transport and communication	10	6
Other commercial services (profit)	6	6
Other services (non-profit)	2	6
Construction- and installation firms	2	
Agriculture and fishery	1	
ICT	1	
Cleaning	1	

Sources: Brusse & Donker van Heel, 2003; CBS, Statline

Table 10 Distribution of employees in temp agency work by size of user company, the Netherlands, (31-12-2004)

Employees	male		female		total	
	X 1,000	%	x 1,000	%	X 1,000	%
< 10	9,0	7.2	3,2	3.9	12,2	5.8
10-99	21,3	17.0	8,6	10.0	29,9	14.2
≥ 100	94,9	75.8	73,7	86.1	168,7	80.0
Total	125,2	100.0	85,6	100.0	210,8	100.0

Sources: CBS, Statline

Table 11 Distribution of leasing periods over phases 1-2 and 3-4, the Netherlands

CLA 1999 – 2003		CLA 2004 – 2009	
Phases	Duration	Phases	Duration
I+2	52 weeks	A	78 weeks
3	26-104 weeks	B	104 weeks
4	permanent	C	permanent

Source: ABU

Table 12 Percentages of collective agreements with clauses on temp agency work, the Netherlands, 2001-2003

Major industries		% TAW clauses	% reasons	% perm contr.	% training	total N
A/B	Agriculture, fishery	55	9	27	9	11
C-F	Mining, manufacturing, utilities, construction	44	11	13	6	371
G/H	Wholesale, retail, hospitality	38	6	9	15	80
I	Transport, storage, communication	25	6	8	6	125
J/K	Financial institutions, commercial services	28	11	9	13	87
L-N	Administration, education, health, welfare	22	5	41	5	41
O	Culture, leisure and other services	24	11	31	13	54
Total		36	9	14	8	769

Source: FNV CAO Database 2004 (CLAs agreed in 2001 (186), 2002 (157), and 2003 (426)).

Table 13 Total number of persons yearly mediated through a temp agency, the Netherlands, 1995-2005

year	persons
1995	648,000
1996	803,000
1997	769,000
1998	782,000
1999	803,000
2000	746,000
2001	725,000
2002	650,000
2003	.
2004	615,000
2005	690,000

Source: Brusse & Donker van Heel, 2003; Nauta & Donker van Heel, 2005; ABU Press Sheet 08-02-2006

Table 14 Distribution of weekly working hours of temp agency workers by gender, head-count, the Netherlands, December 2004

Gender	male		female		total	
	x 1,000	%	x 1,000	%	x 1,000	%
< 12 hours	25,1	20.0	23,0	26.9	48,1	22.8
12-<20 hours	14,6	11.7	14,5	16.9	29,1	13.8
20-<25 hours	13,1	10.5	11,7	13.7	24,8	11.8
25-<30 hours	7,7	6.2	6,2	7.2	13,9	6.6
30-<35 hours	16,3	13.0	10,1	11.8	26,4	12.5
>=35 hours	48,4	38.7	20,1	23.5	68,5	32.5
Total	125,2	100.0	85,6	100.0	210,8	100.0

Source: CBS, Statline

Table 15 Distribution of tenure of temp agency workers by gender, head-count, the Netherlands, December 2004

tenure	male	female	total
< 1.5 year	76.7	76.2	76.5
>= 1.5 year	23.3	23.8	23.5
0 year	67.5	67.0	67.3
1 year	15.7	14.6	15.2
2-<5 years	11.4	13.3	12.1
5-<10 years	4.6	4.3	4.5
10-<20 years	0.6	0.8	0.7
>=20 years	0.0	0.2	0.1
Total	100.0	100.0	100.0
Tot empl (1,000)	125,2	85,6	210,8

Source: CBS, Statline

Table 16 Temp agency workers (incl. own temp agency staff) by ethnicity, head-count, the Netherlands, 2000 (x 1,000 and in %)

	Total	Natives	Migrants	Western	Non-western total	Morocco	Turkey	Surinam	Netherl Antilles, Aruba	Other
x 1,000	298,3	199,1	99,2							
				33,5	65,9					
						9,7	14,2	14,0	7,7	20,0
%	100.0	66.7	33.2	11.2	22.0	3.3	4.8	4.7	2.6	6.7

Source: Melser et al, 2004

Table 17 Gross hourly wages (€) and m/f wage differences by gender and age, the Netherlands, temp agency workers and total dependent workforce, 2000-04

age	gender/wage diff.	temp agency workers			total workf. 2004
		2000	2003	2004	
15-19	males	6.05	7.17	6.93	6.23
	females	5.84	6.80	7.11	5.54
	(m-f) on % f	3.5	5.2	2.6	11.1
20-24	males	9.17	10.67	10.74	11.16
	females	9.11	10.86	10.56	10.99
	(m-f) on % f	0.7	-1.8	1.7	1.5
25-29	males	10.84	12.86	12.26	14.81
	females	11.10	12.50	12.30	14.49
	(m-f) on % f	-2.4	2.8	-0.3	2.2
30-34	males	11.22	13.12	12.52	18.07
	females	10.84	13.44	12.66	16.76
	(m-f) on % f	3.4	-2.4	-1.1	7.2
35-39	males	10.22	13.80	12.93	20.21
	females	10.37	13.20	12.55	17.54
	(m-f) on % f	-1.5	-4.3	2.9	13.2
40-44	males	11.77	13.30	13.11	21.68
	females	10.43	12.63	12.43	17.35
	(m-f) on % f	11.4	5.0	5.2	20.0
45-49	males	11.37	14.49	12.97	22.72
	females	10.76	12.50	12.39	17.49
	(m-f) on % f	5.4	13.7	4.5	23.0
50-54	males	11.82	14.16	13.81	23.28
	females	11.56	12.42	12.75	17.68
	(m-f) on % f	2.2	12.3	7.7	24.1
55-59	males	12.09	17.47	15.80	23.85
	females	10.19	15.08	12.66	17.81
	(m-f) on % f	15.7	13.7	13.5	25.3
60-64	males	-	-	15.27	24.24
	females	-	-	-	17.84
	(m-f) on % f	-	-	-	26.4
Totaal	males	9.85	12.17	11.85	19.59
	females	9.63	11.91	11.58	15.81
	(m-f) on % f	2.2	2.1	2.3	19.3

Source: CBS, Statline

Table 18 Wage scales in ABU collective labour agreement 2004-2009, per 08-08-2005 (€ gross per hour)

Functional group	Start salary	End salary
1	7.89	9.98
2	8.13	10.59
3	8.43	11.30
4	8.82	12.17
5	9.22	13.12
6	9.68	14.24
7	10.25	15.46
8	10.88	17.52
9	11.63	19.71

Source: ABU

Table 19 Distribution of gross hourly wages related to Statutory Minimum Wage (SMW) of Dutch temporary agency workers (code 74501), the Netherlands, December 2004

	<=SMW	101-115 %	116-130 %	>130 %	Total	Empl (x 1,000*)
male	7.4	17.0	17.4	58.2	100.0	125,2
female	6.8	21.8	23.9	47.5	100.0	85,6
total	7.2	19.0	18.0	55.8	100.0	210,8

Source: CBS, Statline

Table 20 Mean gross hourly wages (€) for temp agency workers, by industry, the Netherlands, 2000-2004 (2004 level)

	no temp agency worker	temp agency worker
1 agriculture, manufacturing, building	14.24	10.27
2 trade, transport, horeca	12.08	8.86
3 commercial services	14.53	10.08
4 public sector, health, education	15.37	10.23
N	63,113	292

Source: Wagelindicator survey, 2000-2004, unweighted dat

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